



Sexual Violence and Harassment Policy

Introduction

HiMark continues to be committed to providing a learning environment that is free from Sexual Violence and Harassment, and in which all individuals are treated with respect and dignity. We will comply with and enforce federal and provincial laws that prohibit sexual violence and harassment. HiMark will provide support and assistance to those students who have experienced Sexual Violence and or Harassment, as well as working with those students to access the supports and resources available.

The purpose of this policy is to address sexual violence among students enrolled at HiMark. And to set out the process for how HiMark will respond to and address complaints and incidents of sexual violence and harassment. It will also include information about who to contact at HiMark concerning incidents of sexual violence and how to access supports, services and accommodations that are available in the community.

Rick Adams

Vice President

Sexual Violence and Harassment Policy

This policy applies to all members of the HiMark Occupational Skills Training Centre Ltd. (HiMark) community including all staff, students, contractors and visitors.

1. Purpose and Intent

All members of the HiMark community have a right to work and study in an environment free from any form of sexual violence. This document sets out our policy and response protocol to sexual violence. It also ensures that those who have experienced sexual violence or harassment are assisted in a respectful way, and that there will be an investigation holding those found to have committed an act of sexual violence accountable.

2. Policy

HiMark is committed to reducing sexual violence and creating a safe space for anyone who has experienced sexual violence. It is to be expected that HiMark is a safe and positive place where everyone is able to work and learn in an environment free from sexual violence.

All reported incidents of sexual violence will be investigated to the best of HiMark's ability while respecting the person making a complaints desire to file a formal complaint, or not, and that persons' willingness participation in the investigation.

Where a complaint has been made under this policy of sexual violence HiMark will be committed to:

- 2.1. assisting those who have experienced sexual violence by providing detailed information and support, including provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation;
- 2.2. 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;
- 2.3. treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests;
- 2.4. 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;
- 2.5. engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with HiMark policies and standards, and that ensure fairness and due process;
- 2.6. engaging in public education and prevention activities;
- 2.7. providing information to the HiMark community about sexual violence on campus;
- 2.8. providing appropriate education and training to the College community about responding to the disclosure of sexual violence;
- 2.9. contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and,
- 2.10. monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

3. Definition of Sexual Violence *"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.*

4. Reporting and Responding to Sexual Violence

- 4.1. Students and staff of HiMark will take all reasonable steps to prevent sexual violence involving our students on our campuses or events by reporting immediately to the Vice President, (or in his/her absence, the next senior staff available) if our students have been subject to, or they have witnessed or have knowledge of sexual violence involving our students, or have reason to believe that sexual violence has occurred or may occur which involves our students.
- 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 HiMark becomes aware of incidents of sexual violence by a member of the HiMark community or against a student of the HiMark, which occur on or off HiMark property and that pose a risk to the safety of members of the HiMark community, HiMark shall take all reasonable steps to ensure the safety of the HiMark community.
- 4.4. Subject to section 5 below, to the extent it is possible, the Vice President will attempt to keep all information disclosed confidential except in those circumstances 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 our campus or the broader community are at risk.
- 4.5. HiMark recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, HiMark 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.
- 4.6. Students are not required to report an incident or make a complaint of sexual violence as outlined in section 5 in order to obtain the supports outlined in annex A, or the accommodations referred to in section 13.

5. Complaint and Investigation Process:

A complaint of sexual violence may be filed under this Policy, by any student of our career college, to the Vice President in writing.

A person making a complaint, has the right to have another person present during the reporting and or the investigation.

A victim may choose to not request an investigation by HiMark, and has the right to not participate in any investigation that may occur.

Upon a complaint of sexual violence being made, the Vice President will initiate an investigation as follows;

- 5.1. determining whether the incident should be referred immediately to police;
- 5.2. determining whether immediate medical attention is required
- 5.3. determining what interim measures, if any, need to be taken during the investigation
- 5.4. 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;
- 5.5. interviewing the complainant, any person involved in the incident and any identified witnesses;
- 5.6. interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- 5.7. informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- 5.8. providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- 5.9. determining what disciplinary action, if any, should be taken.

- 6. Procedural Fairness**
HiMark will treat both the person disclosing the sexual assault and the respondent equally with respect and confidentiality throughout the entire process.
- 7. Disciplinary Measures**
If it is determined by HiMark that a student of our career college 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, HiMark will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.
- 8. Appeals of Decisions**
All parties to a complaint of sexual violence will have the right to appeal in writing to the Vice President regarding any decision made or action taken. Upon receipt of an appeal the Vice President will reply in writing to the individual appealing, to indicate the receipt of the appeal and the fact that the decisions will be reviewed. The Vice president will then consult with the President to determine the final outcome. This final decision will then be communicated in writing to the person appealing.
- 9. Right to Withdraw a Complaint**
A complainant has the right to withdraw a complaint at any stage of the process. However, HiMark 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.
- 10. 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. Students making a complaint shall be protected from reprisal; by taking advantage of any of the accommodations referred to in section 13, obtaining an escort to their car or other mode of transportation.
- 11. Review and Reporting**
This policy will be reviewed annually in conjunction with all other policies.
HiMark shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Schedule 5 of the Private Career Colleges Act, 2005 as amended.
- 12. Supports and Services**
A list of supports and services available to the survivor can be found in appendix A.
- 13. Accommodations**
HiMark will accommodate the survivor's needs where possible such as; transfer of the survivor to another class during the investigation. Transfer of survivor to another course or to another campus.
- 14. Unsubstantiated 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 and no record of it will be placed in the complainant's or respondent's file. However, disclosures or complaints that are made to purposely annoy, embarrass or harm the respondent are considered frivolous, vexatious, or bad faith complaints and may result in sanctions against the complainant and/or discipline.

APPENDIX A – SEXUAL ASSAULT CENTRES AND HELPLINES

What can I do if I'm being sexually harassed?

If you are in danger call 911 immediately

Know your rights by visiting the following website:

http://www.ohrc.on.ca/en/news_centre/sexual-harassment-and-ontario-human-rights-code

E-Mail: info@ohrc.on.ca

Human Rights Legal Support Centre

Telephone: 1-800-387-9080

TTY: 416-326-0603 or Toll Free: 1-800-308-5561

Ministry of Labour Health & Safety Contact Centre

Report workplace harassment or violence through the Occupational Health and Safety Act:

Toll-free: 1-877-202-0008

TTY: 1-855-653-9260

Fax: 905-577-1316

Helplines:

Victim Support Line

This province-wide, multilingual, toll-free information line provides a range of services to victims of crime, including information and referrals to support services in the community.

www.attorneygeneral.jus.gov.on.ca/english/about/vw/vsl.asp

1-888-579-2888 or 416-314-2447

Assaulted Women's Helpline

The Assaulted Women's Helpline provides crisis counselling, safety planning, emotional support, information and referrals, accessible 24x7.

www.awhl.org

1-866-863-0511

TTY: 416-364-8762

The Chrysalis Network

The Chrysalis Network offers a free, confidential telephone trauma counselling service across Canada to women, men, and youth who have been trafficked or exploited for the purposes of commercial sex or forced labour.

www.chrysalisnetwork.org

1-866-528-7109

Sexual Assault Centres

HiMark has a large list of help centres on file. You can contact HiMark at 1-877-444-6275 for a more detailed list or refer to the list below for a shorter list of sexual assault centres located across all of Ontario.

Short List of Help Centres Across Ontario:

Region in Ontario	Sexual Assault Centre	24-hr Crisis Line	Office Phone
Algoma (Sault Ste.Marie)	Women in Crisis Algoma	1-877-759-1230	705-759-1230
Belleville-Quinte	Sexual Assault Centre for Quinte & District	1-877-544-6424	613-967-6300
Brant	Sexual Assault Centre of Brant	519-751-3471	519-751-1164
Bruce County	Women's House Serving Bruce and Grey: Sexual Assault Services	1-866-578-5566	519-372-1113
Chatham-Kent	Chatham-Kent Sexual Assault Crisis Centre	519-354-8688	519-354-8908
Cornwall	Sexual Assault Support Services for Women, Cornwall	English: 613-932-1603 French: 613-932-1705	613-932-1755
Durham	Durham Rape Crisis Centre	905-668-9200	905-444-9672
East Algoma (Elliot Lake)	Counselling Centre of East Algoma	1-800-721-0077	705-848-2585
Guelph-Wellington	Guelph-Wellington Women in Crisis	519-836-5710 1-800-265-7233	519-836-1110
Halton (Oakville)	Sexual Assault & Violence Intervention Services of Halton	905-875-1555	906-825-3622
Hamilton	Sexual Assault Centre Hamilton & Area (SACHA)	905-525-4162	905-525-4573
Kawartha (Peterborough & Area)	Kawartha Sexual Assault Centre	705-741-0260	705-748-5901
Kenora	Kenora Sexual Assault Centre	807-468-7233 1-800-565-6161	807-468-7958
Kingston	Sexual Assault Centre Kingston	613-544-6424 1-877-544-6424	613-545-0762
Waterloo	Sexual Assault Support Centre of Waterloo Region	519-741-8633	519-571-0121
London-Middlesex	Sexual Assault Centre London	519-438-2272 1-877-529-2272	519-439-0844
Muskoka Parry Sound	Muskoka Parry Sound Sexual Assault Services	1-800-461-2929	Parry Sound: 705-774-9083 Toll free: 1-877-851-6662 Muskoka: 1 877 406-1268
Niagara	Niagara Region Sexual Assault Centre	905-682-4584	905-682-7258
Nipissing	Amelia Rising Sexual Assault Centre of Nipissing	705-476-3355	705-840-2403
Oshawa-Durham	Oshawa-Durham Rape Crisis Centre	905-668-9200	905-444-9672
Ottawa SASC	Sexual Assault Support Centre of Ottawa	613-234-2266	613-725-2160
Ottawa RCC	Ottawa Rape Crisis Centre	613-562-2333	613-562-2334
Peel	Hope 24/7: Sexual Assault Centre of Peel	1-800-810-0180	905-792-0821
Renfrew	Women's Sexual Assault Centre of Renfrew County	1-800-663-3060	613-735 – 5551
Sarnia-Lambton	Sexual Assault Survivors' Centre Sarnia-Lambton	519-337-3320	519-337-3154
Simcoe	Athena's Sexual Assault Services	705-737-2008 1-800-987-0799	705-737-2884
Sudbury	Voices for Women Sudbury		705-523-7100 Ext. 2647
Thunder Bay	Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre	807-344-4502	807-345-0894
Timmins	Timmins and Area Women in Crisis	1-877-268-8380	705-268-8381
Toronto	Toronto Rape Crisis Centre	416-597-8808	416-597-1171
Windsor-Essex	Sexual Assault Crisis Centre of Essex County	519-253-9667	519-253-3100
York	Women's Support Network of York Region	1-800-263-6734 905-895-7313	905-895-3646