

POLICIES AND PROCEDURES

TITLE:	4.1 SEXUAL VIOLENCE POLICY AND PROCEDURE
DATE:	Created: December 13, 2016 Immediately Prior Revision: September 1, 2022 Current Revision: June 7, 2024
APPLICABLE TO:	All management, staff, students, placement partners
RELATED FORMS:	Student Contract Signed Form – Acknowledgement of Receipt 5.3 Violence Incident Investigation Checklist 5.4 Violence incident reporting form_2021

POLICY STATEMENT

1. Sexual Violence Policy

- (a) Algonquin Careers Academy (ACA) is committed to providing its students with an educational environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect.
- (b) ACA 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) ACA 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 ACA'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) This ACA Sexual Violence Policy is published on the ACA website.
- (c) ACA management, instructors, staff, other employees and contractors of ACA will report incidents of or complaints of sexual violence to the Campus Director upon becoming aware of them.
- (d) Students who have been affected by sexual violence or who need information about support services should contact the Campus Director.
- (e) Subject to Section 4 below, to the extent it is possible, ACA 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) ACA 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, ACA 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.
- (h) In all cases, including (f) above, ACA will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact the Campus Director.

In this regard, ACA 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 ACA may file a report of an incident or a complaint to the Campus Director in writing. The other officials, offices or departments that may be involved in the investigation are the Chief Operating Officer and/or the President.
- (b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, the Campus Director will respond promptly 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 and determine what other officials, offices or departments involved in the investigation;
 - (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, ACA 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;
 - (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, the Campus Director 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 Section 5 below.

5. Disciplinary Measures

- (a) If it is determined by ACA 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.

6. 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 the Chief Operating Officer within 5 days by submitting a letter addressed to the Chief Operating Officer advising of the person's intent to appeal the decision.

7. 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.

8. 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.
- (c) 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.
- (d) 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.

9. Review

- (a) ACA shall ensure that student input is considered in the further development of its Sexual Violence Policy and every time it is reviewed or amended.

- (b) ACA shall review its Sexual Violence Policy at least once every 3 years and to amend it as appropriate. Unless amended earlier, the next date for review and amendment is September 1, 2025.

10. Collection of Student Data

- (a) ACA shall collect and be prepared to provide upon request by the Superintendent of Ontario Career Colleges such data and information as required according to Subsections 32.1 (8), (9) (10) and (11) of Schedule 5 of the Ontario Career Colleges Act, 2005 as amended.

APPENDIX 1

PROVINCIAL RAPE CRISIS CENTRES

Ontario

English

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

Français

Fem'aide

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

ATS: 1 866 860-7082

www.femaide.ca

Sexual Assault/Domestic Violence Treatment Centres

To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, follow

<https://www.sadvtreatmentcentres.ca/find-a-centre>.

LOCAL RESOURCES IN THE OTTAWA AREA

Ottawa

Sexual Assault Support Centre

Crisis: 613-234-2266

Phone: 613-725-2160

TTY: 613-725-1657

info@sascottawa.com

<http://sascottawa.com>

Ottawa Rape Crisis Centre

Crisis: 613-562-2333

Office: 613-562-2334

<http://orcc.net/>