

SEXUAL ASSAULT AND SEXUAL VIOLENCE POLICY (SASVP)

Oxford College of Arts, Business and Technology (Oxford College) does not tolerate any form of violence, whether verbal, written, physical, or sexual. Sexual violence in particular exposes the person experiencing it or even witnessing it to trauma that could have a long-term effect. For that reason, this SASVP is designed to provide all staff and students with the details of how to report sexual violence and the services that Oxford College will provide to anyone experiencing or witnessing any act of sexual assault or violence.

The Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), [SVHAP Act, 2016] defines sexual violence as follows:

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.

According to the Ontario Human Rights Code¹, Sexual Harassment is defined as engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.

The Ontario Human Rights Commission notes the following examples of actions which constitute as sexual harassment²:

- Engaging in unwanted physical interaction/contact that invades personal space
- using language that puts someone down
- leering or inappropriate staring
- making gender-related comments about someone's physical characteristics or mannerisms
- treating someone poorly because they don't fit in stereotypes about gender
- showing or sending sexually implicit or explicit images
- telling or writing and passing around offensive sexual jokes
- engaging in discourteous humor or language related to gender
- engaging gender-related conduct that causes a person to feel uncomfortable
- spreading sexual rumors, whether in person or through other digital mediums
- making suggestive or offensive comments or hints about members of a specific gender
- making sexual propositions
- verbally abusing, intimidating or jeering at someone based on gender
- bragging about sexual prowess
- demanding dates or sexual favours
- making offensive sexual jokes or comments
- asking questions or talking about sexual activities
- making an employee dress in a sexualized or gender-specific way
- acting paternally in a way that undermines self-respect or position of responsibility
- threats to penalize or otherwise punish a person who refuses to comply with sexual advances

¹ Human Rights Code, R.S.O. 1990, c. H.19

² Retrieved from Sexual Harassment and the Ontario Human Rights Code. (2006). [<http://www.ohrc.on.ca>].

Process and Protocol

1. Students who experience or witness sexual violence are encouraged to report it promptly to the Campus Manager or designate.
2. The Campus Manager or designate shall provide the complainant with a safe and secure place where they can relay in detail what happened. This may take place in person on campus or through video conferencing software.
3. The Campus Manager should reassure the complainant that their identity will remain confidential and that there will be no reprisal nor retaliation against them for reporting.
4. Students reporting incidents of sexual violence have the right to request that Campus Manager or designate not initiate any investigation into the matter. They also have the right not to participate in any investigation that may take place.
5. Students opting to initiate a formal investigation shall use the SASVP form annexed to this policy. They are encouraged to write as much details as possible, including dates, times, places and any witnesses.
6. The Campus Manager or designate shall provide the complainant with the following statement in writing:

“Under Oxford College’s sexual assault and sexual violence complaint policy, students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing support services for sexual violence, will not be asked irrelevant questions during the investigation by Oxford College’s staff including irrelevant questions relating to the students’ sexual expression or past sexual history.” (O. Reg. 132/16, O. Reg. 647/21, s. 1(2))
7. Once the Campus Manager or designates receives the written complaint, the Campus Manager or designate will initiate a fair and unbiased investigation. As a matter of fairness, students are presumed innocent until the Manager gathers enough evidence, whether verbal or material, and reaches a conclusion that the complaint is credible.
8. Depending on the case, the Campus Manager or designate may decide to refer the matter to the police. The Campus Manager or designate, with the approval of the complainant, may try to reconcile the parties.
9. In any case the Campus Manager or designate will provide the complainant with the contact information of the appropriate hotline or website where the complainant may get professional counselling.
10. The Campus Manager or designate will advise the complainant that they have the right to be accompanied by other people and may allow them to speak on his behalf.
11. The Campus Manager or designate will accommodate any reasonable demands of the complainant. This accommodation could include, but is not limited to, changing classes, offer extensions to due assignments, or even allowing the complainant to halt their studies and restart all over in the following session, without any financial penalties.
12. The Campus Manager or designate shall make every effort to keep confidential the identities of all the parties involved in reporting or who witnessed the incident. The Campus Manager or designate shall make it clear to all the parties not to talk about the investigation whether verbally, in writing, or in social media.
13. If the Campus Manager decides to start an official investigation, the Campus Manager shall promptly notify the Vice-President of Oxford College, overseeing academics.
14. The Vice-President and any other parties who participate in the investigation shall keep all information confidential to protect the identities of all those involved.
15. The Campus Manager shall inform the complainant of any decision and finding made during or at the conclusion of the investigation.

16. If the complainant is not satisfied with the Campus Manager's decision, the Complainant has the right to appeal this decision by following the appeal process described in Oxford College's Complaint Policy.
17. Any student or students deemed to have participated in a sexual violence act, whether verbally, in writing, or on social media, will be subject to expulsion, as per Oxford College's expulsion policy.

The SASVP will also be provided to all faculty and staff members, inclusive of administrative/managerial personnel, instructors, board members, and contracted personnel. Training regarding the Policy will take place as part of the hiring process.

Oxford College will review and if necessary, amend sections of its SASVP within a maximum time period of every three years.

Students will be informed at the time of orientation that they are encouraged to provide anonymous input in regard to improving the policy.

Input from students will be reviewed on a continual basis, and any necessary addendums which reflect the suggestions and/or concerns of the students will be implemented on a basis that is deemed to be necessary by the administration.

This sexual violence policy shall be published on Oxford College's website and will be posted in a prominent location at each of its campuses. It is also included in all Students' and faculty handbooks.

Oxford College will provide training on its sexual violence policy to:

- The President, Senior Management, all Campus Managers
- All instructors, staff and other employees and contractors associated with Oxford College
- Students enrolled at Oxford College.

This training shall include Oxford College's process for responding to, and addressing incidents and complaints of sexual violence, including all the elements mentioned above.

In case this policy conflicts with Oxford College's expulsion policy, this policy will prevail.

Amendments

As per Subsection 36.0.2 of Ontario Regulation 415/06 under the Ontario Career Colleges Act, 2005, the Oxford College Sexual Assault/Sexual Violence Policy has been updated to reflect the following two amendments, effective March 1st, 2022.

- I. 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 Oxford College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.
- II. 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 Oxford College's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Bill 26 provides that if an employee of an institution commits an act of sexual misconduct toward a student, the institution may discharge or discipline the employee for that act. Bill 26 also provides that in such circumstances:

- the discharge or disciplinary measure will be deemed to be for just cause for all purposes,
- the employee will not be entitled to any notice of termination or termination pay or any other compensation or restitution as a result of the discharge or disciplinary measure, and
- despite subsection 48(17) of the *Labour Relations Act, 1995* and subsection 14(17) of the *Colleges Collective Bargaining Act, 2008*, and despite any provision of a collective agreement or employment contract specifying a penalty for the infraction, no arbitrator, arbitration board or other adjudicator will be permitted to substitute any other penalty for the discharge or disciplinary measure imposed by the institution.

This effectively limits employees' right to appeal a discharge or other disciplinary measure imposed by the institution in response to sexual misconduct.

Disclosure to the Superintendent

Upon the request of the Superintendent, Oxford College will issue a report which outlines:

- a. The number of times that support services and accommodation relating to sexual violence has been requested and obtained by the students
- b. The measures Oxford College has put into place to ensure that support services and awareness programs are available for students
- c. The number of complaints and incidences relating to sexual assault and sexual violence that have been reported by students
- d. The efficiency of the Sexual Assault and Sexual Violence Policy (2023)

Oxford College will ensure that this report does not disclose the names or personal information of any of the students or personnel who have contributed to the report.

Sexual Violence Available Resources

The Ontario Network of Sexual Assault/Domestic Violence Treatment Centers provides 24/7 emergency care to victims of sexual assault, violence, or abuse.

The centers closest to the Oxford College campuses have been listed below:

Canadian Association of Sexual Assault Centers Assaulted Women's Helpline Toll-Free: 1-866-863-0511 #SAFE (#7233) on Bell, Rogers, Fido, or TELUS mobile TTY: 416-364-8762 www.awhl.org Telephone Toll-Free: 1-877-336-2433 www.femaide.ca	
Toronto Rape Crisis Centre Main Line - 416-597-1171 Counseling Line - 416-597-8808 Offers legal support, referrals, a 24-hour crisis line, support groups, and in-person counseling for victims of sexual assault. Mon-Fri, 9:30 am-5 pm. More information at http://www.trccmwar.ca/ .	
<u>Scarborough</u> Sexual Assault/Domestic Violence Care Centre The Scarborough Hospital Grace Campus 3030 Birchmount Rd. Tel: 416-495-2555	<u>Mississauga</u> Sexual Assault/Domestic Violence Program Sexual Assault Care and Counselling Centre The Trillium Health Centre 100 The Queensway W. Tel: 905-848-7580, ext.2142
<u>Richmond Hill</u> Domestic Abuse and Sexual Assault Care Centre York Centre Hospital 10 Trench St. Tel: 905-832-1406, ext. 3	<u>Hamilton</u> Sexual Assault/Domestic Violence Care Centre Medical Centre 1200 Main St. W. Tel: 905-521-2100, ext. 73557
<u>Toronto</u> Sexual Assault/Domestic Violence Care Centre Women's College Hospital 76 Grenville St. Tel: 416-323-6040	<u>Burlington</u> SAVIS-Sexual Assault & Violence Intervention Services 1515 Rebecca St. Oakville Tel: 905-825-3622
<u>Peterborough</u> Sexual Assault/Domestic Violence Program Women's Care Centre 157 Charlotte St. Tel: 705-743-4132	<u>Barrie</u> Athena's Sexual Assault Counseling and Advocacy Centre Women and Children's Shelter 115 Edge Hill Dr. Tel: 705-721-9977

In order to become better aware of contemporary issues and resources regarding sexual assault and sexual violence, students may refer to the following resources:

Myths about Sexual Assault: <https://www.ontario.ca/page/dispelling-myths-about-sexual-assault>

Canadian Victim's Rights: <http://laws-lois.justice.gc.ca/eng/acts/C-23.7/>

Mental Health Helpline: <http://www.mentalhealthhelpline.ca>