



Sexual Violence and Harassment Policy

This framework has been approved by the Committee of Presidents of the 24 publicly-funded colleges in Ontario. In approving this template, the presidents recognize that individual colleges may need to make changes to reflect local circumstances during the development of their stand-alone sexual violence and sexual assault policy and protocol. In doing so, the colleges have committed to retaining as much consistency with the template as possible to reflect a similar style, tone, format that will help students and the other easily access information they need no matter which college they approach.

Statement from the President

International Building Maintenance Academy values respect for all individuals, civility, diversity, dignity, equality, and freedom. The College is committed to maintaining a healthy and safe learning, living, social, recreational and working environment. We are committed to maintaining a campus free of discrimination and harassment, and strive to foster an atmosphere of healthy attitudes and behavior towards sexuality, sex and gender roles. The College will not tolerate behavior that contributes to a hostile and inequitable learning and working environment. We take seriously our commitment to supporting those experience sexual violence, and we work diligently on campus and with community partners on programs, policies, and resources to ensure that our campus remains free from sexual violence.

The Policy and Protocol provides procedures and resources to support individuals and groups who may be directly or indirectly involved in working with persons who have experienced sexual violence.

I urge all members of the College community to review the Policy and Protocol to learn about options and resources available to those who require support or who wish to support others. Please help to ensure that the College remains a safe and positive space where members of the College community feel able to work, learn and express themselves in a safe environment that upholds human equality.

Mr. Federico Manrique

President and CEO

International Building Maintenance Academy Inc.

International Building Maintenance Academy

Sexual Violence and Harassment Policy

Type: Administrative

Responsibility: Disciplinary Committee

Effective Date: July 5, 2019

Revised: Review Date: July 5, 2019

This Policy applies to: All members of the College community including: all employees, governors, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors. The college will implement its sexual violence policy in accordance with the regulations under the Private Career Colleges Act, 2005. This policy shall likewise be part of the student's enrollment contract.

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 behaviors from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviors that involves 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 behaviors, 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:

- 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 (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.

- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- 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.
- 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, power or authority, such as a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position.
- 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 years-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 behaviors 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 treats of harm to the target's friends and/or family. These behaviors 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; 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 experienced these circumstances to determine how they wish to identify.

2. Purpose and Intent of the Policy

All members of International Building Maintenance Academy 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 environment that is free from any form of sexual violence. This document sets out our policy and believed and their rights respected, that the College has a process of investigation that protects the right of individuals and holds individuals who have committed an act of sexual violence accountable.

3. Policy Statement

International Building Maintenance Academy 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 experience 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 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 a 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.

We are committed to:

3.1. assisting those who have experience sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counseling 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 behaviors (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, and 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; ensuring that the student's input will be considered in the development of the sexual violence policy that will be reviewed and amended every three years.

3.9. providing information to the College community about our sexual violence policies and protocols; provide information to the Superintendent concerning;

i. the number of times supports, and accommodation relating to sexual violence are requested and obtained by the student;

ii. any initiatives and programs to promote awareness of supports and services available to students; and,

iii. the number of incidents and complaints of sexual violence reported by the student, and the implementation and effectiveness of its sexual violence policy.

iv. the college shall not include personal information within the meaning of the Freedom of Information and Protection of Privacy Act, to the Superintendent.

3.10. providing appropriate education and training to the College community about responding to the disclosure of sexual violence; the college and the community has the supports and services or through its agents for the students who may be affected by sexual violence, that a formal incident of sexual violence report is not necessary to access supports, services, or accommodation.

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

4.1. Members of the College community should immediately report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur. Members who have experienced sexual violence are encourage 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 Colleges community, which occur on of 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.

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.

The school administrator will require the complainant to write down a detailed incident/ complaint report. The respondent will be given a chance to write down the incident from his or her point of view. The college will get statements from witnesses that both parties may divulge. According to the statement from parties, the college will make its resolution and find ways to settle the issue that will be acceptable by both parties.

Should a settlement is not reachable; the administrator will advise both parties to respectively file formal complaints before the disciplinary committee of the college. The college may respectively provide academic accommodation to all affected parties.

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:

- * having pursued rights under this Policy of the Ontario Human Rights Code;
- * having participated or co-operated in an investigation under this Policy of the Ontario Human Rights Code; or
- * 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. 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. [Colleges may wish to reference their own policies regarding recordkeeping.] Disclosures or complaints, that is, made to purposely annoy, embarrass or harm the respondent, may result in sanctions and/or discipline against the complainant.

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:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; and/or
- 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

1. If You have Experienced Sexual Violence:

If you have experienced sexual violence, Please call , Mrs. Maria Siochi at: 416-321-2222, and we will assist you by providing the resources and support you need. If you want to speak to someone directly, please go to: 203-5620 Finch Avenue East, Toronto, Ontario M1B 1T1. 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. A number of other resources are available to you, including:

Information about these resources is available below; or you can use the link to go directly to the resources [Sexual Assault Centers (Ontario)]

Anyone who has experience sexual violence has the rights to:

- be treated with dignity and respect;
- be believe;
- be informed about on-and off-campus 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 campus security and/or local police.
- have an on-campus investigation with the institution's full cooperation,
- have a safety plan, and
- have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

2. If you would like to file a Formal Complaint

Please address your initial complaint to the Chairperson of the PCC's disciplinary committee, **Mrs. Emma Manrique** at 203-5620 Finch Avenue, East, Scarborough ON M1B 1T1, The committee's office can also assist your with filing a complaint. This office shall act with procedural fairness that shall be part of the investigation and decision-making process. If the alleged perpetrator is another member of the College community, you may file a complaint under this Policy. Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code. The Ontario Human Rights Tribunal can also assist you with contacting the local Police. More information on filing a complaint can be found at: Filing a Complaint: www.ontario.ca/humanrights..

An example of interim measures that may be implemented while an incident or complaint is being investigated or a decision is being made regarding an incident or complaint;

- The Disciplinary committee's chair, will call upon the aggrieve party for a meeting and if the said party is agreeable, may also make a written incident report. The committee will listen to the complaint and record (if allowed by the aggrieve party) the meeting. The chair of the committee will also ask the said party if what is his or her expectation from the college,

- The Chairperson with a member of the committee will separately call upon the respondent for a meeting and may also require the respondent of the incident report from his or her view point. The respondent will be asked if what is also his or her expectation from the college,
- Both parties will be advised not to attend the succeeding classes while the incident is being resolved. They shall be advised if when the decision (with due respect to the rights of the complainant as stipulated at section 7.1) will be available and if they will not be satisfied with the decision of the committee, that they can file an appeal before the President of the college.

An example of the decision that may be made and the measures that may be imposed after an incident or complaint is investigated.

- If the case at hand is found to be with valid reason or ground, the school shall automatically call in the local police for appropriate proceeding and the aggrieved party will be assisted in such a manner that is stipulated at section 7.10. Automatically the school will proceed to expulsion proceeding for the respondent and an academic accommodation shall be offered to the complainant.
- If the case at hand is found to be without merit, the school shall offer both parties an academic accommodation that will put them in different section or schedule of classes.

Appeal process

A process that either and/ or both parties may avail if the decision of the Disciplinary committee is not acceptable to them;

- The involved parties may elevate decision of the disciplinary committee as an appeal to the office of **Mr Federico Manrique**, President and CEO of the college.
- **Mr Manrique** will retrieve or gather all the documents that was used as basis for the decision of the committee and will review its findings, may also conduct separate interviews with other students and staff of the school who may have knowledge about the incident. May bring in a legal consultant to assist him in his deliberation and will issue a decision to the appeal in a timely manner.

Mr Manrique may likewise be contacted for other supports and services that a student may require and will appropriately accommodate the needs of the students who may be affected by sexual violence.

3. What to Do if You Witnessed Sexual Violence

If you witness sexual violence, please call Mr. Federico Manrique at : 647-567-0663, and we will assist you providing all the resources and necessary support. If you want to speak directly, please go to: www.ontario.ca/humanrights. No student/s are required to report an incident of, or make a complaint about, sexual violence to obtain supports and services or accommodation.

A number of other resources are available to you including:

Information about these resources is available below; or you can use the link to go directly to the resources www.ontario.ca/humanrights.

If a member of faculty or staff of the College becomes aware of an allegation sexual violence against another member of the College community, the faculty or staff is required to report the alleged incident to the School Administrator immediately.

4. What to Do if Someone Discloses Allegations of Sexual Violence

A person may choose to confide in someone about an act of sexual violence, such as a student, instructor, teaching assistant, coach, or staff from housing, health, counseling or security. An individual who has experienced sexual violence may also disclose to staff or faculty members when seeking support and/or academic accommodation. A supportive response involves:

- listening without judgment and accepting the disclosure as true;
- communicating that sexual violence is never the responsibility of the survivor;
- helping the individual identify and/or access available on-or-off-campus services, including emergency medical care and counseling;
- respecting the individual's choices as to what and how much they disclose about their experiences; and
- making every effort to respect confidentiality.

If disclosure is made to faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to the school administrator, and work with the school's management to ensure that the student receives all necessary academic and other accommodations.

As indicated above, if faculty or staff of the College becomes aware of an allegation of sexual violence against another member of the College community, the faculty or staff is required to report the alleged incident to President immediately.

5. Communicating with Individuals

who have Experienced Sexual Violence Sensitive and timely communication with individuals who have experienced sexual violence and their family members (when an individual consents to this communication) is a central part of the College's first response to sexual violence. To facilitate communication of the College will:

- Ensure that designated employees in the (department), who are knowledgeable about sexual violence, are responsible for advocacy on campus on behalf of employees, students or any other member of the College community who have experienced sexual violence;
- Ensure designated employees respond in a prompt, compassionate, and personalized fashion; and
- Ensure that the person who has experienced sexual violence and the respondent are provided with reasonable updates about the status of the College's investigation of the incident when such investigations are undertaken.

6. Roles and Responsibilities of the College Community

While everyone on campus has a role to play in responding to incidents of sexual violence, some campus members will have specific responsibilities which might include:

- On-campus health supports to provide psychological and emotional support, assist with safety planning and make referrals to other services, including medical services;
- Faculty, staff and administrators to facilitate academic accommodations and other academic needs of those who have experienced sexual violence, e.g. extensions on assignments, continuing studies from home, and dropping courses.
- Residence staff to facilitate safe living arrangements to the best of our abilities;
- Student operated sexual violence services to provide peer supports;
- Human Resources to assist with any incidents relating to employees; and
- Security to assist with investigations and gathering evidence, to implement measures to reduce sexual violence on campus, and to collaborate with local police where appropriate. Information about these resources is available below; or you can use the link to go directly to the resources <http://www.torontopolice.on.ca/>.

7. How Will the College respond to a report of Sexual Violence?

Where a complaint of sexual violence have been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with the police and/or the College. In most circumstances, the person will retain this control. 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 other members of the College community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances. A report of sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the College community or in circumstances where the College is unable to initiate an internal investigation under this Policy.

7.1. Where the Respondent is a Student, Sexual violence is a violation of College's policy on Expulsion of Students. it is considered a serious offence and will be addressed in a manner which is consistent with other serious offences. Please see Policy on Expulsion from the Academy for more details on each disciplinary process.

7.2. Where the Respondent is an Employee, Sexual violence will be considered by the College as a violation of the Ontario Human Rights Code. Allegations against employees will be addressed in accordance with the procedures set out in this Policy, and in any applicable collective agreement, and/or other College policies. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

7.3. Where the Respondent is not Student or Employee Contractors, suppliers, volunteers or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct. Where a complaint against the respondent is substantiated, the College will take appropriate action. All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the Ontario Human Rights Code, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

7.4. Multiple Proceedings where criminal and/or civil proceedings are/ or civil proceedings are commenced in respect of the all the allegations of sexual violence, the College shall conduct its own independent investigation into such allegations , and will make it own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

8. Other Resources and Supports Available to You at International Building Maintenance Academy at 203-5620 Finch Avenue East Scarborough, ON M1B 1T1

9. Related Policies, Procedures and Protocols: Expulsion of Students, Code of Conduct and Policy