

## **Schedule K. Sexual Violence and Sexual Harassment Policy**

### **1. Policy Application**

This Policy solely addresses sexual violence involving students enrolled at AAPS, but all members of the AAPS community including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any of AAPS' initiatives, volunteers and visitors ("**AAPS Members**") will be bound by it.

### **2. The Scope**

The Policy applies to complaints of sexual violence or sexual harassment that have occurred on the AAPS campus or at AAPS events and involve AAPS Members.

### **3. Purpose and Intent**

All AAPS Members have a right to study and work in an environment free of sexual violence and sexual harassment from another AAPS Member.

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 whether it be in the educational or workplace context. We will respond to and address incidents of sexual violence under this process, and not under the student complaint procedure established under s.31 of the PCCA. We shall consider student input in the further development of our sexual violence policy, and in accordance with the regulations governing private career colleges in Ontario.

### **4. Policy Objectives**

AAPS is committed to providing AAPS Members with: (i) educational and working environments free from sexual violence and sexual harassment; and, (ii) treating those individuals who report incidents of sexual violence or sexual harassment with dignity and respect.

#### **To that end AAPS will:**

- 1) in consultation with its students and any health and safety committees set up for said purpose, maintain a program to implement this Policy and its updates as well as seek students input into its review;
- 2) educate and train AAPS Members 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; and
- 3) require all contractor service providers and contractors to read and agree to abide by this Policy when attending on AAPS' premises and/or when having any interaction or involvement with an AAPS Member.

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

- (a) responding promptly to any complaint as is appropriate in the circumstances, including whether to conduct an investigation, and providing reasonable updates to the complainant and the respondent about the status of the complaint and/or investigation;

- (b) assisting those who have experienced harassment, sexual violence or sexual harassment in obtaining counselling and medical care, as applicable;
- (c) providing those who have experienced harassment, sexual violence or sexual harassment with appropriate academic and other accommodation, as applicable;
- (d) providing those who have experienced workplace harassment, sexual violence or sexual harassment with information about reporting options; and
- (e) providing on-campus investigation procedures for workplace harassment, sexual violence and sexual harassment complaints.

## **5. Definitions of Sexual Misconduct**

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

### **Workplace Harassment means:**

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; or
- (b) Workplace sexual harassment (see definition of sexual harassment below).

This definition does not include any reasonable action taken by AAPS or its supervisors, managers, administrators, officers or directors relating to the management and direction of workers or the workplace.

### **Workplace Violence means:**

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace Violence includes Sexual Violence as defined below.

Sexual Violence, including sexual harassment, means any physical or psychological sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is committed, threatened or attempted against a person without the person's consent. By way of example and without limiting the generality of the foregoing, sexual violence 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) sexual harassment or abuse;
- (c) sexual exploitation;

- (d) indecent exposure;
- (e) voyeurism; and
- (f) criminal harassment (including stalking and cyber bullying).

Sexual Harassment, which can also a form of workplace harassment, includes without limiting the generality of the foregoing:

- (a) Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the AAPS Member where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; and
- (b) Any course of vexatious comment or conduct at AAPS, its workplace or its sponsored activities against an AAPS Member because of sex, sexual orientation, gender identity or gender expression, that is known or ought reasonably to have been known to be unwelcome, including:
  - (i) offensive jokes or comments of a sexual nature;
  - (ii) displaying or sharing of pornographic or sexist pictures or materials, including online and/or in emails addressed to other College Members;
  - (iii) suggestive or offensive remarks;
  - (iv) unwelcome language related to gender;
  - (v) remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;
  - (vi) leering or inappropriate staring ;
  - (vii) bragging about sexual prowess; and
  - (viii) physical contact such as touching, patting, or pinching, with an underlying sexual connotation.

## **6. Reporting and Responding to Sexual Misconduct Against Students**

All AAPS Members will take all reasonable steps to prevent sexual violence against students on our college campus or events and report immediately to the Manager of Student Services if they are subject to, witness or have knowledge of sexual violence, or have reason to believe that sexual violence has occurred or may occur. For clarity, this includes any sexual harassment of a student by another AAPS Member. Where the Manager of Student Services is the alleged harasser, then AAPS Members can report to AAPS' President.

Upon receiving a written complaint, AAPS will determine on a case by case basis whether it is appropriate in the circumstances to hire a qualified, independent third party to investigate a complaint filed under this Policy.

To the extent it is possible, the Manager of Student Services or the President will attempt to keep all information obtained about an incident or complaint, including identifying information about any individuals involved, confidential except in those circumstances where disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident, where required by law, where AAPS believes an individual is at imminent risk of self-harm and/or of harming another, or where there are reasonable grounds to believe that others in the our community are at risk. For clarity, College students must use this Policy and not College's General Student Complaint Procedure where the complaint involves sexual violence, including sexual harassment.

AAPS recognizes the right of the complainant to determine whether her or his complaint will be dealt with by the police and/or AAPS or at all. However, in certain circumstances, AAPS may be required by law or its internal policies to initiate an internal or on-campus investigation and/or inform police without the complainant's consent, if it believes the safety of AAPS Members is at risk. For clarity, this means that even if a complainant decides not to lay a formal complaint or file a written complaint under this Policy, AAPS may in certain circumstances, be required by law or its internal policies to initiate an internal or on-campus investigation or inform the police of the events surrounding the complaint.

Students are not required to report an incident of, or make a complaint about, sexual violence in order to obtain the supports and services. For supports and services, please refer to Section 13: Resources for Victims.

#### **7. Investigation Procedure for Reports of Sexual Misconduct Against a Student**

A complaint of sexual violence, including sexual harassment, against a student may be filed under this Policy by any AAPS Member in writing as set out above to the Manager of Student Services or the AAPS President.

Upon a written complaint of alleged sexual violence being made to AAPS, AAPS will initiate an investigation, including engaging in the following procedures:

- (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) determining whether a qualified third party investigator should be retained to conduct an internal or on-campus investigation and/or the police contacted;
- (d) interviewing the complainant, any person involved in the incident and any identified witnesses as part of College's on-campus investigation;
- (e) interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents as part of College's on-campus investigation;
- (f) informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations as part of College's on-campus investigation;

- (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. Reporting and Responding to Workplace Sexual Misconduct**

All AAPS Members will take all reasonable steps to prevent workplace sexual violence, including workplace sexual harassment, on our AAPS campus or at AAPS events and report immediately to the President if they are subject to, witness or have knowledge of such workplace sexual misconduct or have reason to believe that workplace sexual misconduct has occurred or may occur. Where the alleged harasser is the employer or the worker's supervisor and she/he does not wish to report her/his complaint to AAPS, the worker can file her/his report with an independent third party consistent with the enabling legislation governing this Policy.

If an AAPS Member believes she/he has been subject to sexual harassment while at work by an AAPS Member, she/he may confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop, or submit a written complaint or report of the offending behaviour to the President of College to address.

Upon receiving a written complaint under this Policy, AAPS will determine on a case by case basis whether it is appropriate in the circumstances to hire a qualified, independent third party to investigate the complaint. If the complainant decides not to lay a formal complaint or submit a written complaint but AAPS has been made aware of the unwelcome behaviour or sexual misconduct, AAPS may in certain circumstances, be required by law or its internal policies to initiate an internal or on-campus investigation if it believes the safety of AAPS' Members is at risk.

To the extent it is possible, AAPS will attempt to keep all information obtained about an incident or complaint, including identifying information about any individuals involved, confidential except in those circumstances where disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident, where required by law, where AAPS believes an individual is at imminent risk of self-harm and/or of harming another, or where there are reasonable grounds to believe that others in the our community are at risk. For clarity, an investigation report is not a report within the meaning of as. 25(2) of the Ontario Occupational Health and Safety Act .

## **9. Investigating Reports of Workplace Sexual Misconduct**

Upon a written complaint of workplace sexual misconduct being made under this Policy to the President, the President of AAPS 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 as part of AAPS' on-campus investigation;
- (c) interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents as part of AAPS' on-campus investigation;

- (d) informing the respondent of the complaint, providing details of the allegations and giving the individual an opportunity to respond to those allegations as part of AAPS' on-campus investigation;
- (e) providing reasonable updates to the complainant and the respondent about the status of the investigation and providing reasonable written updates to the complainant and the respondent about the status of the complaint and/or investigation, including in relation to the latter if both parties to a complaint are staff of AAPS, its results and any corrective action that has or will be taken as a result of the investigation; and
- (f) determining what disciplinary action, if any, should be taken.

#### **10. Disciplinary Measures**

If it is determined by AAPS that an AAPS Member has been involved in sexual violence or sexual harassment against another AAPS Member, immediate disciplinary or corrective action will be taken. In the case of a worker, such action may be up to and including termination of employment without notice or pay in lieu of notice. In the case of a student, such action may be up to and including expulsion without any reimbursement of tuition or any other AAPS fees.

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

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence or sexual harassment, AAPS may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

#### **Making False Statements**

It is a violation of this Policy for anyone to knowingly make a false or bad faith 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 as is set out above under the section entitled "Disciplinary Measures".

#### **11. Reprisal**

It is a violation of this Policy to retaliate' attempt to retaliate or threaten to retaliate against: (i) a complainant, acting in good faith, who has brought forward a complaint of sexual violence or sexual harassment; (ii) any person who has provided information related to a complaint; or (iii) any person who otherwise has been involved in the complaint investigation process.

College will seek to provide the names of resources for those who are victims of sexual harassment or sexual violence, upon request.

#### **12. Sexual Violence Policy Shall Prevail over Conflicting Provisions**

Should any other provision in the Student's Enrolment Contract offend this Policy, the provisions of this Policy shall prevail and shall be interpreted consistent with Clause 32.1(1) of the PCCA, as amended and which came into force on January 1, 2017.

13. **Resources for Victims**

Available confidentially upon request with the Dean or via one of the services below:

Sexual Assault/Domestic Violence Care Centre (SA/DVCC)  
Women's College Hospital  
76 Grenville St.  
Ground Floor (in the AACU), Room 1305  
Toronto, ON M5S 1B2  
Phone: 416-323-6040  
Fax: 416-323-6489  
Office Hours:  
Monday to Friday  
7:30 a.m. - 3:30 p.m.

Hope 24/7: Sexual Assault Centre of Peel  
hope247.ca  
24 Crisis Line: 1-800-810-0180  
Office: 905-792-0821  
10 Gillingham Drive, Suite 305  
Brampton, ON L6X 5A5

Peel Committee Against Abuse  
Phone number: 905-823-3441  
Crisis: 905-403-0864  
pcawa@pcawa.org  
www.pcawa.net  
Mon-Fri 9am-4:30pm  
PCAWA Coordinator: pcawa@pcawa.org

Sherbourne Health Centre - Services for Lesbian, Gay and Trans people  
416-324-4103

Toronto Rape Crisis Centre Multicultural Women Against Rape  
24-hr Crisis Line 416-597-8808

Good2Talk 24-hr Student Crisis Line  
1-866-925-5454

Support Services for Male Survivors of Sexual Abuse  
1-866-887-0015

Assaulted Women's Helpline:  
1-866-863-0511

**ACKNOWLEDGEMENT**

I \_\_\_\_\_ hereby acknowledge that I have received the **Sexual Violence and Sexual Harassment Policy**. I understand that it is my responsibility to be familiar with and conform to the procedures contained in this policy. I am expected to abide by the rules and requirements contained in the policy with regard to the reporting of harassment, including the obligation to report violations of the policy and not to retaliate against anyone for exercising his/her rights under this policy.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_