



SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

Policy Application

The Policy applies to all members of Marca College (otherwise stated as "College") including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any of the College's initiatives, volunteers and visitors.

The Scope

The Policy applies to complaints of sexual violence or sexual harassment that have occurred on College campuses or at a College off-site event and involve members of the College community as defined in paragraph one, the Policy Application.

Purpose and Intent

All members of the College 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 behaviours, and outlines our investigative processes for sexual violence and sexual harassment.

Policy Objectives

The College is committed to providing members of our career 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 the College 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 behaviours.

Where a complaint has been made, under this Policy, of sexual violence or sexual harassment the College will take all reasonable steps to investigate it, including as follows:

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

Definition of Sexual Misconduct

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

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).

Sexual Harassment, without limiting the generality of the foregoing, includes:

Any course of distressing comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:

- a) Offensive jokes or comments of a sexual nature;
- b) displaying of pornographic or sexist pictures or materials, including online;
- c) suggestive or offensive remarks;
- d) unwelcome language related to gender;
- e) 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.

Reporting and Responding to Sexual Violence

All members of our career college community will take all reasonable steps to prevent sexual violence on our career college campus or any off-site events and report immediately to their campus director if they are subject to, witness or have knowledge of such 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 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 the 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.

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.

Student(s) are not required to report an incident of, or make a complaint about, sexual violence in order to obtain supports and services.

Investigating Reports of Sexual Violence

A complaint of sexual violence may be filed under this Policy, by any member of our career 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:

- a) determining whether the incident should be referred immediately to police;
- b) 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;
- c) interviewing the complainant, any person involved in the incident and any identified witnesses;
- d) interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- e) informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- f) providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- g) determining what disciplinary action, if any, should be taken.

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;

Reporting Sexual Harassment

All members of our career college community will take all reasonable steps to prevent sexual harassment on our career college campus or any off-site events and report immediately to the Campus Director at the College if they are subject to, witness or have knowledge of such 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.

If you have been a victim or have witnessed an act of sexual harassment please report to a Marca College representative immediately.

Investigating Reports of Sexual Harassment

If a member of our career college community believes she/he has been sexually harassed by a member of our career college community, she/he may confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or

Report the complaint to Campus Director in writing.

Upon a complaint of alleged sexual harassment being made to the Campus Director the Campus Director 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.

Disciplinary Measures

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

In cases where criminal proceedings are initiated, the College will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

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.

Marca will appropriately accommodate the needs of students who are affected by sexual violence. Student may contact Nicole Amaral (Student Services) at nicole@marcacollege.ca to obtain such accommodations.

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.

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.

Resources

TBD- Appendix 1 lists provincial rape crisis centres which could be provided as resources.

Appendix 1

Canadian Association of Sexual Assault Centres

Ontario

Assaulted Women's Helpline | Toll Free: 1-866-863-0511 | TTY: 416-364-8762

www.awhl.org

Hamilton

Sexual Assault Centre (Hamilton and Area) | Crisis: (905) 525-4162 | TTY: 905-525-4592

www.sacha.ca

Peel Region

Hope 24/7 | Crisis: 1-800-810-0180

<http://hope247.ca/>

Toronto Rape Crisis Centre: Multicultural Women Against Rape | Crisis: 416-597-8808

info@trccmwar.ca

crisis@trccmwar.ca

www.trccmwar.ca