9511008 Canada Inc. operating as

PEEL COLLEGE OF PROFESSIONAL STUDIES

1450 Meyerside Drive, Unit #101
Mississauga, ON L5T 2N5, Canada
Phone: +1 289 633 3772
Email: info@peelcollege.com
www.peelcollege.ca

DLI #: O267984044962

SEXUAL ASSAULT AND SEXUAL VIOLENCE POLICY

This Policy applies to all members of the College community including employees, students, instructors, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors, and is posted on the College website, and a print copy is readily available upon request.

This policy is a guide only. The Criminal Code R.S.C., 1985 c. C-46, the Ontario Human Rights Code, and the Ontario Career Colleges Act, 2005, take precedence, and should be referred to in all cases.

1. Definitions

Sexual Assault and Sexual Violence

Sexual assault: A criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

Sexual violence: A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse and sexual assault.

Consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

1. Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
2. A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
3. 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.
4. A person who is drugged is unable to consent.
5. A person is usually unable to give consent when under the influence of alcohol and/or drugs.
6. A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
7. 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.
8. A person can withdraw consent at any time during the course of a sexual encounter.

9. 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 theyteach, an administrator in a relationship with anyone who report to that position.
10. Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Note: For information purposes only, the Criminal Code defines "consent" as follows:
Consent: The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where:

a) the agreement is expressed by the words or conduct of a person other than the complainant.
b) the complainant is incapable of consenting to the activity.
c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority.
d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity.
   OR
e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Other Relevant Terms

Acquaintance sexual assault: Sexual contact that is forced, manipulated, or coerced by a partner, friend, or acquaintance.

Age of consent for sexual activity: The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve- and 13-year-olds can consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Coercion: In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

Drug-facilitated sexual assault: The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

Stalking: A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours that occur on more than one occasion, and which collectively instill fear in the victim or threaten the victim/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media/cyber-stalking; and

uttering threats.

Survivor: Some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim". We use the term "survivor" throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

2.Purpose and Intent of the Policy

All members of the College community have a right to a work and study in an environment that is free from any form of sexual violence. This document sets out our policy and response protocol to sexual violence and ensures that those who experience sexual violence are believed and their rights respected, that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

3.Policy Statement

Sexual assault and sexual violence are unacceptable and will not be tolerated. We are committed to challenging and preventing sexual violence and creating a safe space for anyone in our College community who has experienced sexual violence. The College is expected to be a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual violence.

All reported incidents of sexual violence will be investigated to the best of the administration's ability and in a manner that ensures due process. It is this policy's intention to make individuals feel comfortable about making a report in good faith about sexual violence that they have experienced or witnessed.

We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the Ontario Human Rights Code. We also recognize that individuals who have experienced sexual violence may experience emotional, academic, or other difficulties.

The College is committed to:
3.1. Assisting those who have experienced sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation;

3.2. Ensuring that those who disclose that they have been sexually assaulted are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.

3.3. Addressing harmful attitudes and behaviours (e.g. adhering to myths of sexual violence that reinforce that the person who experienced sexual violence is somehow to blame for what happened).

3.4. Treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests.

3.5. Ensuring that on-campus (internal) investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police.

3.6. Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies, standards, and applicable collective agreements, that ensure fairness and due process;

3.7. Ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus;

3.8. Engaging in public education and prevention activities.

3.9. Providing information to the College community about our sexual violence policies and protocol.

3.10. Providing appropriate education and training to the College community about responding to the disclosure of sexual violence.

3.11. Contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and,

3.12. Monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

4.Reporting and Responding to Sexual Violence
All reports and correspondence should be directed to:
Peel College of Professional Studies
Chitra Potnis, President, 1450 Meyerside Drive, Mississauga, ON L6R 0L3,
Telephone: 647-222-8940, chitralekhapotnis@gmail.com

4.1. Members of the College community should immediately report sexual violence incidents they witness or have knowledge of, or where they reason to believe that sexual violence has occurred or may occur. Members who have experienced sexual violence are encouraged to come forward to report as soon as they are able to do so.

4.2. Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.

4.3. Where the College becomes aware of incidents of sexual violence by a member of the College community or against a member of the College community, which occur on or off College property and that pose a risk to the safety of members of the College community, the College shall take all reasonable steps to ensure the safety of the College community.

It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so; the college will still provide you with any accommodation that you need. The College does not charge a fee for consultation and/or referrals.

You will always have an opportunity during the meetings and consultations with the College, to have another person present or another person make the oral presentation on your behalf at all stages of the process.

5.Complaint Process and Investigations

A complaint of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the College community.

The College 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 reasonable notice, with full detail of the allegations and provided with an opportunity to answer to the allegations made against them.

5.1 Right to Withdraw a Complaint
A complainant has the right to withdraw a complaint at any stage of the process. However, the College 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.

5.2 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:

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

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

5.3 Addressing Complaints:
A victim may choose to confide in anyone about an act of sexual violence – a student, professor, instructor, teaching assistant, coach, or staff from housing, health, counselling or security. Everyone on campus will have access to basic information on how to provide a compassionate and reassuring response.

Process for responding to and addressing incidents and complaints of sexual violence involving students:
Step 1: The “first responder” at the College is the Campus Manager.
The Campus Manager will provide information about campus and community services that are immediately available.
The Campus Manager will:

- Listen without judgement and will accept the disclosure as true.
- Understand that communicating about sexual violence is never the responsibility of the victim.
- Help the survivor identify and/or access available on- or off-campus services, including emergency medical care.
- Respect the survivor’s right to choose the services they feel are most appropriate and to decide whether to report to police.
- Recognize that disclosure can be traumatic and a survivor’s ability to recall the events may be limited.
- Respect the survivor’s choices as to what and how much they disclose about their experience.
- Make every effort to respect confidentiality and anonymity.

Step 2: The Campus Manager’s primary functions will also include:

- Helping the victim decide whether to formally report the incident. This will include an explanation of the criminal justice system proceedings or the institution’s disciplinary process.
  See the Student Complaint Procedure Form, issued to you at registration, or ask the Campus Manager for a copy of the Form, and the Complete a Student Complaint Form.

- Helping the victim develop a safety plan.
- Providing referrals to counselling, peer groups and other campus and community services.
- Supporting a requested change in residence or campus housing.
- Facilitating academic considerations, such as extensions on assignments, a request to drop a class or continue studies from home.
- If requested, the Campus Manager may also assist the survivor in contacting family members or friends.

Step 3: The Campus Manager may also:

- Conduct internal investigations to gather evidence and present findings to the appropriate adjudication body. In some circumstances, the investigation can only be pursued by a bona fide police service.
- Follow or implement measures to manage the alleged perpetrator while an investigation is taking place. This may be done with the guidance of the local police service.
- Put in place measures to protect the victim, where possible, from the alleged perpetrator (for example, “no contact orders”). Cooperate with local police in their investigations.

5.4 Unsubstantiated or Vexatious Complaints

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.
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.

5.5 Appeal

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the College’s Executive President within (5) days by submitting a letter addressed to The College President advising of the person’s intent to appeal the decision

6.Confidentiality

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses.
However, confidentiality cannot be assured in the following circumstances:

1. an individual is at imminent risk of self-harm.
2. an individual is at imminent risk of harming another; and/or
3. there are reasonable grounds to believe that others in the College or wider community may be at risk of 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.

Where the College becomes aware of an allegation of sexual violence by a member of the College community against another member of the College community, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with

the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

7.Cross References to Other Policies and/or Legal Requirements

Ontario Career Colleges Act, 2005	https://www.ontario.ca/laws/statute/05p28
The Student's Handbook	Available at the Front Desk or from the Campus Manager
The Criminal Code R.S.C., 1985 c. C-46,	https://laws-lois.justice.gc.ca/eng/acts/C-46/
The Ontario Human Rights Code	https://www.ontario.ca/laws/statute/90h19
Occupational Health and Safety Act	https://www.ontario.ca/laws/statute/90o01

Ontario Network of Sexual Assault/Domestic Violence Treatment Centres
76 Grenville Street, Toronto, ON M5S 1B2, Tel. (416) 323-7327
www.satcontario.com/en/home.php

SEXUAL ASSAULT AND SEXUAL VIOLENCE PROTOCOL

If You Have Experienced Sexual Violence

If you have experienced sexual violence, please contact the College President immediately at 647-222-8940.

It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so. You are not required to report an incident of, or make a complaint about, sexual violence to obtain supports, services, or accommodation.

A number of other resources are available to you, including:

Student Resources Location	Resource	Telephone
All	Good2Talk – Ontario Post-Secondary Student Helpline	1-866-925-5454
Toronto	Toronto Rape Crisis Centre	(416) 597-8808
York	Women's Support Network of York Region	1-800-263-6734 905-895-7313
Peel	Hope 24/7: Sexual Assault Centre of Peel	905-895-7313
Durham	Durham Rape Crisis Centre	905-668-9200

You can contact a Sexual Assault/Domestic Violence Treatment Centre

Sexual Assault/Domestic Violence Treatment Centres in Ontario are hospital-based centres that provide 24/7 emergency care to women, children and men who have been sexually assaulted or who are victims or survivors of domestic violence (intimate partner) abuse. Services include:

- Emergency medical care
- Crisis intervention
- Collection of forensic evidence
- Access to emergency contraception and preventative treatment for sexually-transmitted infections
- Medical follow-up
- Counselling
- Referral to community resources.

You can choose to have centre staff conduct a physical examination, offer medical care and/or collect any physical (forensic) evidence of a recent sexual assault. It is your decision whether you wish to report the assault to the police or provide the forensic evidence. If you think you were drugged and sexually assaulted, Sexual Assault/Domestic Violence Treatment Centres can also test to determine the presence of drugs in your body.

To contact the Sexual Assault/Domestic Violence Treatment Centre in Ontario nearest you, contact:
Ontario Network of Sexual Assault/Domestic Violence Treatment Centres
76 Grenville Street, Toronto, ON M5S 1B2, Tel. (416) 323-7327
Sexual Assault/Rape Crisis Centres www.sexualassaultsupport.ca

Sexual Assault/Rape Crisis Centres offer a wide variety of services to victims and survivors of sexual violence, 16 years and over. Services include a 24-hour anonymous crisis/support telephone line, individual and group counselling, court, police and hospital accompaniment, information on the legal system, and community referrals. Francophone services are available in designated areas.

Review and Amendment
The review of the sexual violence policy will occur at least once every three years and amended if necessary.