

WILFRED INSTITUTE SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

PURPOSE

Students, faculty and staff of Wilfred Institute have the right to be in an environment that fosters safe learning and work for all members of our academic community. There is an absolute ZERO TOLERANCE for any form of sexual harassment or violence at our institution.

Our policy is designed to:

- Inform students that the career college will appropriately accommodate the needs of students who are affected by sexual violence and harassment and identify the official that should be contacted to obtain such accommodations,
- provide a response system (information about supports and services available) to effectively deal with incidences of sexual harassment/sexual violence.
- provide resources that will aid students and staff who may have been subject to incidences of sexual harassment and/or sexual violence.

Wilfred Institute will take any necessary measure to ensure that any perpetrators of any such acts of sexual harassment/sexual violence are held accountable.

APPLICATION AND SCOPE

This policy applies to all members of the Wilfred Institute community, be it on or off campus or through interacting on social media or other electronic media platforms.

DEFINITIONS

Complainant- an individual affected by sexual violence who has filed a complaint.

Consent- the active, ongoing, informed and voluntary agreement to engage in physical contact or sexual activity. Consent cannot be given by someone who is incapacitated (such as by drugs or alcohol), unconscious, or otherwise unable to understand and voluntarily given consent.

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent
- A person is incapable of giving consent if they are asleep, unconscious, or otherwise unable to communicate
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it
- A person who is drugged is unable to consent
- A person is unable to give consent when under the influence of alcohol and/or drugs
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts

- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity
- A person can withdraw consent at any time during the course of a sexual encounter
- A person is incapable of giving consent to a person in a position of trust, power or authority, such as a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to them
- Consent cannot be given on behalf of another person.

Respondent- an individual who is the subject of a complaint made under this policy

Sexual violence- 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. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature.

Sexual harassment- engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome. Sexual harassment may consist of:

- making unnecessary physical contact, including unwanted touching
- asking for sex in exchange for a benefit or a favour
- making sex-related comments about a person's physical characteristics or actions
- posting or sharing pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- excessive requests for "dates", and not taking "no" for an answer

POLICY

1. Prohibition

Wilfred Institute will not tolerate any form of sexual violence

2. Commitments

Wilfred Institute will;

a) Assist those who have experienced sexual harassment or sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation.

- b) Ensure that those who disclose they have been sexually harassed or experienced sexual violence are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- c) Address harmful attitudes and behaviours that reinforce that the person who experienced sexual harassment or sexual violence is somehow to blame for what happened.
- d) Treat individuals who disclose sexual harassment or sexual violence with compassion, recognizing that they are the final decision makers about their own best interests.
- e) Ensure that internal investigation procedures are available in the case of sexual harassment or sexual violence, even when the individual chooses not to make a report to the police.
- f) Engage in an appropriate investigation process that ensures fairness and due process.
- g) Contribute to the creation of a college atmosphere in which sexual harassment and sexual violence is not tolerated.
- h) Monitor and update our policies and procedures to ensure that they remain effective and in-line with other best practices as required by clause 32.1 (2) (b) of the Act. O. Reg. 132/16, s. 3; O. Reg. 647/21, s. 1 (1); O. Reg. 353/23, s. 22.

3. Reporting, Training and Responding to Claims of Sexual Harassment and/or Sexual Violence

- I. Wilfred Institute will include a statement in every student enrollment contract indicating where the student can find the policy for reference and also include a copy of the Sexual Harassment and Sexual Violence Policy in the Student Handbook. Wilfred Institute will also provide a copy of the Sexual Harassment and Sexual Violence Policy to all who deal with the institute (including owners, partners, other persons who manage or direct the college's affairs, and their agents), instructors, employees, and contractors, and will train them about the policy and its processes of reporting, investigating, and responding to complaints of sexual harassment and/or sexual violence involving our students.
- II. Wilfred Institute will require 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 harassment and/or sexual violence in the workplace.
- III. Wilfred Institute will publish the Sexual Harassment and Sexual Violence Policy on our website and the internal student portal.

- IV. Any Wilfred Institute management, instructor, employee, contractor, and/or student will immediately report incidents of sexual harassment and/or sexual violence upon becoming aware of them.
- V. Any Wilfred Institute management, instructor, employee, contractor, and/or student that has experienced sexual harassment and/or sexual violence are encouraged to come forward to report as soon as they are able to. Incidents should be reported to a Registrar/HR Business Manager.
- VI. If reported to a teacher or Campus manager, all incidents will be escalated to the Registrar/HR Business Manager
- VII. Where Wilfred Institute becomes aware, or should be reasonably aware, of incidents of sexual harassment and/or sexual violence by a management member, instructor, employee, contractor, and/or student or against a management member, instructor, employee, contractor, and/or student, on or off Wilfred Institute property, Wilfred Institute will take all reasonable steps to ensure the safety of all employees and students.
- VIII. Wilfred Institute recognizes the right of the complainant not to report an incident of or make a complaint about sexual harassment and/or sexual violence or not request an investigation and not to participate in any investigation that may occur.
- IX. Notwithstanding (viii) above, where Wilfred Institute 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.
- X. In all cases, including (viii) above, Wilfred Institute will appropriately accommodate the needs of its employees and students who are affected by sexual harassment and/or sexual violence. Employees or students seeking accommodation should contact the Campus Manager or Registrar/HR Business Manager. In this regard Wilfred Institute will assist employees and/or students who have experienced sexual harassment and/or sexual violence in obtaining counselling and medical care and provide them with information about sexual harassment and/or sexual violence supports and services available in the community as set out in Appendix A attached hereto.
- XI. Employees and/or students are not required to file a formal complaint in order to access support and services.

4. Complaint Process and Investigations

Any employee or student complaint of sexual harassment and/or sexual violence can be brought forward under this policy. All formal complaints should be made in writing to the Registrar/HR Business Manager student.support@wilfredinstitute.com. The other officials, offices, or departments that will be involved in the investigation are the President and Campus Manager.

Upon receipt of a report of an incident or a complaint of alleged sexual harassment and/or sexual violence being made, the Registrar/HR Business Manager 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;
- (iii) Determine whether the incident should be referred immediately to the police;

In such cases where civil proceedings are commenced in respect of allegations of sexual harassment and/or sexual violence, Wilfred Institute 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 when involving a student.

Wilfred Institute 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 details of the allegations and an opportunity to respond to the said allegations.

If you have Experienced Sexual Harassment or Sexual Violence

Go to a safe place where you can find physical safety and support.

- (i) Find a trusted friend or colleague.
- (ii) Call the local rape crisis line, if available.
- (iii) Go to or call your local sexual assault/domestic violence care center.
- (iv) Call your local Police Service.

As an employee or student of Wilfred Institute, you may be the first person to whom a survivor discloses about an act of sexual harassment and/or sexual violence. If you require support during this time, you may contact a local campus manager or Registrar/HR Business Manager who will provide the guidance and information you may need.

As the person hearing the disclosure one should not go beyond one's own comfort level or expertise when responding to a disclosure. It is important to be supportive while referring survivors to the right person who can provide the help they need. You also need to know that receiving a disclosure can, in itself, be traumatic and that support is available to help you cope.

If a report of an incident of sexual harassment and/or sexual violence is received

Wilfred Institute will look to achieve fairness in handling all complaints. No disciplinary action or sanctions will be taken against anyone without them being informed where there is a violation of this policy. If an employee or student reports to you an incident of sexual harassment and/or sexual violence you need to immediately assess the situation and if you think the employee or student is at risk you must contact a local member of campus management (Campus Manager) or Registrar/HR Business Manager, Who will provide an immediate response to safety concerns.

The Registrar/HR Business Manager or President will be the complaint manager. They will work with the employee or student to provide:

- (i) Immediate appropriate assistance and support.
- (ii) Explain the sexual harassment and sexual violence policy and procedure to the employee or student and provide them with all relevant materials.
- (iii) The Registrar/HR Business Manager and campus management will work together to set up a safety plan for the survivor.
- (iv) Ask the survivor if they wish to report the incident to the police and if they wish to report, contact the local Police Services to arrange for them to come to the campus to take the report. The complaint manager will be with the employee or student when they meet with the police. The survivor also has the right to have a friend or advocate with them when they report to police.

If the survivor wishes to file an internal complaint, the complaints manager, working with campus manager, will provide the following assistance:

1. Explain the options available for dealing with the complaint; informal or formal – the complainant has the right to decide how they wish to address their complaint.
2. Ensure the survivor knows they have a right to have a support person with them throughout any process that may develop to address their complaint.
3. Explain how their complaint could be shared with other parties on a need-to-know basis only. Wilfred Institute will limit the knowledge of the complaint to only those at the college who need to know in order to process the complaint or process the complaint or to assist in the investigation.
4. If the survivor decides to issue a formal written complaint, the complaints manager will assist in preparing and filing their internal complaint.
5. Once the complaint is written and approved by the complainant the complaints manager will contact campus manager for assistance.

6. 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 people involved, the names of any person who witnessed the incident and a complete description of what occurred.
7. 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. The respondent will be provided with a copy of the complaint, and any written response to the complaint received will be shared with the complainant within seven (7) working days.
8. Interviewing any persons involved or who have, or may have, knowledge of the incident and any identified witnesses.
9. Ensure the complainant and respondent are kept up-to-date on the progress of their complaint.
10. Timeline for investigation is six (6) weeks in duration.
11. Ensure the complainant has a safety plan and knows who to call if they are approached by the alleged perpetrator.
12. Work with management to put in place any interim measures necessary to alleviate pressure academically or emotionally on the employee or student.
13. Ensure that the internal complaint investigation is fair and follows due process and timeliness.
14. Upon completion of the investigation the complaints manager with support from campus manager will:
 - (i) Review all of the evidence collected during the investigation;
 - (ii) Determine whether sexual harassment and/or sexual violence occurred; and if so
 - (iii) Determine what disciplinary action, if any, should be taken as set out in Section 8 below.

Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. However, Wilfred Institute 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.

8. Disciplinary Measures

If it is determined by Wilfred Institute that the Respondent did engage in sexual harassment and/or 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.

9. Appeal

Should the complainant or the respondent not agree with the decision resulting from the investigation, he or she may appeal the decision within seven (7) business days by submitting a letter addressed to the Registrar/HR Business Manager advising of the intent to appeal the decision.

10. Making False Statements

If a person, in good faith, discloses or files a sexual harassment and/or sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed and no record will be placed in the complainant's or respondent's file.

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.

Individuals who violate this Sexual Harassment and 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.

Protection from Reprisals, Retaliation or Threats

It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- Having pursued rights under this Policy or the Ontario Human Rights Code;
- Having participated or co-operated in an investigation under this Policy or the Ontario Human Rights Code; or
- Having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.

Individuals who violate the Sexual Harassment and Sexual Violence Policy are subject to disciplinary and/or corrective action, up to and including termination of employment of instructors and staff or expulsion of a student.

11. Confidentiality

Confidentiality is particularly important to those who have disclosed sexual harassment and/or sexual violence concerns. The confidentiality of all persons involved in a report of sexual harassment and/or sexual violence must be strictly observed, and Wilfred Institute respects the confidentiality of all persons, including the complainant, respondent, and witnesses. Information provided by complainants is treated as confidential but may be shared as is reasonably necessary to investigate the complaint and/or as may be required by Wilfred Institute Policy and/or applicable law.

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 Wilfred Institute or greater community may be at risk or 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.

Confidentiality will be maintained 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 the purposes of the 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 or the respondent.

12. Review

Wilfred Institute shall ensure that student input is considered in the development of its Sexual Harassment and Sexual Violence Policy and every time it is reviewed or amended.

Wilfred Institute will review its Sexual Harassment and Sexual Violence Policy every three (3) years and amend it where appropriate and no fee will be charged for the provision of services or accommodation.

13. Collection of Student Data

Wilfred Institute 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 B- Additional Resources

Peel Regional Police

peelpolice.ca

905-453-3311

Hope 24/7: Sexual Assault Centre of Peel

hope247.ca

24 Crisis Line: 1-800-810-0180

Office: 905-792-0821

Victim Services of Peel

vspeel.org

905-568-1068

7750 Hurontario St

Victim Services Toronto

victimsvicestoronto.com

416-808-7066

info@victimsvicestoronto.com

Assaulted Women's Helpline

awhl.org

416-863-0511

Barbara Schlifer Clinic

489 College St

schliferclinic.com

416-323-9149

intake@schliferclinic.com

Support Services for Male Survivors of sexual abuse

https://www.attorneygeneral.jus.gov.on.ca/english/ovss/male_support_services/

1-888-887-0015