



## **Sexual Violence and Sexual Harassment Policy**

Revision as per Bill 132 as Amended– March 16, 2016

Canadian College for Higher Studies is committed to maintaining a healthy and safe learning and working environment for students, employees and visitors and free of discrimination and harassment. We are privileged to live in a country that places great value on rights and freedoms. Yet too often there are incidents of sexual violence against members of our community that cause not just individual harm, but also have the potential to create a hostile environment felt by all.

Canadian College for Higher Studies will not tolerate Sexual violence. It is our collective responsibility to help ensure our College is a safe and positive space for every member of our community.

The College will support this policy to those who experience sexual violence, and we are working on sexual violence programs, policies and resources, including prevention and education.

### **Sexual Assault and Sexual Violence**

#### **1. Policy**

The Policy applies to all members of College community including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any College initiatives, volunteers and visitors. This Policy relates to acts of sexual assault and/or sexual violence. Issues of sexual harassment or discrimination and other misconduct will be reviewed.

#### **2. The Scope**

The Policy applies to complaints of sexual violence or sexual harassment that have occurred on Canadian College of Higher Studies College campus or at a College event and involve members of the College community as defined in paragraph one, the Policy Application.

#### **3. Purpose and Intent**

All members of College community have a right to study and work in an environment free of sexual violence and sexual harassment.

This document sets out our policy on sexual violence and sexual harassment, defines the prohibited behaviors, and outlines our investigative processes for sexual violence and sexual harassment.

#### **4. Policy Objectives**

Canadian College for Higher studies is committed to providing members of our College community an educational environment free from sexual violence and sexual harassment and treating those individuals who report incidents of sexual violence or sexual harassment with dignity and respect.

To that end Canadian College for Higher Studies will educate and train faculty, staff and students about this Policy and how to identify situations that involve, or could progress into sexual violence or sexual harassment and how to reduce these forms of prohibited behaviors.

Where a complaint has been made, under this Policy, of sexual violence or sexual harassment Canadian College for Higher Studies will take all reasonable steps to investigate it, including as follow

1. responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
2. assisting those who have experienced sexual violence or sexual harassment in obtaining counselling and medical care;
3. providing those who have experienced sexual violence or sexual harassment with appropriate academic and other accommodation;
4. providing those who have experienced sexual violence or sexual harassment with information about reporting options; and
5. providing on-campus investigation procedures for sexual violence and sexual harassment complaints.

## **5. Definition of Sexual Misconduct**

This Policy prohibits sexual misconduct, which includes sexual violence and sexual harassment.

**Sexual Assault:** 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 the victim and involves a range of behaviors from any unwanted touching of asexual nature 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, or is incapable of consenting

1. **Sexual Violence**, without limiting the generality of the foregoing, includes:
  - a. sexual assault which is any type of an unwanted sex act done by one person to another, without that person's consent, that violates the sexual integrity of an individual ranging from unwanted touching to penetration;
  - b. any violence, physical or psychological, carried out through sexual means or by targeting sexuality, including sexual abuse; and
  - c. criminal harassment (including stalking and cyber bullying).

2. **Sexual Harassment**, without limiting the generality of the foregoing, includes:

- a. Any course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:
- b. offensive jokes or comments of a sexual nature;
- c. displaying of pornographic or sexist pictures or materials, including online;
- d. suggestive or offensive remarks;
- e. unwelcome language related to gender; remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;
- f. leering or inappropriate staring ;
- g. bragging about sexual prowess;
- h. physical contact such as touching, patting, or pinching, with an underlying sexual connotation; and
- i. sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
- j. responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- k. assisting those who have experienced sexual violence or sexual harassment in obtaining counselling and medical care;
- l. providing those who have experienced sexual violence or sexual harassment with appropriate academic and other accommodation;
- m. providing those who have experienced sexual violence or sexual harassment with information about reporting options; and
- n. providing on-campus investigation procedures for sexual violence and sexual harassment complaints.
- o. of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:
- p. offensive jokes or comments of a sexual nature;
- q. displaying of pornographic or sexist pictures or materials, including online;

- r. suggestive or offensive remarks;
- s. unwelcome language related to gender;
- t. remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;
- u. leering or inappropriate staring ;
- v. bragging about sexual prowess;
- w. physical contact such as touching, patting, or pinching, with an underlying sexual connotation; and
- x. sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

## **6. Reporting and Responding to Sexual Violence**

All members of our College community will take all reasonable steps to prevent sexual violence on our College campus or events and report immediately to the College if they are subject to, witness or have knowledge of sexual violence, or have reason to believe that sexual violence has occurred or may occur.

To the extent it is possible, the College will attempt to keep all information disclosed confidential except in those circumstances it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others in the our career community are at risk.

The College recognizes the right of the complainant to determine whether her or his complaint will be dealt with by the police and/or College. However, in certain circumstances, the College may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent, if it believes the safety of members of its career College community is at risk

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 occurred.

## **7. Investigating Reports of Sexual Violence**

A complaint of sexual violence may be filed under this Policy, by any member of our College community, to the College in writing.

Upon a complaint of alleged sexual violence being made the College will initiate an investigation, including as follows:

1. determining whether the incident should be referred immediately to police.

2. meeting with the complainant to determine the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
3. interviewing the complainant, any person involved in the incident and any identified witnesses;
4. interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
5. informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations.
6. providing reasonable updates to the complainant and the respondent about the status of the investigation; and determining what disciplinary action, if any, should be taken.
7. 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.

## **8. Reporting Sexual Harassment**

All members of our college community will take all reasonable steps to prevent sexual harassment on our College campus or events and report immediately to the College if they are subject to, witness or have knowledge of sexual harassment, or have reason to believe that sexual harassment has occurred or may occur.

To the extent it is possible, the College will attempt to keep all information disclosed confidential except in those circumstances it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others in our career community are at risk.

If the complainant decides not to lay a formal complaint the College may in certain circumstances, be required by law or its internal policies to initiate an internal investigation if it believes the safety of members of its career College community is at risk.

## **9. Investigating Reports of Sexual Harassment**

If a member of our College community believes she/he has been sexually harassed by a member of our College community, she/he may confront the harasser personally or in writing pointing out the unwelcome behavior and requesting that it stop; or report the complaint to the College in writing.

Upon a complaint of alleged sexual harassment being made to the College will initiate an investigation, including as follows:

- a. meeting with the complainant to determine the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
- b. interviewing the complainant, any person involved in the incident and any identified witnesses;
- c. interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- d. informing the respondent of the complaint, providing details of the allegations and giving the individual an opportunity to respond to those allegations;
- e. providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- f. determining what disciplinary action, if any, should be taken.

#### **10. Disciplinary Measures**

If it is determined by the College that a member of our College community has been involved in sexual violence or sexual harassment of a member of our College community, immediate disciplinary or corrective action will be taken up to and including termination of employment or expulsion of a student.

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence or sexual harassment, the College may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

#### **11. Making False Statements**

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence or sexual harassment or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and / or corrective action, up to and including termination of employment or expulsion.

#### **12. 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 does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses.

However, confidentiality cannot be assured in the following circumstances:

1. an individual is at imminent risk of self-harm;

2. an individual is at imminent risk of harming another; and/or
3. 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 services to prevent harm, and the name of the survivor would not be released to the public.

Where the College becomes aware of an allegation of sexual violence by a member of the College community against another member of the College community, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

## **1. Reprisal**

It is a violation of this Policy to retaliate or threaten to retaliate against a complainant, acting in good faith, who has brought forward a complaint of sexual violence or sexual harassment, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

[#WhoWillYouHelp](#)

## **2. Resources**

**A number of other resources are available to you, including:**

- Assaulted Women's Helpline 1-866-863-0511 / 1-866-863-7868 (TTY)
- Toronto Rape Crisis Centre/Multicultural Women Against Rape: 416-597-8808/416-597-1214(TTY)
- Community Connection: 211 or 211toronto.ca
- Scarborough Hospital Sexual Assault / Domestic Violence Care Centre 416-495-2555
- Scarborough Centre for Healthy Communities 416-847-4144
- Women's College Hospital Sexual Assault and Domestic Violence Care Centre 416-323-6040
- Durham Region Domestic Violence / Sexual Assault Care Centre 905-571-3344 x116

- Distress Centres of Toronto 416-408-4357 / 416-408-0007 (TTY)
  - 519 Church Street Community Centre 416-392-6874 (LGBTQ Support)
  - GOOD2TALK Student Helpline 1-866-925-5454 [www.good2tal](http://www.good2tal)
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- Sexual Assault & Violence Intervention Services of Halton 905-875-1555 or 1-877-268-8416
  - Women's Support Network of York Region Crisis: 1-800-263-6734 or 905-895-6734
  - Peel Region Hope 24/7 (formerly the Sexual Assault/Rape Crisis Centre of Peel)
  - Crisis: 1-800-810-0180 Office: (905) 792-0821
  - Kitchener-Waterloo Sexual Assault Support Centre of Waterloo Region Crisis: 519.741.8633 Office: 519.571.0121

**Other external online sources of information include:**

- [www.sexualassaultsupport.ca](http://www.sexualassaultsupport.ca) (Ontario Coalition of Sexual Assault Centres)
- [www.satcontario.com](http://www.satcontario.com) (Ontario Network of Sexual Assault/Domestic Violence Treatment Centres)
- [owhn.on.ca](http://owhn.on.ca) (Ontario Women's Health Network)
- [owjn.org](http://owjn.org) (Ontario Women's Justice Network)
- [Settlement.org](http://Settlement.org) (Information for newcomers)
- [www.oacas.org](http://www.oacas.org) (Ontario Association of Children's Aid Societies)
- [www.metrac.org](http://www.metrac.org) (Metropolitan Action Committee on Violence Against Women and Children)