

# SEXUAL VIOLENCE AND HARASSMENT POLICY



## 1. Policy Application

The policy applies to all students of CIMT College.

## 2. The Scope

The policy applies to complaints of sexual violence that have occurred on CIMT College campus or at a one of our events and involves our students.

## 3. Purpose and Intent

All CIMT College students have a right to study in an environment free of sexual violence. This document sets out our policy on sexual violence involving our students, defines the prohibited behaviours, and outlines our investigative processes for sexual violence.

## 4. Policy Objectives

CIMT College is committed to providing our students with an educational environment free from sexual violence and treating those students who report incidents of sexual violence with dignity and respect. To that end, CIMT College provides a copy of this policy to our students to educate them on how to identify situations that involve, or could progress into, sexual violence against our students, and how to reduce it. Where a complaint of sexual violence has been made, CIMT College will take all reasonable steps to investigate it, including as follows:

- a) providing on-campus investigation procedures to students for sexual violence complaints;
- b) responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- c) assisting students who have experienced sexual violence in obtaining counselling/medical care;
- d) providing students who have experienced sexual violence with appropriate academic and other accommodation; and
- e) providing students who have experienced sexual violence with information about reporting and resources as set out in the Paragraph 13.

## 5. Definition of Sexual Violence

This policy prohibits sexual violence which 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.

## 6. Reporting and Responding to Sexual Violence

Students, faculty and staff of CIMT College will take all reasonable steps to prevent sexual violence involving our students on our campus or at events by reporting immediately to the respective Campus Manager if our students have been subject to, or they have witnessed, or have knowledge of sexual violence involving our students, or have reason to believe that sexual violence has occurred or may occur which involves our students. Subject to Paragraph 7 below, to the extent it is possible, Campus Managers will attempt to keep all disclosed information confidential except in those circumstances it is believed that an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on our campus or the broader community are at risk. CIMT College recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, CIMT 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 we believe the safety of members of its campus or the broader community is at risk. A complainant seeking accommodation should contact their respective Campus Managers.

Students are not required to report an incident of, or make a complaint about, sexual violence in order to obtain support and/or services and/or accommodation from CIMT College.

## 7. Investigating Reports of Sexual Violence

A complaint of sexual violence may be filed in writing under this policy, by any student of our college, to the CIMT College Campus Manager in writing. A complainant may ask another person to be present during the investigation. Upon a complaint of alleged sexual violence being made the Campus Manager will initiate an investigation, including as follows:

- a) determining whether the incident should be referred immediately to police;
- b) determining what interim measures, if any, need to be taken during the investigation;

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

## **8. Disciplinary Measures**

If it is determined by CIMT College that a student of our college has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of instructors or staff or expulsion of a student. In cases where criminal proceedings are initiated, CIMT 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, CIMT College may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

## **9. Appeal Process**

Any individual who is directly involved in a sexual violence and harassment complaint, including the complainant and the respondent, has the right to appeal the outcome of the investigation or the disciplinary action taken. The complainant or respondent may appeal on one or more of the following grounds:

- a) New evidence has come to light that was not available during the initial investigation and could significantly impact the outcome.
- b) Procedural errors occurred during the investigation that may have affected the final decision.
- c) The disciplinary action imposed is disproportionate to the findings of the investigation.

The appeal process is as follows.

### **Appeal to Director of Operations**

The complainant or respondent may appeal to the Director of Operations by following the below steps.

Appeals must be submitted in writing within two days of receiving the decision or disciplinary action with a complete explanation of the complaint, steps taken to resolve, and the decision by the Campus Manager.

The written appeal should include:

- a) A detailed description of the grounds for the appeal.
- b) Any new evidence, if applicable.
- c) The specific outcome being contested and the desired resolution.

The appeal will be reviewed by the Director of Operations.

The Director will:

- a) Acknowledge receipt of the appeal within 48 hours.
- b) Conduct a review of the original investigation and any new evidence submitted.
- c) Ensure that the review process is fair, impartial, and confidential.

The Director of Operations will meet with the complainant or respondent to verify the information and determine if a resolution to the disagreement can be reached.

The Director of Operations will notify the complainant or respondent of the investigation results and the decision within five business days of the appeal to the Director.

The Director of Operations decision is final and may not be appealed.

## **10. Making False Statements**

It is a violation of this policy for anyone to knowingly make a false complaint of sexual violence 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 of instructors or staff or expulsion of a student.

## **11. Reprisal**

It is a violation of this 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. 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 CIMT College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred. 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 CIMT College's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

## **12. Review**

This policy will be reviewed 3 years after the last revision, which was July 3<sup>th</sup>, 2024.

## **13. Collection of Student Data**

CIMT College 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 32.3 (8), (9) and (10) of Schedule 5 of the Ontario Career Colleges Act, 2005 as amended.

## **14. Resources**

Students can use the following links to find agencies that provide support to victims of sexual violence and sexual harassment:

<http://www.centralwesthealthline.ca/listServices.aspx?id=10669&region=Brampton>

<https://trilliumhealthpartners.ca/patientservices/womens/Pages/sexualassault.aspx>

<http://hope247.ca/>

<https://www.peelregion.ca/health/sexual-assault/help.htm>

<http://www.mississaugahealthline.ca/listServices.aspx?id=10669>

<http://www.bramptonsafety.ca/safety-topics/neighbourhood/violence-prevention.shtml#7>

## **15. Training**

- Staff members receive training as part of their on-boarding package and in writing about sexual violence and harassment.
- Instructors receive training as part of their orientation package in the form of an "Instructor Synergy." Questions can be directed to their supervisor or the Director of Operations.
- Students learn about our policy as part of the admissions package, and during orientation. Questions can be directed to the Campus Manager or the staff member conducting Orientation.