

SEXUAL VIOLENCE AND SEXUAL HARASSMENT PREVENTION POLICY

Approval Authority: SPAO Board of Directors and Executive Director

Date of Policy Approval: April 4, 2017

1. Purpose

All SPAO students have a right to study and work in an environment free of sexual violence. SPAO is committed to providing SPAO students with an educational environment free from sexual violence and treating those students who report incidents of sexual violence with dignity and respect.

This Policy sets SPAO's statement of values and commitments to address sexual violence. It defines prohibited behaviours, and outlines SPAO's investigative processes for dealing with sexual violence incidents and complaints.

2. Application

This Policy applies to all students, volunteers, faculty and staff of SPAO.

The Policy applies to all incidents of sexual violence that have occurred, or are alleged to have occurred, on the SPAO campus or at a one of SPAO's events and involve SPAO students, faculty and staff.

3. Definitions

"Sexual violence" means 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 person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

"Sexual Harassment" means one or a series of comment(s) or conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, or hostile. This may include but is not limited to: demeaning gestures, remarks and jokes, slurs, taunting, innuendo based on gender, unwanted physical contact, leering, unwelcome comments about clothing, physical characteristics or activities, unwanted questions or comments about one's private life, sexual orientation, marital or family status, the display of sexually offensive material, solicitation, unwanted attention, implied or expressed promise of reward or

benefit in return for sexual favours, implied or expressed threat or act of reprisal if sexual favours are not given. (Sexual assault is an offense under the Criminal Code).

4. Reporting and Responding to Sexual Violence

Students, faculty and staff of SPAO will take all reasonable steps to prevent sexual violence involving SPAO students on SPAO's career college campus or events by reporting immediately to the SPAO Administrative office if any SPAO students have been subject to, or they have witnessed or have knowledge of sexual violence involving SPAO students, or have reason to believe that sexual violence has occurred or may occur which involves SPAO students.

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

- A. responding promptly to any report or complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- B. assisting students who have experienced sexual violence in obtaining counselling and medical care, as needed;
- C. providing students who have experienced sexual violence with appropriate academic and other accommodation and identify the specific official, office or department that should be contacted to obtain such accommodations.

It should be noted that:

- A. 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 private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred;
- B. 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 private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

The SPAO Administrative Office is responsible for handling all reports of sexual violence involving a SPAO student in a non-emergency situation. A staff member in the SPAO Administrative Office will provide information about available support and services, including information about interim measures that may be available to address the immediate situation and is the point of contact for a person affected by sexual violence to obtain academic, employment or other accommodations.

The SPAO Administrative office can be reached at admin@spao.ca, or by calling 613 562 3824.

A complainant seeking accommodation should contact the SPAO Administrative Office.

5. Confidentiality

- A. Reports of sexual violence to the School will be treated in a confidential manner and in accordance with relevant statutes when relevant.
- B. All SPAO students, staff and faculty who receive a report of sexual violence or who are involved in addressing or investigating it must keep the matter confidential in order to safeguard individuals against unsubstantiated allegations, to protect the rights of those involved in the allegations and prevent an unjustified invasion of their personal privacy and to preserve the integrity of the investigation.
- C. SPAO will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence and will limit disclosure of information about individuals to those within SPAO who need to know for the purposes of, or those consistent with, addressing the situation, investigating or taking corrective action. Under the following circumstances, however, SPAO might face additional legal obligations and may not be able to guarantee complete confidentiality if:
 - i. an individual is at risk of self-harm;
 - ii. an individual is at risk of harming an identified individual;
 - iii. SPAO students, staff or faculty or members of the broader community may be at risk of harm; and/or
 - iv. reporting or investigation is required by law (the following examples are not meant to be exhaustive: an incident involving a minor or obligations related to occupational health and safety or to human rights legislation).
- D. SPAO recognizes that a survivor or other person may request that the school not act on a report of sexual violence. However, in certain circumstances, SPAO may be required by law or its internal policies 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.
- E. Confidentiality of information disclosed at any time pursuant to this Policy is to be maintained to the extent possible, consistent with SPAO's need to respond appropriately to the situation and to the safety of members of the SPAO community. This means that information about the situation may be disclosed as provided for in this Policy only to those who need to know in order to investigate and/or address the formal complaint. Where possible, the person filing a formal complaint will be consulted before any disclosure of information is made and will be informed of any decision to disclose and to whom it was disclosed.

6. Investigating Reports and Complaints of Sexual Violence

A report or complaint of sexual violence may be filed under this Policy, by any SPAO student, staff or faculty, to the SPAO Administrative office. A complainant may ask

another person to be present during the investigation. Upon a complaint of alleged sexual violence being made, the SPAO Administrative office will initiate an investigation, including as follows:

- A. determining whether the incident should be referred immediately to police;
- B. determining what interim measures, if any, need to be taken during the investigation;
- C. 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;
- D. interviewing the complainant, any person involved in the incident and any identified witnesses;
- E. interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- F. informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- G. providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- H. determining what disciplinary action, if any, should be taken.

7. Disciplinary Measures

If it is determined by SPAO that a student has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of instructors or staff or expulsion of a student.

In cases where criminal proceedings are initiated, SPAO will assist police agencies, lawyers, insurance companies, and courts to the fullest extent. Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence SPAO may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

8. Making False Statements

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence 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.

9. Reprisal

It is a violation of this Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

10. Review

This policy will be reviewed as often as necessary, but at least once every 3 years.

11. Collection of Student Data

SPAO shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to subsections 32(8), (9) and (10) of the Private Career Colleges Act, 2005, as amended from time to time.

Consistent with the Confidentiality provisions above, SPAO shall take reasonable steps to ensure that information provided to the Superintendent does not disclose personal information within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, 2016, as amended from time to time.

12. Publication and Distribution

SPAO will provide a copy of this Policy to all SPAO students, faculty and staff. A copy of this Policy will also be posted on SPAO's website.

13. Community Support

The Sexual Assault Support Centre of Ottawa- <https://sascottawa.com>
We support all women: immigrant, indigenous, LGBTQ+, diversely abled, women of colour, trans women, survivors of war & torture.
Our Support Line is also Confidential and Free to use.
Call us at (613) 234-2266.

The Ottawa Hospital - Sexual Assault & Partner Abuse Care Program 613-798-5555
ext. 13770 www.ottawahospital.on.ca

Ottawa Police Services - Sexual Abuse & Child Abuse Unit 613-236-1222, poste 5944
www.ottawapolice.ca

CALACS francophone d'Ottawa 613-789-8096 www.calacs.ca

Ottawa Rape Crisis Centre 613-562-2333 www.orcc.net