

Hamilton School of Careers & Hamilton Institute of Technology

Sexual Violence and Harassment Policy

1. **Purpose:**

All employees and students of The Hamilton School of Careers & Hamilton Institute of Technology have a right to work and study in an environment that is free from any form of sexual harassment and/or sexual violence. This document outlines Hamilton School of Careers & Hamilton Institute of Technology policy and response protocol to sexual harassment and/or sexual violence and ensures those who experience sexual harassment and/or sexual violence are believed and their rights respected.

2. **Policy Statement:**

The Hamilton School of Careers & Hamilton Institute of Technology is committed to providing its students with an educational environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect.

The Hamilton School of Careers & Hamilton Institute of Technology Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involve its students

The person accused of engaging in sexual violence will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

3. **Definitions:**

Sexual Violence:

(a) 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.

Survivor:

Someone who has experienced sexual harassment or sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term ‘victim’.

Survivor:

The term survivor is used throughout this policy where relevant because some who have experienced sexual harassment or sexual violence believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

4. Sexual Harassment and Sexual Violence Policy & Procedure

- 1) Assisting those who have experienced sexual harassment or sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation.
- 2) Ensuring that those who disclose they have been sexually harassed or experienced sexual violence are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- 3) Addressing harmful attitudes and behaviours that reinforce that the person who experienced sexual harassment or sexual violence is somehow to blame for what happened.
- 4) Treating individuals who disclose sexual harassment or sexual violence with compassion, recognizing that they are the final decision makers about their own best interests.
- 5) Ensuring that internal investigation procedures are available in the case of sexual harassment or sexual violence, even when the individual chooses not to make a report to the police.
- 6) Engaging in an appropriate investigation process that ensures fairness and due process.
Hamilton School of Careers & Hamilton Institute of Technology Sexual Harassment and Sexual Violence Policy & Procedure
- 7) Contributing to the creation of a college atmosphere in which sexual harassment and sexual violence is not tolerated.
- 8) Monitoring and updating our policies and procedures to ensure that they remain effective and in-line with other best practices.
- 9) The Sexual Violence Policy shall be published on its website.

5. Sexual Harassment and Sexual Violence Training:

Reporting and Responding to Claims of Sexual Harassment and/or Sexual Violence a Hamilton School of Careers & Hamilton Institute of Technology will include a copy of the Sexual Harassment and Sexual Violence Policy in the Student Handbook and will include a statement in every student enrollment contract made between Hamilton School of Careers & Hamilton

Institute of Technology and our students indicating where the student can find the policy for review; and Hamilton School of Careers & Hamilton Institute of Technology will provide a copy of the Sexual Harassment and Sexual Violence Policy to all staff (including director and instructors, employees, and contractors), and will train them about the policy and its processes of reporting, investigating, and responding to complaints of sexual harassment and/or sexual violence involving our students.

6. Investigating Reports of Sexual Violence

(a) Under this Sexual Violence Policy, any student of The Hamilton School of Careers & Hamilton Institute of Technology may file a report of an incident or a complaint to the Director in writing.

The other officials, offices or departments that will be involved in the investigation with the Director, upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Director will respond promptly and:

(i) determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;

(ii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;

(iii) determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, between Hamilton School of Careers & Hamilton Institute of Technology may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures;

(iv) determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies. Once an investigation is initiated, the following will occur:

(i) The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;

(ii) interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as 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;

(iii) Informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;

(iv) interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;

(v) providing reasonable updates to the Complainant and the Respondent about the status of the investigation;

(vi) following the investigation, the Director will:

(A) review all of the evidence collected during the investigation;

(B) determine whether sexual violence occurred; and if so

(C) determine what disciplinary action, if any, should be taken as set out in Section 5 below.

7. Disciplinary Measures

(a) If it is determined Hamilton School of Careers & Hamilton Institute of Technology that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

(i) disciplinary action up to and including termination of employment of instructors or staff; or

(ii) expulsion of a student; and /or

(iii) the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or

(iv) any other actions that may be appropriate in the circumstances.

8. Appeal

(a) Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the Director within 10 days by submitting a letter addressed to Director advising of the person's intent to appeal the decision.

9. Making False Statements

(a) It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

(b) Individuals who violate this Sexual Violence 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.

10. Reprisal

(1) It is a violation of this Sexual Violence 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.

(2) Individuals who violate the Sexual Violence 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.

11. Review

(1). Hamilton School of Careers & Hamilton Institute of Technology shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.

(2) Hamilton School of Careers & Hamilton Institute of Technology shall review its Sexual Violence Policy 3 years after it is first implemented and amend it where appropriate.

This date is January 2020

12. Collection of Student Data

The Hamilton School of Careers & Hamilton Institute of Technology 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 Private Career Colleges Act, 2005 as amended.

1. Canadian Association of Sexual Assault Centres Assaulted Women's Helpline English Toll Free: 1-866-863-0511 #SAFE (#7233) on Bell, Rogers, Fido, or Telus mobile TTY: 416-364-8762

**www.awhl.org Fem'aide Francais Telephone Toll-Free: 1-877-336-2433
ATS: 1-866-860-7082**

www.femaide.ca

2. Sexual Assault/Domestic Violence Treatment

Centres Belleville Sexual Assault Centre for Quinte and

District Toll-Free: 1-877-544-6424 Office: 1-613-967-6300

www.sacqd.com