

Policy Name & Number:	SEXUAL VIOLENCE AND HARASSMENT ACTION
Category:	College - Student Relations
Approved by:	Director of Education, Training and Data (pending all Director and/or Board approval)
Approval/Revision Date:	January 2017
Review Date:	January 2020, with student input
Scope:	Mothercraft students

1. PURPOSE AND INTENT

The Policy applies to complaints of sexual violence and harassment that have occurred on the Mothercraft College campus, or at a one of our events, and involve our students.

All students have a right to study in an environment free of sexual violence. This document sets out our policy, defines the prohibited behaviours, and outlines our investigative processes for sexual violence and harassment.

2. POLICY OBJECTIVES

Mothercraft strives to create environments that are welcoming, safe and inclusive and in which all are treated with respect and dignity. Mothercraft College is committed to ensuring that all students receive the best possible adult education experience free from sexual violence and harassment.

Mothercraft College will not condone, permit or tolerate sexual violence or harassment of students in any form and will investigate all incidents and complaints in a fair and timely manner. Should a student not wish to file a complaint, Mothercraft College will provide, at no cost to the student, accommodations and supports both onsite and through community agencies.

To this end, Mothercraft College will provide a copy of the policy to our students, and educate them and our management, employees and contractors about this Policy through a mandatory online webinar, including how to identify situations that involve, or could progress into sexual violence against our students.

Where a complaint has been made, under this Policy, Mothercraft College will take all reasonable steps to investigate it, including as follows:

- (a) providing on-campus investigation procedures to students for sexual violence complaints;
- (b) responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- (c) assisting students who have experienced sexual violence and harassment in obtaining counselling and medical care;
- (d) providing students who have experienced sexual violence and harassment with appropriate academic and other accommodation; and
- (e) providing students who have experienced sexual violence with information about reporting options as set out in Appendix 1.

3. DEFINITIONS

Sexual Violence

The amended PCC Act, 2005 defines sexual violence as “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

Sexual harassment is a form of discrimination and is prohibited under both federal and provincial human rights codes. Sexual harassment means:

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment may consist of a single incident of unwelcome behaviour or multiple incidents over time. Sexual harassment can include, but is not limited to physical, verbal, written and environmental forms. It also includes threats and demands such as the following:

- asking for sexual favours in exchange for a passing grade or assignment completion (from an Instructor/faculty member)
- repeatedly asking someone for dates or sexual favours even after they have said no
- threatening someone (e.g. with violence, refusing to cooperate with group assignments) if they refuse to comply with sexual advances
- threats of retaliation or reprisal if the victim makes a complaint under this Policy

4. REPORTING AND RESPONDING

Mothercraft College management will investigate and deal with all complaints or incidents in a fair, respectful and timely manner. Students, faculty and staff of Mothercraft College will take all reasonable steps to prevent sexual violence involving our students on our campus or at community events by reporting immediately to the Manager of Admissions and Registration 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. Mothercraft College 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. All parties involved in the process will be instructed to keep the matter confidential and only the parties concerned with the results of the findings will be advised.

Mothercraft College wants to ensure that all students feel safe, comfortable and are encouraged to report any incident of sexual violence or harassment they have observed or experienced. **However** students are encouraged to attempt to resolve their concerns by direct communication with the person (s) engaging in the unwelcome conduct. Where students feel confident or comfortable in doing so, communicate disapproval in clear terms to the person whose conduct or comments are offensive. Keep a written record of the date, time, details of the conduct and witnesses, if any.

Students who are not confident or comfortable with direct communication and who believe they are victims of sexual violence or harassment, or become aware of situations where such conduct may be occurring, are encouraged to report these matters to the College's Academic or Administration Manager. Complaints need not be in writing but should include as much detail as possible, including the ***name(s) of the individual(s) involved and a description of the incident(s), including actions and/or comments made, place(s), date(s) and time(s) and witness(es).***

The possibility of informal resolution, through a facilitated and documented meeting with those involved, may be explored and reached with the consent of all parties. If consent for informal resolution is not provided or no sufficient conclusion is reached, a formal and thorough investigation of the incident and surrounding circumstances will be undertaken, involving interviews with the complainant, the respondent, and any other individuals who may be able to provide information on the situation.

Threats, attempts or actual incidents of physical or sexual assault are all criminal offences and can be reported to your local police service. In this case, the appropriate external authorities may be notified, and if so, could result in criminal charges.

Regardless of the outcome of a complaint made in good faith, Mothercraft prohibits reprisals against someone who makes a complaint and/or who provides information regarding a complaint. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of workplace harassment.

Mothercraft College recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, Mothercraft College 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.

Individuals are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving harassment. If a student needs further assistance regarding a complaint or report, he or she may contact the Director of Education, Training and Data.

5. INVESTIGATION & ACCOUNTABILITY



A complaint of sexual violence or harassment may be filed under this Policy, by any student of our Mothercraft College, to the Director of Education, Training and Data in writing who will immediately inform the Executive Director of the Canadian Mothercraft Society..

A complainant may ask another person to be present during the investigation. Upon a complaint of alleged sexual violence being made the Director 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.

6. DISCIPLINARY MEASURES

Acts of sexual violence and harassment will not be tolerated and will be responded to with appropriate disciplinary action as prescribed in the College's Expulsion Policy – which includes, verbal or written reprimand, including suspension from program based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate expulsion from the program, even if the person committing the act has committed no prior offences or engaged in previous acts of sexual violence and or harassment. Mothercraft will also take corrective action if anyone makes false complaints, which could include academic monitoring/probationary review and or withdrawal from the program.

Mothercraft will not tolerate acts of sexual violence and workplace harassment by Mothercraft full-time, part-time or contract employees or volunteers. Mothercraft will respond with appropriate disciplinary action as prescribed in Policy – Progressive Discipline & Appeal Process #4-05 which includes, verbal or written reprimand, suspension (with our without pay) up to and including termination (with our without notice), based on a thorough investigation of the incident and the surrounding circumstances. Such disciplinary action may include immediate termination, even if the person committing the act has committed no prior offences or engaged in previous acts of workplace harassment. Mothercraft will also take corrective action if anyone makes false complaints, which could include disciplinary action up to and including termination of employment.



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.

Regardless of the outcome of a complaint made in good faith, Mothercraft prohibits reprisals against someone who makes a complaint and/or who provides information regarding a complaint. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of sexual violence and harassment.

7. PROVISION OF STUDENT DATA

Mothercraft College recognizes that students may find it difficult to come forward with a complaint under this Policy because of concerns of confidentiality. Therefore all complaints concerning sexual violence or harassment, as well as the name of parties involved, shall be treated as confidential. Mothercraft College's obligation to conduct an investigation into the alleged complaint may require limited disclosure. No record of the complaint will be maintained on the personnel or student file of the complainant. If there is finding of improper conduct that results in disciplinary action, it will be reflected only on the file of the person who engaged in such conduct. All parties involved in the process will be instructed to keep the matter confidential and only the parties concerned with the results of the findings will be advised. Personal information and number of reports made by students will be released to authorities, legal counsel and the Superintendent of the Private Career Colleges only as required.

APPENDIX 1: STUDENT RESOURCES

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

Fem'aide

Telephone toll-free: 1-877-336-2433 / ATS: 1 866 860-7082

www.femaide.ca

To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, follow this [link](#).

Toronto Rape Crisis Centre: Multicultural Women Against Rape

Crisis: 416-597-8808 / Office: 416-597-1171

info@trccmwar.ca / crisis@trccmwar.ca / www.trccmwar.ca

Oasis Centre des Femmes

Téléphone: 416-591-6565 / Courriel: services@oasisfemmes.org

<http://oasisfemmes.org/>