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Sexual Violence Procedure for Students

1. Policy Application

The Policy applies to all Career College students, faculty, employees, visitors, and volunteers of KnowledgeSurge Institute Inc., hereafter referred to as the College Community.

2. The Scope

The Policy applies to complaints of sexual violence that have occurred on KnowledgeSurge Institute Inc. campus or at a one of our events and involve anyone in the College Community. KnowledgeSurge Institute Inc. will not tolerate any form of physical, sexual, emotional, verbal, or psychological abuse, nor any form of neglect or harassment.

3. Purpose and Intent

All of KnowledgeSurge Institute Inc. our College Community has a right to an environment free of all types of harassment, abuse and violence.

The purpose of this policy is:

- a) To maintain an environment that is free from harassment or abuse.
- b) To identify the behaviours that are unacceptable.
- c) To establish a mechanism for receiving complaints.
- d) To establish a procedure to deal with complaints

4. Policy Objectives

KnowledgeSurge Institute Inc. Technology is committed to providing our College Community with an educational environment free from sexual violence and treating those who report incidents of sexual violence with dignity and respect.

To that end KnowledgeSurge Institute Inc. will provide a copy of the policy in a public forum, and educate our College Community about this Policy and how to identify situations that involve, or could progress into sexual violence against our College Community and how to reduce it.

Where a complaint has been made, under this Policy, of sexual violence KnowledgeSurge Institute Inc. will take all reasonable steps to investigate it, including as follows:

- 1. Providing on-campus investigation procedures to our College Community for sexual violence complaints;
- 2. Responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;



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3. Assisting anyone who has experienced sexual violence in obtaining counselling and medical care;
4. Providing anyone who has experienced sexual violence with appropriate academic and other accommodation; and
5. Providing anyone who has experienced sexual violence with information about reporting options as set out in Appendix 1.

5. Definitions:

Physical Abuse

Defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.

Sexual Abuse

Defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.

Emotional Abuse

Defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, blaming.

Verbal Abuse

Defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs.

Psychological Abuse

Defined as but not limited to communication of an abusive nature, sarcasm, exploitive behaviour, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.

Neglect

Defined as but not limited to any behaviour that leads to a failure to provide services which are necessary such as withdrawing basic necessities as forms of punishment, failing to assess and respond to changes in health status and refusing or withdrawing physical or emotional support.

Harassment



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Defined as but not limited to any unwanted physical or verbal conduct that offends or humiliates, including gender-based harassment. It can be a single incident or several incidents over time. It includes threats, intimidation, display of racism, sexism, unnecessary physical contact, suggestive remarks or gestures, offensive pictures or jokes. Harassment will be considered to have taken place if a reasonable person ought to have known that the behaviour was unwelcome.

Sexual Violence

This Policy prohibits sexual violence means any sexual act or act targeting a person's sexuality, gender identity, or gender expression that is committed, threatened, or attempted without consent. This includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation as defined by the applicable laws.

6. Reporting and Responding to Sexual Violence

Everyone in the College Community of KnowledgeSurge Institute Inc. will take all reasonable steps to prevent sexual violence on our Career College campus or events by reporting immediately to the Commercials Program Manager, Director of Operations, **OR** Chief Operating Officer, if anyone has been subject to, or they have witnessed or have knowledge of sexual violence or have reason to believe that sexual violence has occurred or may occur which involves anyone in our College Community.

Subject to paragraph 7 below, to the extent it is possible, the Commercial Program Manager 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 in our College Community or the broader community are at risk.

KnowledgeSurge Institute Inc. recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, KnowledgeSurge Institute Inc. 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 the College Community or the broader community is at risk.

A complainant seeking accommodation should contact the Commercials Program Manager. This is also the person to contact to obtain support and services. The Commercial Program Manager will aid by providing information about legal supports for complainants and respondents, in line with the Regulation's emphasis on providing information on all available resources, if requested.

If anyone, in good faith, reports an incident of, or makes a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the Ontario College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.



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Anyone who discloses 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 Commercial Program Manager, Director of Operations or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Persons in the College Community are not required to report an incident or make a complaint about sexual violence in order to obtain support and services.

7. Investigating Reports of Sexual Violence

A complaint of sexual abuse, harassment or sexual violence may be filed under this Policy, by any College Community member, to the Commercial Program Manager in writing. Victims are protected from retaliation and/or the threat of retaliation because all reports are kept strictly confidential. Victim identity information will be redacted when the complaint is shared with the alleged abuser.

A complainant may ask another person to be present during every stage of the investigation.

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

Upon a complaint of alleged sexual violence being made, the Commercial Program Manager may choose to initiate an investigation. This decision will be made after the initial incident report is filed.

The investigation including the following:

1. Determining whether the incident should be referred immediately to police;
2. Determining what interim measures, if any, need to be taken during the investigation. Examples of interim measures could be suspension from classes until the investigation is complete.
3. 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;
4. Interviewing the complainant, any person involved in the incident and any identified witnesses;
5. Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
6. Informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations.



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7. Providing reasonable updates to the complainant and the respondent about the status of the investigation; and
8. Determining what disciplinary action, if any, should be taken.
9. Investigations into complaints of sexual violence will be conducted promptly and resolved in a timely manner, with all efforts made to complete the process within a reasonable timeframe, ensuring that the complainant and respondent are regularly updated on the status of the investigation. Parties involved have access to regular updates regarding the status of the investigation.

8. Procedural Fairness

The following are elements of procedural fairness:

1. Unbiased decision-maker: parties have a right to a decision-maker that acts in a neutral and unbiased manner, free from influence that could lead a reasonable person to doubt their impartiality.
2. Notice: parties must be given enough information about the matter being considered and the decision being made to participate meaningfully in the decision-making process.
3. The right to be heard: parties must have a reasonable opportunity to present their points of view, respond to facts presented by others, and have their arguments considered by the decision-maker.

9. Disciplinary Measures

If it is determined by KnowledgeSurge Institute Inc. that a member of our College Community has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of faculty or staff or expulsion of a student.

In cases where criminal proceedings are initiated, KnowledgeSurge Institute Inc. 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 KnowledgeSurge Institute Inc. may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

10. Appeals Process

Following a fact-finding exercise or an investigation process, the Commercial Program Manager renders a decision and outlines the consequences. She then informs the parties in writing of her decision as to whether there was harassment and what the outcome will be. A copy of the final investigation report, if applicable, is provided to both parties. If the outcome includes an expulsion from the program or other severe consequences, the abuser will have the right to submit a formal



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letter of appeal, within 10 days of receiving the final report, at which time an appeal committee will be convened.

11. 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 faculty or staff or expulsion of a student.

12. 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.

13. Review

This policy will be reviewed 3 years after it is first implemented. The Commercial Program Manager is responsible for implementing the policy throughout the organization.

14. Media Representative

The Commercial Program Manager is the “Media Representative” and will respond to all enquiries from any media (TV, radio, newspapers, etc.) and all staff should be instructed if approached by the media, to refer all such enquiries to the “Media Representative”.

15. Collection of Student Data

KnowledgeSurge Institute Inc. 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. 3 (8), (9) and (10) of Schedule 5 of the Ontario Career Colleges Act, 2005 as amended.

16. Resources

TBD- Appendix 1 lists provincial rape crisis centres which could be provided as resources.

Appendix 1

Canadian Association of Sexual Assault Centres Ontario
Provincial

English

Assaulted Women’s Helpline
Toll Free: 1-866-863-0511



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#SAFE (#7233) on Bell, Rogers, Fido or Telus mobile TTY: 416-364-8762

www.awhl.org

Français:

Fem'aide Telephone toll-free: 1-877-336-2433

ATS: 1 866 860-7082

www.femaide.ca

Sexual Assault/Domestic Violence Treatment Centres:

Hospital-based centres are available and provide 24/7 emergency care to women. To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, go

to: https://www.satcontario.com/en/locate_centre.php.

Local to Barrie campus and in general for Alliston, Barrie, Collingwood, Midland and Orillia:

Huronian Transition Homes operates La Maison Rosewood Shelter (Midland) & Athena's Sexual Assault Counselling and Advocacy Centre

24-hour crisis line:

Barrie: 705-737-2008 or 1-800-987-0799

Midland: 705-526-4211 or 1-800-461-175

Office: 705-526-3221

www.huroniatrtransitionhomes.ca