

Sexual Violence & Sexual Harassment and Bullying Policy

1. Policy Statement

Toronto School of Management (“TSoM”) is committed to the elimination of discrimination on the grounds of age, disability, ethnic or national origin, faith, marital status, nationality, race, religion, sex, or sexual orientation. It is the right of every member of staff, student/trainee, and visitor to work, study, or visit the TSoM without fear of harassment or bullying. TSoM recognizes the problems associated with harassment or bullying and is committed to providing an environment in which all individuals can operate safely, confidently, and competently. If a complaint is brought to the attention of TSoM management it will be taken seriously, investigated promptly, and appropriate action will be taken. TSoM has zero tolerance for harassment and bullying.

Sexual Violence and Sexual Harassment Policy

1. Policy Application

The Policy applies to all students of TSoM.

2. The Scope

The Policy applies to complaints of sexual violence that have occurred on TSoM’s campus or at one of our events and involve our students.

3. Policy Objectives

3.1 TSoM is committed to providing our students with an educational environment free from sexual violence and treating those students who report incidents of sexual violence with dignity and respect.

3.2 To that end, TSoM will provide a copy of the policy to our students and will educate them, together with our career college management, employees and contractors, about this Policy and how to identify situations that involve, or could progress into, sexual violence against our students and how to reduce it.

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

- 3.3.1 Providing on-campus investigation procedures to students for sexual violence complaints;
- 3.3.2 Responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- 3.3.3 Assisting students who have experienced sexual violence in obtaining counselling and medical care;
- 3.3.4 Providing students who have experienced sexual violence with appropriate academic and other accommodations; and
- 3.3.5 Providing students who have experienced sexual violence with information about reporting options as set out in Appendix 1.

4. Definition of Sexual Violence

This Policy prohibits sexual violence, which 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.

5. Reporting and Responding to Sexual Violence

- 5.1 Students, faculty and staff of TSoM will take all reasonable steps to prevent sexual violence involving our students on our career college campus or during our events by reporting immediately to the Student Services Manager in person, or using the following contact information: StudentComplaint@TorontoSoM.ca 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.
- 5.2 Subject to paragraph 7 below, to the extent that it is possible, the Student Services Manager will attempt to keep all information disclosed confidential, except in those circumstances where it believes that 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.

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

5.4 A complainant seeking accommodation should contact the Student Services Manager.

6. Investigating Reports of Sexual Violence

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

6.2 A complainant may ask another person to be present during the investigation.

6.3 Upon a complaint of alleged sexual violence being made, the College Administrator will initiate an investigation, including as follows:

6.3.1 Determining whether the incident should be referred immediately to police;

6.3.2 Determining what interim measures, if any, need to be taken during the investigation;

6.3.3 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;

6.3.4 Interviewing the complainant, any person involved in the incident and any identified witnesses;

6.3.5 Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;

6.3.6 Informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;

6.3.7 Providing reasonable updates to the complainant and the respondent about the status of the investigation; and

6.3.8 Determining what disciplinary action, if any, should be taken.

6.4 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 the Toronto School of Management's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

7. Disciplinary Measures

- 7.1 If it is determined by TSoM 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.
- 7.2 In cases where criminal proceedings are initiated, TSoM will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.
- 7.3 Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence, TSoM may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.
- 7.4 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 the Toronto School of Management's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

8. Making a False Statement

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.

9. 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.

10. Review

TSoM 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.

11. Resources

PROVINCIAL: ONTARIO

Canadian Association of Sexual Assault Centres

English

Assaulted Women's Helpline

Toll Free: 1-866-863-0511

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

Emergency help line for women that have been assaulted. Anonymous, accessible 24 hours a day. More information at <http://www.awhl.org/>

Ontario Coalition of Rape Crisis Centres

<http://www.sexualassaultsupport.ca/>

Français

Fem'aide

Telephone toll-free: 1-877-336-2433

ATS: 1 866 860-7082

<http://www.femaide.ca>

Sexual Assault/Domestic Violence Treatment Centres

hospital-based centres that provide 24/7 emergency care to women. To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, follow this link:

<https://www.sadvtreatmentcentres.ca/find-a-centre/>

Local: Toronto

Oasis Centre des Femmes

Téléphone : 416-591-6565

Courriel : services@oasisfemmes.org <http://oasisfemmes.org/>

Toronto Rape Crisis Centre: Multicultural Women Against Rape

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

info@trccmwar.ca crisis@trccmwar.ca <http://www.trccmwar.ca>

Barbra Schlifer Commemorative Clinic

Telephone: 416-323-9149

489 College Street, Suite 503, Toronto, Ontario, M6G 1A5

Free counselling, legal, interpretation, information and referral service for women who are survivors of violence. Mon.-Fri., 9am-5pm. More information at <http://www.schliferclinic.com>.

Sexual Assault & Domestic Violence Care Centre at the Women's College Hospital

Telephone: 416-323-6040

76 Grenville St., Toronto, Ontario, M5S 1B2

24-hour medical care center for adults who have been victims of sexual assault, offering emergency and follow-up care. More information, including hours, at <https://www.womenscolleghospital.ca/care-programs/sexual-assault-domestic-violence-%20care-centre/>

Harassment and Bullying Policy

1. Policy Application

The Policy applies to all students of TSoM.

2. The Scope

The Policy applies to complaints of harassment and bullying that have occurred on TSoM's campus or at a one of our events and involve our students.

3. Background

Harassment and bullying are serious problems. They can affect people's health, work performance, study, and personal development. Claims from individuals may be brought within tribunals as well as the court system under the following legislation:

- Health and Safety Act 1974; and
- Human Rights Act

4. Definition of Harassment

Harassment is conduct that is unacceptable to a recipient. It may be directly aimed at them, felt indirectly, or witnessed by them. It may be repetitive or an isolated occurrence. It is also subjective (i.e., what one person finds unreasonable, unwelcome or offensive, another person may not). Harassment may include the following:

- 4.1 Physical – contact (e.g., touching; assault or gestures; intimidation; aggressive behavior);
- 4.2 Verbal – unwelcome remarks; suggestions; propositions; malicious gossip; insults; jokes; banter; and
- 4.3 Nonverbal – offensive literature; pictures; graffiti; computer or other imagery; isolation or non-co- operation and exclusion from social activities.

5. Definition of Bullying

The Oxford Dictionary defines a bully as “a person using strength or power to coerce others by fear”. Bullying can be defined as “offensive, intimidating, malicious, insulting, or humiliating behaviour;

and abuse of power or authority which attempts to undermine an individual or group of employees or students/trainees”.

Bullying can occur in a number of different ways. Some are obvious and easy to identify. Other types are subtle and difficult to explain. Bullying includes:

- Making life difficult for those who have the potential to do the bully's job better than the bully does;
- Punishing others for being too competent by constant criticism, or by removing their responsibilities, often giving them trivial tasks to do instead;
- Refusing to delegate because bullies feel they can't trust anyone but themselves;
- Shouting at staff/students/trainees to get things done;
- Persistently picking on people in front of others, or in private;
- Insisting that their way of doing things is always right without discussion;
- Keeping individuals in their place by blocking their progression or not giving credit where credit is due;
- Deliberately ignoring or excluding individuals from activities;
- Overloading with work anyone who challenges a bully's authority and reducing the deadlines, hoping that they will fail at what they do;
- Consistently attacking a person in terms of their professional or personal standing;
- Setting out to make a person, whom a bully envies because of their professional or social ability, appear incompetent, or make their lives miserable in the hope of forcing them to leave;
- Making someone the butt of jokes; and
- Physical attacks or threat of such attacks.

(This list is adapted from the BBC for Business package bullying at Work)

A group of people, a woman, or a man can engage in bullying and both males and females can be victims of bullying. Men bully both men and women, and the same can be said for women.

6. Responsibilities

- 6.1 It is the duty of everyone, both staff and students, to take responsibility for their behaviour and modify it if necessary, as harassment and bullying are not acceptable under any circumstances. Failure to do so could result in disciplinary action for staff or students.
- 6.2 It is the responsibility of all to ensure that the policy is effectively applied.
- 6.3 Any individual has the right not to be victimized as a result of bringing to the attention of the alleged harasser/bully any conduct that the individual finds unwanted. Similarly, anyone experiencing harassment or bullying may use the Harassment and Bullying Procedure, irrespective of their legal rights. TSoM will ensure this policy is widely publicized and its contents made known to all staff, students and, where practicable, contractors, trainees, interns, and visitors.

7. Training

Training will be provided, as appropriate, to all managers to ensure they gain the knowledge, skills, and awareness necessary to understand and take seriously TSoM's policy. The policy will also be incorporated into appropriate training programs for staff and in induction courses for students.

8. Supportive Framework

TSoM recognizes that making a complaint of harassment or bullying is likely to be a distressing experience and that it may be difficult, for instance, for members of staff to raise complaints directly with line managers. Accordingly, the following post-holders (Director, Program Director etc.) may be approached to provide support, advice, and assistance to individuals who believe they are or have been harassed/bullied and who will help them look at the range of solutions on offer. Individuals who have been accused of harassment or bullying also have the right to request and receive appropriate support and advice from any person listed above when an allegation has been made and is being investigated.

THIS PROCEDURE IS DESIGNED TO BE SUPPORTIVE AND IS SEPARATE FROM THE DISCIPLINARY, GRIEVANCE, SEXUAL VIOLENCE AND SEXUAL HARASSMENT REPORTING, AND COMPLAINTS PROCEDURES, WHICH MAY BE USED IF THE RESULTS OF THIS INVESTIGATION ESTABLISH A CASE FOR OTHER ACTIONS.

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