

CAN-WELD TESTING & TRAINING CENTRE
Policies & Procedures

ST09 – Student Sexual Violence Policy

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Complied by: Joanna Arseneault

Date Complied: August 2024

Approved by: Jann Arseneault

Date Complied: August 2024

On March 8, 2015, International Women’s Day, Ontario issued an Action Plan against Sexual Violence and Harassment calling, among other things, for increased safety on Ontario’s Career Colleges.

Can-Weld Training & Testing Centre values respect for all individuals, civility, diversity, dignity, equality and freedom. We are committed to maintaining a healthy and safe learning environment and making this environment free of discrimination and harassment. We strive to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender roles. We will not tolerate behaviour that contributes to a hostile and inequitable learning environment. We take seriously our commitment to supporting those who experience sexual violence and we work diligently to provide information and resources to ensure that our college remains free from sexual violence.

The Ontario Career Colleges Act defines Sexual Violence as:

“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 persons consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.”

Definition of 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.

- 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 into engaging in the sexual activity, is not consenting to it (ie. not agreeing voluntarily).
- A person who is drugged is unable to consent.
- A person is usually unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- If consent was given in the past to a sexual or dating relationship, it 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 or power of authority, such as a faculty member initiating a relationship with a student whom they teach.
- Consent cannot be given on behalf of another person.

Every Can-Weld student who experiences sexual violence or harassment has the right to:

- Be treated with dignity, compassion and respect;
- Be believed;
- Be informed about services and resources;
- Decide whether or not to access available services and to choose those services they feel will be most beneficial;
- Decide whether to report to local police;
- Have an on-campus investigation with the College's full cooperation;
- Have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator.

In addition, every student has the right to choose among any available options for addressing incidents of sexual violence or harassment, whether these options are provided on school campus or off. Except in extreme situations, where there is an imminent threat to the school or surrounding community, the choice of options (including the choice not to exercise any option) always remains with you, the student.

If You Experience Sexual Violence or Harassment at Can-Weld, You May:

- Request information about any counselling, health services, or other support that are available at Can-Weld from the front office administrators;
- Engage the services of an off-campus organization, such as a crisis and counselling centre, in your community;
- Locally contact the Sexual Assault Survivor's Centre Sarnia-Lambton
 - Located at #11-420 East St. N, Sarnia, N7T 6Y5
 - Visit www.sexualassultsarnia.ca
 - Call 519-337-3154;
- Contact Student Voices on Sexual Violence
 - Visit www.info-sv-vs.ca
 - Call 1-866-450-4907
- Contact the Human Rights Tribunal of Ontario; and/or
- Report the incident to the police.

For information about additional resources in our community, visit www.draw-the-line.ca and/or www.tracons-les-limités.ca. These websites list services available throughout Ontario.

Should you witness an incident of sexual violence or harassment at Can-Weld, you may bring your concerns directly to the attention of the front office administrators or another staff member at Can-Weld.

As a student of Can-Weld, you also have a role to play in creating a safe campus for everyone. The Ministry of Labour, Immigration, Training & Skills Development will welcome your suggestions.

Can-Weld Takes Sexual Violence Seriously!

Can-Weld understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the police and/or the College. However, in certain circumstances, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the person's consent, if the College believes that the safety of another student is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

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 Ontario Career College owner or investigators, including irrelevant questions relating to the students' sexual expression or past sexual history. 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. Sexual violence is a violation of Can-Weld's Sexual Assault and Sexual Violence Action Policy and Code of Conduct. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences and follow the response protocol of the Can-Weld Complaint Procedures. Please see Can-Weld's Code of Conduct and Expulsion Policy for more details on the disciplinary process in addition to this policy. In summary, decisions regarding complaints will be rendered within 5 days. A statement in writing will be issued outlining the reasons from which the decision was made to both the Complainant and the Respondent.

Training, Reporting and Responding to Sexual Violence:

- Can-Weld will provide a copy of the Sexual Violence Policy in every student enrollment package made between Can-Weld and our students; and Can-Weld will provide a copy of the Sexual Violence Policy to all managers, instructors, office staff and supporting staff and will train them about the policy and its processes of reporting, investigating, and responding to complaints of sexual harassment and/or sexual violence involving our students.
- Any staff of Can-Weld will report incidents of or complaints of sexual violence to the owner upon becoming aware of them.
- Students who have been affected by sexual violence or who need information about support services should contact the office staff of Can-Weld at (519) 344-9222 or via email at info@canweldsarnia.com or in person during operating office hours.
- Can-Weld will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. This will be done by: a) Ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and b) Ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.
- Can-Weld recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not to request an investigation and not to participate in any investigation that may occur. Notwithstanding, in certain circumstances, Can-Weld may be required by law to initiate an internal investigation and/or inform police without the

Complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

- In all cases, including above, Can-Weld will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact Can-Weld. In this regard, Can-Weld will assist students who have experienced sexual violence in obtaining counselling and medical care, and provide them with information about sexual violence supports and services available in the community. Students are not required to file a formal complaint in order to access supports and services.

Complaint Procedure:

- The student can report an incident of, or make a complaint about, sexual violence to the owner of Can-Weld. For the purpose of protecting the student reporting an incident of, or making a complaint about, sexual violence from retaliation and the threat of retaliation, all complaints are handled only by the owner of Can-Weld. They will decide whether an incident or complaint of sexual violence will be investigated by the College or by legal authorities.
- Can-Weld will be part of the investigation and decision-making processes with legal authorities that will take place if an incident or complaint of sexual violence is investigated.
- The decisions made by the owner or legal authorities and measures after an incident or complaint is investigated will be final.

Investigating Reports of Sexual Violence:

- Under this Sexual Violence Policy, any student of Can-Weld may file a report of an incident or a complaint to the college in writing and submitting an email to info@canweldsarnia.com. At least one college administrative staff member and the college owner will be involved in the investigation.
- Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Can-Weld will respond promptly and;
 - a. Determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;
 - b. Determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
 - c. Determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, Can-Weld may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and
 - d. Determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.
- Once an investigation is initiated, the following will occur:
 - a. The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
 - b. Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the person involved, the names of any person who witnessed the incident and a complete description of what occurred;

- c. Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the person involved, the names of any person who witnessed the incident and a complete description of what occurred;
- d. Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the person involved, the names of any person who witnessed the incident and a complete description of what occurred;
- e. Providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
- f. Following the investigation, Can-Weld designate will review all of the evidence collected during the investigation, determine whether sexual violence occurred; and if so, determine what disciplinary action, if any, should be taken.

Respondents:

Respondents will be given reasonable notice, with full details of the allegations and provided with an opportunity to answer to the allegations made against them. The College will ensure that the respondent is provided with reasonable updates about the status of the College's investigation of the incident when such investigations are undertaken. The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a Respondent may be restricted from entering certain parts of the campus and restricted from attending class.

Disciplinary Measures:

If it is determined by Can-Weld that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

- a. Disciplinary action up to and including termination of employment of instructors or staff; or
- b. Expulsion of a student; and / or
- c. The placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and / or
- d. Any other actions that may be appropriate in the circumstances.

Right to Withdraw a Complaint:

A Complainant has the right to withdraw a complaint at any stage of the process. However, Can-Weld 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.

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:

- Having pursued rights under this Policy or any other legislative process;
- Having participated or co-operated in an investigation under this Policy or any other legislative process; or
- Having been associated with someone who has pursued rights under this Policy or any other legislative process.

The College takes reasonable steps to protect persons from reprisals, retaliation and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing

a reprisal and sanctioning individuals for a breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

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 owner within 5 days by submitting a letter addressed to:

Can-Weld Training & Testing Centre

1392 Plank Road, Unit 3

Sarnia, ON N7T 7H3

Phone: (519) 344-9222

Email: info@canweldsarnia.com

Making False Statements:

It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

Individuals who violate this Sexual Violence 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.