# Schedule K: Sexual Violence and Sexual Harassment Policy

**1. Policy Application**

This Policy solely addresses sexual violence involving students enrolled at APPS College of Health Science and Technology (AAPS), but all members of the APPS 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**

This 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 Ontario Occupational Health and Safety Act.

**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 student 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;
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:

1. 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;
2. Assisting those who have experienced harassment, sexual violence or sexual harassment in obtaining counselling and medical care, as applicable;
3. Providing those who have experienced harassment, sexual violence or sexual harassment with appropriate academic and other accommodation, as applicable;
4. Providing those who have experienced workplace harassment, sexual violence or sexual harassment with information about reporting options; and
5. 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** 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 cyberbullying).

**Sexual Harassment** means:

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:
c. Offensive jokes or comments of a sexual nature;
d. Displaying or sharing of pornographic or sexist pictures or materials, including online and/or in emails addressed to other College Members;

e. Suggestive or offensive remarks;
f. Unwelcome language related to gender;
g. Remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex, or sexual orientation;
h. Leering or inappropriate staring;
i. Bragging about sexual prowess; and
j. 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 at 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 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 14: Resources for Victims.

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 the career 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 the

career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

**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:

1. Determining whether the incident should be referred immediately to police;
2. 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;
3. Determining whether a qualified third-party investigator should be retained to conduct an internal or on-campus investigation and/or the police contacted;
4. Interviewing the complainant, any person involved in the incident and any identified witnesses;
5. Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
6. Informing the respondent of the complaint, providing details of the allegations, and giving the respondent an opportunity to answer the allegations and put forward their own evidence;

7. Providing reasonable updates to the complainant and the respondent about the status of the investigation; and
8. 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 misconduct on our college campus or at events and report immediately to the Manager of Student Services if they are subject to, witness, or have knowledge of workplace sexual misconduct, or have reason to believe that workplace sexual misconduct has occurred or may occur. For clarity, this includes any workplace sexual harassment 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 our community are at risk.

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.

**9. Investigation Procedure for Reports of Workplace Sexual Misconduct**

A complaint of workplace sexual misconduct 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 workplace sexual misconduct being made to AAPS, AAPS will initiate an investigation, including engaging in the following procedures:

1. Determining whether the incident should be referred immediately to police;
2. 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;
3. Determining whether a qualified third-party investigator should be retained to conduct an internal or on-campus investigation and/or the police contacted;
4. Interviewing the complainant, any person involved in the incident and any identified witnesses;
5. Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
6. Informing the respondent of the complaint, providing details of the allegations, and giving the respondent an opportunity to answer the allegations and put forward their own evidence;
7. Providing reasonable updates to the complainant and the respondent about the status of the investigation; and
8. Determining what disciplinary action, if any, should be taken.

**10. Appeal Process**

If either the complainant or the respondent is dissatisfied with the outcome of the investigation or any disciplinary action taken, they have the right to appeal the decision. The following outlines the appeal process:

1. **Submission of Appeal**: The appeal must be submitted in writing to the AAPS President within 15 business days of the decision. The written appeal must clearly state the grounds for the appeal and include any new evidence that was not previously considered.
2. **Review of Appeal**: Upon receiving the appeal, the AAPS President will review the case, including the investigation process, findings, and any new evidence presented. The President may also convene an appeal panel consisting of senior administrators or external experts to assist in the review.

3. **Decision on Appeal**: The President, or the appeal panel, will make a determination on the appeal within 30 business days of receiving the written appeal. The decision will be final and binding and communicated in writing to both the complainant and the respondent.
4. **Further Actions**: If the appeal is upheld, appropriate actions will be taken, which may include a reinvestigation, modification of disciplinary actions, or other remedies as deemed necessary.

**11. Disciplinary Measures**

If it is determined by AAPS that an AAPS Member has been involved in sexual violence or sexual harassment of a student or workplace sexual misconduct, immediate disciplinary or corrective action will be taken. This may include:

1. Disciplinary action up to and including termination of employment of instructors or staff;
2. Expulsion of a student; and/or
3. The exclusion of any person from AAPS' property or sponsored events. In cases where criminal proceedings are initiated, AAPS will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

**12. False Statements**

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence, including sexual harassment, or workplace sexual misconduct 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.

**13. Reprisal**

It is a violation of this Policy to retaliate or threaten to retaliate against a complainant or other individual for:

1. Having pursued rights under this Policy or relevant legislation;
2. Having participated or co-operated in an investigation under this Policy or relevant legislation; or
3. Having been associated with someone who has pursued rights under this Policy or relevant legislation.

Reprisal may be subject to disciplinary action up to and including termination of employment of instructors or staff or expulsion of a student.

**14. Resources for Victims**

Confidential resources and support services are available for victims of sexual violence. Students and staff can access the following:

- **Reporting or Support Services**:
  - Supervisor of Administration: 416-502-2277 or info@aaps.ca
- **Community Support Services**:
  - Sexual Assault Crisis Centre: Toronto Rape Crisis Centre, 416-597-1171, info@trccmwar.ca
  - Local Health Integration Network: Ontario Health at Home, 416-506-9888
  - Local Hospital Emergency Services: Humber River Hospital, 416-242-1000 (or call 9-1-1)

**15. Training**

AAPS is committed to providing ongoing training on sexual violence and harassment to all AAPS Members, including directors, staff, contractors, and students. Training will cover recognizing, responding to, and preventing sexual violence and harassment, as well as understanding and implementing this Policy.

**16. Policy Conflicts**

In the event of any conflict between this Sexual Violence and Sexual Harassment Policy and other AAPS policies, including but not limited to expulsion policies, this Sexual Violence and Sexual Harassment Policy shall prevail.

**Policy Publication**

This Policy will be published on the AAPS website to ensure accessibility to all AAPS Members.