

SEXUAL VIOLENCE POLICY

Attention

To all students, clients, visitors, contractors, suppliers, staff, and individuals of Business and Technical Training College studying, working or visiting, Business and Technical Training College **does not** condone or tolerate any form of sexual violence.

Individuals should not violate each other in any way, and if an individual is sexually harassed, they will be protected and accommodated, and Business and Technical Training College will invoke an investigation to protect the rights of that individual and the person(s) who have committed this act of sexual harassment will be held accountable and may be prosecuted to the full extent of the law.

Sexual violence is a serious problem that needs attention and intervention throughout society and within institutions. Acts of sexual violence have a significant impact on survivors, their friends and family members, and on those who work closely with survivors as supporters, advocates and educators. Many incidents of sexual violence at their core involve an abuse of power.

Here is how Business and Technical Training College will address sexual violence.

Purpose

Business and Technical Training College is committed to combating sexual violence in all forms in its community. Sexual violence is unacceptable and will not be tolerated. Individuals and groups who commit or attempt to commit acts of sexual violence will be held accountable through a process that ensures procedural fairness. This policy makes clear this commitment to addressing sexual violence and rape culture through survivor support, awareness, education, training and prevention programs, the appropriate handling of reports or complaints of sexual violence incidents, and to fostering and promoting a culture of consent.

Application and Scope

This Sexual Violence Policy applies to all members of Business and Technical Training College:

On campus – The scope includes incidents of sexual violence where the respondent is a member of the Business and Technical Training College and which take place on college land and premises either rented or owned, or using college-owned or run property or equipment, including, but not limited to, telephones, computers and computer networks.

Off campus - the scope includes incidents of sexual violence that occur off campus where the respondent is a member of the Business and Technical Training College, and:

- a. When the incident is part of the Business and Technical Training College course or program, co-op, experiential learning or organized class activity;
- b. When the incident is part of a Business and Technical Training College event that has been defined as such, or

- c. In exceptional circumstances, when the potential consequences of the incident may adversely affect the complainant's course of learning, teaching or work at the Business and Technical Training College.

In the event that a conflict arises between the provisions of this policy and any relevant collective agreement, the terms of the collective agreement prevail.

This policy and its procedures may continue to apply even if a person's relationship with Business and Technical Training College changes or terminates. Procedures under this policy may be initiated or completed even if the respondent is no longer a Business and Technical Training College member.

Definitions

Sexual assault - Forced

An individual who is forced, manipulated, or coerced by a partner, friend or acquaintance.

Sexual Activity – Age of consent

The legal age for an individual to consent to sexual acts in Canada.

Children under the age of twelve (12) cannot legally consent to sexual acts. If an individual is sixteen (16) years or older, they can legally consent to sexual acts. Teenagers who are sixteen (16) and seventeen (17) years old can legally consent to acts with someone who is not in a position of trust or authority, including staff, instructors, trainers, etc.

Sexual Coercion

An individual who is persistent and uses unreasonable pressure on another individual for sexual activity. A person may be threatened, blackmailed, manipulated, or persuaded to perform a sexual act, but does not want to do it; this is considered to be coercion.

Sexual Consent

Individual(s) that mutually agreed to engage in sexual activities willingly, and each individual that is involved in this sexual activity or activities has the right to choose the type of sexual activity or activities, freely and at any time they can choose to stop or continue.

Each individual must be of a clear and conscious mind and must be capable of making the decision to perform sexual activity or activities and will not be influenced by any illegal substance(s), alcohol, enhancer(s) or etc. Each person involved in the sexual activity or activities must understand:

- a. If an individual does not say or communicating does not mean that they are consenting to the sexual activity or activities.
- b. If an individual cannot give their consent if they are asleep, unconscious, or not able to communicate.

- c. If an individual is being coerced, this is not voluntary and should not be misconstrued as consent to be involved in any sexual activity or activities.
- d. If an individual is willfully drugged would not be able to give consent.
- e. If an individual is influenced by alcohol and/or drugs will not be able to give consent.
- f. if an individual has a mental disability and does not fully understand the sexual activity or activities will not be able to give consent.
- g. If an individual is emotionally distressed may not be able to give consent to sexual activity or activities.
- h. If in a past relationship, individuals have given consent to sexual activity or activities, this does not mean that this consent is forever. Each time, consent should be established.
- i. An individual has the right to say no, I do not want to continue at any time during the sexual activity or activities.
- j. An individual has the right not to give consent to a person in power or authority, such as a faculty member, a staff member without any areprimands and should report them to management or someone they can trust.
- k. An individual cannot give consent on behalf of another person.

Individual(s) involved in the sexual activity or activities must always be clear and concise with their communication to each other during the sexual act(s) regarding intent to continue or not. Individuals agreeing to sexual activity or activities must be absolutely sure that the other individual(s) engaging in the sexual activity or activities are willing and are of legal age and not a minor.

Sexual Misconduct According to the Government of Canada

The term sexual misconduct is defined in the Defence Terminology Bank (DTB) as conduct of a sexual nature that can cause or cause harm to others. Sexual misconduct includes:

- a. Actions or words that devalue a person or group of persons on the basis of their sex, sexuality, sexual orientation, gender identity or expression;
- b. Jokes of a sexual nature, sexual remarks, advances of a sexual nature or verbal abuse of a sexual nature in the workplace;
- c. Harassment (DAOD 5012-0) of a sexual nature, including initiation rites of a sexual nature;
- d. Viewing, accessing, distributing or displaying sexually explicit material in the workplace; and
- e. Any *Criminal Code* offence of a sexual nature, such as:

1. Surreptitiously observing or recording a person in a place where the person could expose his or her genital organs or anal region or her breasts or could be engaged in explicit sexual activity, or distributing such a recording (voyeurism: section 162 of the *Criminal Code*);
2. Publishing, distributing, transmitting, selling or making available an intimate image of another person - i.e., a visual recording in which the person depicted is nude, exposing genital organs, anal region or breasts, or engaged in explicit sexual activity - without their consent (publication of an intimate image without consent: section 162.1 of the *Criminal Code*);
3. Engaging in any kind of sexual activity with another person without their consent (sexual assault: section 271 of the *Criminal Code*);
4. Engaging in any kind of sexual activity with another person who is incapable of consenting, for example, due to intoxication (sexual assault: section 271 of the *Criminal Code*); and
5. Engaging in any kind of sexual activity with another person by inducing that person to agree to the sexual activity through abuse of a position of trust, power or authority by virtue of rank or position (sexual assault: section 271 of the *Criminal Code*).

Sexual misconduct can be addressed through the application of administrative measures, through the military justice system by charging an individual with a service offence, or, in the case of behaviour that is also captured in the *Criminal Code*, through the civilian criminal justice system.

Sexual Assault by using Alcohol or Drugs

Individuals who use alcohol and/or drugs, prescription or non-prescription, cannabis, or any enhanced drugs to control, overpower, or subdue a victim for purposes of sexual assault.

Indecent exposure

Individual(s) who expose their private or intimate parts of the body in a vulgar manner to anyone.

Sexual Assault and Sexual Violence

Sexual assault

The *Criminal Code* of Canada deemed sexual assault a criminal offence and can be prosecuted.

Sexual assault is an act in which an individual(s) intentionally sexually touches or penetrates other individual(s) without their consent or the individual(s) are being coerced to engage in sexual activity or activities against their will.

Sexual violence

Sexual violence is a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality.

Sexual violence takes different forms and can include:

- a. Sexual Abuse
- b. Sexual Assault
- c. Rape
- d. Incest
- e. Childhood Sexual Abuse
- f. Rape During Armed Conflict
- g. Sexual Harassment
- h. Stalking
- i. Indecent or Sexualized Exposure
- j. Degrading Sexual Imagery
- k. Voyeurism
- l. Cyber Harassment
- m. Trafficking
- n. Sexual Exploitation

a. Sexual Exploitation (*Criminal Code (R.S.C., 1985, c. C-46)*)

153 (1) Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who

1. for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or
2. for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.

Sexual harassment

Under the Ontario Human Rights Code, sexual harassment is considered to be discrimination based on sex.

Harassment means comments or actions that are not welcome or should be known to be unwelcome. It is behaviour that offends, insults or humiliates another individual(s). Harassment is often a pattern of behaviour(s) that occurs over a period of time, but can also be a serious one-time incident.

Sexual harassment is based on your sex, sexual orientation, gender identity or gender expression; the Ontario Human Rights Code will apply for resolution.

Sexual harassment can include:

- a. unwanted touching
- b. asking for sex in exchange for something, like a job promotion
- c. asking for dates and not taking “no” for an answer
- d. making insulting comments that stereotype girls, women, boys or men
- e. posting or sharing sexual pictures including on the internet
- f. making sexual jokes
- g. bullying someone based on their sex or gender
- h. spreading sexual rumours or gossip, including online and social medias

Stalking

It is **criminal harassment** for an individual(s) to repeatedly follow or contact or engage in threatening or reckless behaviour to other individual(s), making them afraid or targeting their mental or emotional health.

These harassments can be performed through communication, including telephone, emails, person(s)-to-person(s), social media or through other individuals.

Survivor

An individual or individuals who have experienced sexual violence and will be considered a victim may also choose not to be identified because they may think that they have overcome this experience, and they will consider themselves a survivor. However, individuals do have the right to determine how they want to be identified.

Voyeurism: According to the Government of Canada Criminal Code (R.S.C., 1985, c. C-46)

- a. **162 (1)** Every one commits an offence who, surreptitiously, observes — including by mechanical or electronic means, or makes a visual recording of a person who is in circumstances that give rise to a reasonable expectation of privacy, if
 1. the person is in a place in which a person can reasonably be expected to be nude, to expose his or her genital organs or anal region or her breasts, or to be engaged in explicit sexual activity;
 2. the person is nude, is exposing his or her genital organs or anal region or her breasts, or is engaged in explicit sexual activity, and the observation or recording is done for the purpose of observing or recording a person in such a state or engaged in such an activity; or
 3. the observation or recording is done for a sexual purpose.

Vulnerable Person

Vulnerable individual(s) depend on other individual(s) because they may be disabled or individuals with emotional challenges, and children. These individuals can be harmed by an individual(s) that they trust or have authority over them.

Respondent

A person(s) against whom a complaint is being made.

Business and Technical Training College's Sexual Harassment Policy

a. General

1. Business and Technical Training College is committed to providing students, administrative and management, clients and customers, and visitors with an environment where they can feel safe from sexual violence. We make every effort to prevent sexual violence against anyone entering the Business and Technical Training College premises or associated with Business and Technical Training College, and to provide a confidential and safe space for any individual who survives or is affected by sexual violence.
2. At Business and Technical Training College, we encourage any individual(s) who has experienced sexual violence to report the incident to us, knowing that this report will be kept in the strictest confidence to protect the individual's identity and privacy. We promise that we do not condone sexual violence and therefore would investigate the incident thoroughly.
3. Experiencing sexual violence between individual(s) is traumatic. According to the Ontario Human Rights Code, anyone can experience sexual violence regardless of sexual orientation or if they are in a relationship. Individual(s) who have experienced sexual violence may suffer emotionally and mentally, and or academically, and may have other challenges.
4. Individual(s) who have reported that they were sexually assaulted or harassed will be:
 - i. Provided with care, compassion and understanding.
 - ii. Provided with privacy, communication will be kept confidential.
 - iii. Provided with support information, including counselling and medical care, legal options, and related academic relief.
 - iv. Provided with appropriate procedures for a due process investigation resulting in a fair decision.

b. Reporting and responding to sexual violence

1. At Business and Technical Training College, we encourage all individuals who have suffered sexual violence to report it right away. Below is the section, **Protocol to Report Sexual Violence**.
 - i. Any individual(s), that are related to Business and Technical Training College such as students, staff, customers, and or visitors who have witnessed or who has knowledge of sexual violence against another student, staff, customers, and or visitors related to Business and Technical Training College, should report this information as set out in the **Protocol to Report Sexual Violence**, see below.

ii. Business and Technical Training College management will start to investigate the report immediately, responding to the sexual violence allegation or trying to prevent sexual violence from occurring.

iii. If Business and Technical Training College has learned about a sexual violence incident or threat of sexual violence, Business and Technical Training College will take all steps necessary to protect its students, staff, customers and visitors. Information will be distributed among Business and Technical Training College staff so that sexual violence cannot continue, and caution will be issued to all until the perpetrator is apprehended.

iv. 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 Ontario Career College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred;

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

c. Business and Technical Training College Complaint procedure and the investigation process

1. Any individuals related to Business and Technical Training College, including students, customers, staff and or visitors, have the right to file a complaint of sexual assault or any other kind of sexual violence. They can follow the **Protocol to Report Sexual Violence**, or they can ask a member of the Business and Technical Training College administration to assist them. All information provided to the Business and Technical Training College administration will be confidential, and their identity will be kept private at all times.

2. All investigations are done with caution and treat the individual(s) who are accused as alleged until proven guilty. They would be given time and information to respond to the allegation.

3. Individual(s) that making the report can withdraw the report anytime during the investigation. If Business and Technical Training College determines that the investigation is still warranted may continue to protect its students, customers, staff and or visitors.

d. Protection from reprisals, retaliation or threats

1. It is contrary to this Policy for anyone to retaliate, engage in reprisals, or threaten to retaliate against a complainant or other individual for:

i. Having pursued rights under this Policy or the *Ontario Human Rights Code*

ii. Having participated or cooperated in an investigation under this Policy or the *Ontario Human Rights Code* or

iii. Having been associated with someone who has pursued rights under this Policy or the *Ontario Human Rights Code*.

2. Business and Technical Training College, in good faith, will take steps to protect individuals from any reprisals, retaliation, and threats. Individuals involved will be communicated to in writing, outlining that if they retaliate, they could be prosecuted to the full extent of the law.

e. Complaints without merit or frivolous

1. Individual(s) who report sexual violence should have evidence to back it up. After the due process investigation, if it is found that the report was filed falsely or without merit, or made to embarrass the accuse then sanctions and/or disciplinary action will be taken against the individual(s) reporting the sexual violence.

f. Business and Technical Training College is Committed to Confidentiality

1. All reports of individual(s) who have reported sex violence will not be made public. All names in the report, including the individual(s) filing the report or the accused, will be kept confidential, and the information will only be privy to persons involved. Risking confidentiality may happen under certain circumstances, such as:

- If an individual wants to harm themselves or others.

2. Names may be released to authorized service professionals to ensure that no one would be harm but information will still be in strictest confidence. If the public is at risk, then the authorized services may choose to release pertinent information as necessary.

Protocol to Report Sexual Violence

1. Individual(s) reporting sexual violence, including students, customers, staff and visitors.

i. Please know that you can contact Priyanka Sahni, Business and Technical Training College Campus Manager, with confidence:

- E-mail: psahni@bttcollege.com
- Telephone: (647) 963-3567

ii. If individuals feel more comfortable contacting an authorized authority, such as:

- Police: 911
- Humber River Hospital: (416) 242-1000

iii. At Business and Technical Training College, we believe that individual(s) who have been sexually assaulted or have been affected by sexual violence has the right to:

- Report their incident confidentially, knowing that they will be treated with dignity and gentleness.
- Report their incident and know that the person taking the report can be trusted.
- Contact authorized professionals such as the police,
- Have a due process investigation with the Business and Technical Training College, with full cooperation
- To be safe, the administration of Business and Technical Training College can advise.

g. Witnessing sexual violence

1. It is everyone's responsibility to report any sexual violence if they have witnessed it to the proper authority. However, if the individual(s) who are committing sexual violence are within the Business and Technical Training College, you can report this incident to Priyanka Sahni, Business and Technical Training College Campus Manager:

- i. E-mail: psahni@bttcollege.com
- ii. Telephone: (647) 963-3567

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

- i. www.Good2Talk.ca or 1.866.925.5454
- ii. Call the police or emergency services at 911.

h. You don't have to file a complaint.

1. Individual(s) who are affected by sexual violence are not required or will not be forced to file a sexual assault report or complaint, but will receive support, services, accommodations, and academic considerations through Business and Technical Training College's administration and Priyanka Sahni, Business and Technical Training College Campus Manager. Accommodation(s) will be given to each individual, as needed, and on a case-by-case basis.

2. All information will be kept confidential, and the person's identity will be kept private. If an individual wants to report sexual violence, the Business and Technical Training College administrative personnel can assist them to file the report; information will always be kept confidential and private.

3. Individual(s) who report they were sexually harassed may want to press charges under the Ontario Criminal Code. The Business and Technical Training College administrative personnel can assist you with contacting the local police.

i. Business and Technical Training College is collaborating with individuals who have experienced or been affected by sexual violence

1. It is the intention of the Business and Technical Training College to communicate with individual(s) who have experienced sexual violence in a sensitive and timely manner, and if the individual(s) consent to inform their immediate family, it should be with caution, privacy and sensitivity. This collaboration will be done as follows:

- i. Priyanka Sahni will ensure that the information disclosed is handled with the utmost respect and compassion.
- ii. Ensure that information flowing will be kept in confidence
- iii. Make sure that all information is updated as necessary

j. Business and Technical Training College's Roles and Responsibilities

1. Although Priyanka Sahni, Business and Technical Training College Campus Manager, will be handling the sexual violence incidents, other administrative staff may be involved as needed capacity:
 - i. Administrative staff may provide information for services such as emotional support, safety planning, and medical services
 - ii. Academic accommodations may be needed from Business and Technical Training College faculty.
 - iii. Administrative staff to assist with due process investigation: gathering evidence, implementing measures to reduce sexual violence on campus, and collaborating with local police where appropriate.

k. Business and Technical Training College respond to a report of sexual violence?

1. Individual(s) reporting sexual violence rights will be protected. Also, the rights of the accused will be protected. The individual(s) who reported the sexual violence may choose to work with Business and Technical Training College or with the police.
2. We encourage individual(s) who experienced sexual violence to report the incident to either Business and Technical Training College or the police. However, it is their right to choose not to be a part of the investigation. These individual(s) names will be protected, but if, in certain circumstances, the students, customers, staff, and visitors could be harmed, without consent, their names could be given to these authorities.
3. If Business and Technical Training College determines that a due process investigation cannot be done under this policy, they may refer it to the police or to other community resources, with the complainant's consent.

Investigation

Business and Technical Training College will investigate all sexual violence in accordance with this Policy, and it will determine a satisfactory outcome. If the police are investigating the incident, then Business and Technical Training College will give its full cooperation.

a. Procedural fairness

1. As the Business and Technical Training College determines a satisfactory outcome using this Protocol, individuals affected by this outcome can discuss the decision and can participate in whole or in part in the information gathered. However, participants in this investigation have the right to an appeal and to be heard. All communication will be in writing, and all information that was used to form the decision will be included.
2. Business and Technical Training College wants to protect the survivor(s) at all times and may consider a fair and proper way of providing the information to persons who are not satisfied with the outcome.
3. Business and Technical Training College has the right to keep the preliminary information at the beginning of the due process investigation.

b. Individual(s) support and representation

1. Complainants and respondents may attend meetings with a single, non-participating support person.
2. Business and Technical Training College will determine if legal representation is required while discussing the sexual violence incident with accuser and the accuse. If needed, other representation or authorities may be needed at the discretion of the accuser and accuse.
3. Business and Technical Training College has the right to question individual(s) who is part of this complaint, answers may be needed from the individuals directly and not the representative.

c. Interim measures

1. If the accused is a student, they may be restricted by Business and Technical Training College, such as not being allowed on Business and Technical Training College premises at 1280 Finch Ave West, Suite 411, North York or the accused may not be able to attend classes while the investigation is conducted.
2. If the accused is a Business and Technical Training College staff member, Business and Technical Training College may suspend their employment, and they may not be allowed on Business and Technical Training College premises at 1280 Finch Ave West, Suite 411, North York, while the investigation is conducted.
3. If the accused is a Business and Technical Training College customer or visitor, they may be restricted by Business and Technical Training College, such as not being allowed on Business and Technical Training College premises at 1280 Finch Ave West, Suite 411, North York, while the investigation is conducted.
4. All suspensions and restrictions are not considered a punishment and might be imposed immediately.

d. Consequences

1. After the due process investigation, Business and Technical Training College will determine if the allegation establishes sexual violence or another form of misconduct.
2. If Business and Technical Training College determines, through the investigation, that the alleged incident establishes truth, Business and Technical Training College will impose the punishment accordingly:
 - i. If the accused is a student, they may be disciplined and could be dismissed from Business and Technical Training College. However, if the incident is determined to be punitive, then the student could be facing prosecution.
 - ii. If the accused is a staff member, that staff member may be disciplined and could be released from his/her employment. However, if the incident is determined to be punitive, then the staff could face prosecution.
 - iii. If the accused is a customer, and or a visitor, they could be penalized, and whatever their purpose to be at Business and Technical Training College may be null and void. However, if the incident is determined to be punitive, then the customer, and or visitor could be facing prosecution.
 - iv. Business and Technical Training College will offer external services to those affected by sexual violence, including counselling and Legal Aid.

e. Business and Technical Training College Written decision

1. All parties that are involved in the sexual violence complaint will be informed in writing the results of the investigation.
2. As a result of the investigation, Business and Technical Training College will include any corrective measures it will take to help prevent future sexual violence issues or what Business and Technical Training College will need to implement to keep its students, staff, customers and visitors safe.

Appeal Process

a. When the Individual Appealing is a Business and Technical Training College Employee

In the case of an employee who is a member of our institution, the right to appeal the decision is with the grievance and arbitration process of the applicable collective agreement.

b. When the Individual Appealing is a Business and Technical Training College Student

1. Who Reviews and Decides Appeals?

Findings, measures, remedies, and sanctions may be appealed to a Campus Manager (or similar position) of the Business and Technical Training College or a representative person.

2. Submission of an Appeal

A complainant or respondent wishing to appeal a finding or a remedy/sanction in a case shall submit to the Campus Manager a written request for appeal and an explanation of the basis for the request, within 10 days of communication of the original decision.

3. Grounds for Appeal

The Campus Manager or similar position will consider appeals based on the following grounds:

- i. Whether there was a substantial procedural error in the application of the policy
- ii. Whether there is new evidence that could not have reasonably been presented earlier
- iii. Whether the decision maker's finding is consistent with the evidence
- iv. Whether the remedy/sanction is reasonable in the circumstances

4. Appeal Review Process

If an appeal is filed by one party, other parties to the case will be notified that an appeal has been submitted. They will also be invited to make a written submission for consideration in the review of the appeal. In deciding on the appeal, the Campus Manager will review the investigation file, the original findings and remedies/sanctions determined by the decision maker and any other relevant documents or information. The Campus Manager or similar position may also interview the parties. The Campus Manager or similar position will communicate the findings of their review in writing to all parties, normally within 15 days of commencement of the review.

A decision of the Campus Manager or similar position is final with respect to the options available within the college. Where applicable, any party not satisfied with the decision may pursue external avenues for redress.

5. Other

Where the individual appealing is neither a Business and Technical Training College student nor a Business and Technical Training College employee, Findings, measures, remedies and sanctions may be appealed to a Campus Manager or similar position of the college, and the processes in a apply.

Emergency Support

Yellow Brick House

24 Hour Crisis Line: Text or Call Toll-Free: 1-800-263-3247 or info@yellowbrickhouse.org

Barbra Schlifer Clinic Transitional Housing Support

Telephone: (647) 365-5777 or info@schliferclinic.com

Medical advice – Free Service Telehealth

Telephone: 1(866) 797-0000

TTY 1866.392.3777

Website: <http://www.health.gov.on.ca/en/>

For mental health Gerstein Centre

Telephone: 416-929-5200

Related Materials

- [Criminal Code of Canada](#)
- [Ontario Human Rights Code](#)