

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:

- provide a response system 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.

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 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

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.

POLICY

1. Prohibition

Wilfred Institute will not tolerate any form of sexual violence

2. Commitments

Wilfred Institute is committed to:

- establishing an environment free of sexual harassment/sexual violence where all members of the community can learn and work safely without worry of sexual violence
- providing support to members of the community who have been affected by sexual violence

- investigating and responding to reports and complaints of sexual violence appropriately with regards to the law
- ensuring fairness and due process in the adjudication of a complaint.

3. Protection from reprisals, retaliation or threats

At no point should a Wilfred Institute member retaliate or threaten to retaliate against a complainant for pursuing rights under this policy or the Ontario Human Rights Code.

Wilfred Institute will take reasonable steps to protect persons from retaliation, including by directing individuals in writing to refrain from retaliation and sanctioning individuals for a breach of this duty.

REPORTING AND RESPONDING TO SEXUAL VIOLENCE

4. Affected individual encouraged to report

Any member of the Wilfred Institute community who has been affected by sexual harassment/sexual violence is encouraged to report

5. Witnesses shall report

All Wilfred Institute employees or other person who are witness to an incident of sexual violence shall report it to the Student Support Services Department.

6. Intervention by bystanders

All Wilfred Institute employees, students and staff shall take action to prevent sexual violence from occurring by contacting the Student Support Services Department.

7. Employees shall report

All Wilfred Institute employees and staff shall immediately report any sexual violence to the Human Resources Advisor.

8. Wilfred Institute is obligated to assess and respond to every report filed and respond in the appropriate manner to each report to ensure we maintain a safe working and learning environment free from sexual violence.

COMPLAINT PROCESS AND INVESTIGATION PROTOCOL

9. Any member of the Wilfred Institute community can file a complaint of any form of sexual violence.
10. Wilfred Institute will look to achieve fairness in handling all complaints. No disciplinary action or sanction will be taken against anyone without them being informed where there is a violation of this policy.
11. Respondents will be made fully aware of the allegations and given an opportunity to answer to the allegations made against them.
12. A complainant has the right to withdraw a complaint at any point during the process. However, Wilfred Institute may continue to act when there is a threat to the safety of the Wilfred Institute community.
13. There shall be no filing of vexatious complaints; complaints made purposely to annoy, embarrass, or harm the respondent.
14. Complaints of sexual violence that is not supported by evidence found during an investigation will be dismissed.

CONFIDENTIALITY

15. Wilfred Institute will do its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses. Confidentiality cannot be assured under these circumstances:
 - an individual is at imminent risk of self-harm
 - an individual is at risk of harming another and/or
 - there is risk to the safety of the Wilfred Institute community
 - evidence of a disclosed incident of sexual violence is in the public realm (i.e. online or social media)

APPENDIX

APPENDIX A- Protocol

1. If you have experienced or have been affected by sexual violence and require support and accommodation, contact
 - Student Support Services at student.support@wilfredinstitute.com
2. If you have witnessed sexual violence, contact Student Support Services at student.support@wilfredinstitute.com and they will provide resources and necessary support.
3. A formal report of an incident of sexual violence is not necessary to access supports, services, or accommodations.
4. To file a complaint, the Student Support Services will assist you in the process. If the alleged perpetrator is another member of the Wilfred Institute community, you may file a complaint under this policy.
5. Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code. Student Support Services will be available to assist you in contacting the police.
6. When a complaint of sexual violence is reported to Wilfred Institute, the institution will protect the rights of the complainant and the respondent. The person who have experienced sexual violence will retain the control to how and whether their experience will be dealt with by the institution and/or police.
7. In certain situations, Wilfred Institute may open an internal investigation and/or inform the police of the need for a criminal investigation, without the consent of the survivor, if there are reasonable grounds to believe other members of the Wilfred Institute community are at risk.
8. At the complainant's request, a report may be referred to the police or other community resources where the persons involved are not members of the Wilfred Institute community or where Wilfred Institute is unable to open an internal investigation under this policy.



9. Multiple Proceedings

In the event of the commencement of criminal/civil proceedings with respect to sexual violence, Wilfred Institute will conduct its own investigation and come make its own determination into the allegations in alignment with its policies and procedures. Wilfred Institute will cooperate with local police where this is an ongoing criminal investigation.

10. Interim Measures

Rights and privileges of a respondent may be restricted by Wilfred Institute before it makes a final determination about the alleged misconduct. This may include restriction from participating in class.

An employee may be temporarily removed from the workplace.

These interim measures will be implemented as necessary to meet the needs of complainants and persons who report incidences of sexual violence. Interim measures are not punishment and do not represent a finding of misconduct.

11. Outcomes

Wilfred Institute will determine, based on its investigation, what occurred and whether it constitutes sexual violence or another misconduct.

If there is misconduct found by Wilfred Institute, an appropriate sanction will be determined. Students may face discipline up to expulsion. Employees may face discipline up to discharge.

12. Written Decision

Wilfred Institute will inform the complainant(s) and respondent(s) of its findings in writing. This written decision will provide a description of corrective action taken or to be taken by Wilfred Institute as a result of its investigation.



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

victimservicestoronto.com

416-808-7066

info@victimservicestoronto.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