

# Sexual Violence and Harassment Policy and Procedures



## COMPLIANCE TO THE PRIVATE CAREER COLLEGE ACT, 2005

- PCC, 2005, s.32.1
- Bill 132, Schedule 5
- O. Reg. 415/06, s.36.0

## SEXUAL VIOLENCE COMPLAINT POLICY

Per the Sexual Violence Policy effective January 1, 2017, any student of NETC may file a report of an incident or complaint to the Administrator in writing. However, students are encouraged to also speak directly with the Administrator regarding any concerns they may have while understanding how to pursue a Sexual Violence Complaint.

### 1. SEXUAL VIOLENCE POLICY

(a) NETC is committed to providing its students with an educational environment free from sexual violence and treating students who report incidents of sexual violence with dignity and respect.

(b) NETC has adopted this Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involve its students.

(c) The person accused of engaging in sexual violence will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

### 2. DEFINITION OF SEXUAL VIOLENCE

Sexual violence means any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

### 3. TRAINING, REPORTING AND RESPONDING TO SEXUAL VIOLENCE

(a) NETC shall include a copy of the Sexual Violence Policy in every contract made between it and its students, and provide a copy of the Sexual Violence Policy to Career College management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct

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the career college's affairs, and their agents), instructors, staff, other employees and contractors and train them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence involving its students.

Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.

(b) The Sexual Violence Policy shall be published on its website and in a conspicuous location on the campus.

(c) Career college management, instructors, staff, other employees and contractors of NETC will report incidents of or complaints of sexual violence to the Administrator upon becoming aware of them.

(d) Students who have been affected by sexual violence or who need information about support services should contact the Administrator along with the supporting Appendix 1 outlining several support agencies in the Toronto area where NETC is located.

(e) Subject to Section 4 below, to the extent it is possible, NETC will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk.

## **This will be done by:**

(i) Ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and

(ii) Ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

(f) NETC recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur.

(g) Notwithstanding (f), in certain circumstances, NETC 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 campus or the broader community is at risk.

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(h) In all cases, including (f) above, NETC will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact the Administrator.

In this regard, NETC will assist students who have experienced sexual violence in obtaining counselling and medical care, and provide them with information about sexual violence supports and services available in the community as set out in **Appendix 1** attached hereto.

**Students are not required to file a formal complaint in order to access supports and services.**

## 4. INVESTIGATING REPORTS OF SEXUAL VIOLENCE

(a) Under this Sexual Violence Policy, any student of NETC may file a report of an incident or a complaint to Larry Stewart in writing.

(b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Larry Stewart will respond within 1 day or sooner and:

(i) Determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;

(ii) Determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;

(iii) Determine whether the incident should be referred immediately to the police;

In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, NETC may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and

(iv) determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.

(c) Once an investigation is initiated, the following will occur:

(i) The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;

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- (ii) Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as 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;
- (iii) Informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;
- (iv) Interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;
- (v) Providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
- (vi) Following the investigation, Larry Stewart will:
  - (A) Review all of the evidence collected during the investigation;
  - (B) Determine whether sexual violence occurred; and if so
  - (C) Determine what disciplinary action, if any, should be taken as set out in the Section below.

## **DISCIPLINARY MEASURES**

- (a) If it is determined by NETC that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:
  - (i) Disciplinary action up to and including termination of employment of instructors or staff; or
  - (ii) Expulsion of a student; and /or
  - (iii) The placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
  - (iv) Any other actions that may be appropriate in the circumstances.

## **APPEAL**

- (a) Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to NETC within three days by submitting a letter

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addressed to Larry Stewart advising of the person's intent to appeal the decision. A response will be provided within one business day or sooner to determine what next steps need to be taken to handle the appeal. Should an appeal process need to be set in place, the Complainant will be required to provide all details including the rationale for not accepting NETC's decision. Upon receipt of the formal appeal in writing, a review of the entire case will be set in motion by Larry Stewart.

## **MAKING FALSE STATEMENTS**

- (a) It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.
- (b) Individuals who violate this Sexual Violence 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.

## **REPRISAL**

- (a) It is a violation of this Sexual Violence 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.
- (b) Individuals who violate the Sexual Violence 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.

## **REVIEW**

- (a) NETC shall ensure that student input is considered in the **development** of its Sexual Violence Policy and every time it is reviewed or amended.
- (b) NETC shall review its Sexual Violence Policy three years after it is first implemented and amend it where appropriate. This date is November 2020.

## **COLLECTION OF STUDENT DATA**

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- (a) NETC 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.

## APPENDIX 1 LIST OF RESOURCES IN SUPPORT OF VICTIMS OF SEXUAL VIOLENCE

The following represents a list of Provincial Rape Crisis Centres that could be provided as resources:

### **Canadian Association of Sexual Assault Centres**

Assaulted Women's Helpline Toll Free: 1-866-863-0511

#SAFE (#7233) on Bell, Rogers, Fido or Telus mobile

TTY: 416-364-8762

[www.awhl.org](http://www.awhl.org)

Telephone Toll-Free: 1-877-336-2433

ATS: 1 866 860-7082

[www.femaide.ca](http://www.femaide.ca)

### **Amelia Rising Sexual Assault Centre**

101 Worthington St E, Suite 11

North Bay ON

P1B 1G5

Phone: 705-840-2403

[www.ameliarising.ca](http://www.ameliarising.ca)

Amelia Rising recognizes that sexual violence touches women from all walks of life. Similarly, Amelia Rising recognizes that each woman is unique, as will be her journey to healing.

Amelia Rising will provide creative and innovative programming and break down barriers that limit access to services that meet the unique needs of survivors of sexual violence through-out the Nipissing District.

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## FORMAL SEXUAL VIOLENCE COMPLAINT FORM

### SECTION 1 - REQUEST TO INITIATE THE FORMAL SEXUAL VIOLENCE COMPLAINT PROCESS

#### Instructions

- Before submitting this form, be sure that every question has been answered.
- You will be contacted if the College requires any additional information, so please make certain that your contact information is correct.

Once Part A has been completed, please make sure that you sign the declaration in Part A and then submit an original and copy of this Form to the campus administrator, Larry Stewart, who will co-sign both copies, return the original to you, and retain a file copy.

#### Part A (to be completed by the student)

Student Information			
Last Name:	First Name:	<input type="checkbox"/> Mr.	<input type="checkbox"/> Miss
		<input type="checkbox"/> Mrs.	<input type="checkbox"/> Ms.
Mailing Address:			
City:	Province:	Postal Code:	
Phone (home):		Phone (Mobile/Alternate):	
Email:			

<p><b>Please describe the nature of your sexual violence complaint.</b> If you require more space, attach a separate sheet.</p>

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**Have you tried to resolve your concern informally and directly with the person(s) involved?** Please explain:


**Do you have any documentation in support of your complaint that you want to submit to the College?** If so, please itemize them below and attach them to this form.


By signing this form, I, \_\_\_\_\_,  
declare the information provided by me in Part A to be true and correct.

**Signature of Student:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By signing this form, I certify that I have received a copy of this form on behalf of NETC.

**Signature of School  
Administrator/Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Part B (to be completed college staff)

### Formal Procedure Resolution and Follow Up

Record here any decision that resulted from the formal process of investigation of the sexual violence claim along with the meeting between the student and the college staff member, the reason for that decision, and a description of the sexual violence resolution plan that will be implemented and monitored.

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I/We, (student name), \_\_\_\_\_, and (College staff name) \_\_\_\_\_ declare that we have agreed to implement and monitor the resolution plan described above.

## Closure of Student's Sexual Violence Complaint and Mutually Satisfactory Outcome

This part is to be signed by both the student and the College staff representative when a mutually satisfactory resolution has been achieved.

I/We, (student name) \_\_\_\_\_ and (college staff name) \_\_\_\_\_ declare that the resolution described in Section 1 has worked to our mutual satisfaction and agree to close this complaint.

**Signature of Student:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of School Administrator/Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### SECTION 2: REQUEST TO REVIEW THE FORMAL PROCEDURE RESOLUTION OUTLINED IN PART B

#### Part C (to be completed by the student when requesting a review)

Describe the reasons why the sexual violence complaint resolution plan resulting from the formal procedure from Part B above was unsatisfactory.

**Signature of Student:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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## SECTION 3: OUTCOME OF REVIEW INITIATED IN PART C

### Part D (to be completed by the authorized member of the Student Complaint Committee)

Describe the summary of the investigation findings.

Describe the resolution decision by the committee including the reasons for arriving at that decision.

**Signature of Student:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature of School  
Administrator/Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_