

Sexual Violence Policy

In accordance with the regulations under the *Private Career Colleges Act, 2005*

1. Policy Application

The Policy applies to all members of FME's community including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any of FME's initiatives, volunteers and visitors.

2. The Scope

The Policy applies to complaints of sexual violence or sexual harassment that have occurred on the FME campus or at an FME event and involve members of the career college community as defined in paragraph one, the Policy Application.

3. Purpose and Intent

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

4. Policy Objectives

FME is committed to providing members of our career college community an educational environment free from sexual violence and sexual harassment and treating those individuals who report incidents of sexual violence or sexual harassment with dignity and respect.

To that end FME will provide a copy of the policy to our students, and educate them and our management, employees and contractors about this Policy. We will also educate them in how to identify situations that involve, or could progress into sexual violence against our students and how to reduce it. Where a complaint has been made, under this Policy, of sexual violence or sexual harassment FME will take all reasonable steps to investigate it, including as follows:

- responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- assisting those who have experienced sexual violence or sexual harassment in obtaining counselling and medical care;
- providing those who have experienced sexual violence or sexual harassment with appropriate academic and other accommodation;

- providing those who have experienced sexual violence or sexual harassment with information about reporting options; and
- providing on-campus investigation procedures for sexual violence and sexual harassment complaints

This sexual violence and sexual harassment policy considers student input to be an important aspect of the development of the policy and also in any review or amendment that will take place from time to time. This will be done through meetings and written communication with students who volunteer to participate in the process.

5. Definition of Sexual Violence

This Policy prohibits sexual misconduct, which includes sexual violence and sexual harassment.

Sexual Violence, without limiting the generality of the foregoing, includes:

- 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.

Sexual Harassment, without limiting the generality of the foregoing, includes:

Any course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:

- offensive jokes or comments of a sexual nature;
- displaying of pornographic or sexist pictures or materials, including online;
- suggestive or offensive remarks;
- unwelcome language related to gender;
- remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;
- leering or inappropriate staring ;
- bragging about sexual prowess;
- physical contact such as touching, patting, or pinching, with an underlying sexual connotation; and
- sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome

6. Training, Reporting and Responding to Sexual Violence

FME will include a copy of the Sexual Violence and Sexual Harassment Policy in every contract made between FME and its students and provide a copy of the Sexual Violence and Sexual Harassment Policy to FME management (including corporate directors, controlling shareholders, owners, partners,

other persons who manage or direct FME's affairs, and their agents), instructors, staff, contractors and other employees, and train them about the policy, its process for reporting, investigating and responding to complaints of sexual violence involving its students. In addition, FME will publish this policy on our website at montessori-ami.ca.

*Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.

All members of our career college community, including the board of directors, other persons who manage or direct the affairs of the career college, agents, instructors and other employees, will take all reasonable steps to prevent sexual violence on our career college campus, or at FME events, and report immediately to the FME Administrator if they are subject to, witness or have knowledge of sexual harassment or sexual violence, or have reason to believe that sexual harassment or sexual violence has occurred or may occur.

Students who have been affected by sexual violence or who need information about support services should contact the FME Administrator or their Director of Training.

To the extent it is possible FME's Administrator 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 the FME community, or the broader community, are at risk. This will be done by:

- ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case;
- ensuring that the documentation is kept in a separate file from that of the complainant/student or the respondent.

FME recognizes the rights of a complainant not to report an incident or make a complaint about sexual harassment or sexual violence, or not request an investigation by FME and not to participate in any investigation that may occur.

FME recognizes the right of the complainant to determine whether her or his complaint will be dealt with by the police and/or FME. However, in certain circumstances, FME 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 community, or the broader community, are at risk.

At all times, FME will do its best to appropriately accommodate the needs of students affected by sexual violence at no cost to the student. In addition, FME community members should be aware that students are not required to report an incident of or make complaint about, sexual violence in order to obtain supports and services, or accommodation. Should you wish to report an incident of sexual harassment or sexual violence please contact the FME Administrator or your Director of Training.

7. FME Support Services and Accommodations

FME will assist 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 accommodations. Students can receive these supports from the FME Administrator or their Director of Training. Students may also request accommodations from either the FME Administrator or their Director of Training.

FME will treat those who disclose sexual violence or sexual harassment with compassion, recognizing that they are the final decision maker about their own best interests. FME will ensure that the individual is believed and that their right to dignity and respect is protected throughout the process of disclosure, investigation, and institutional response.

FME will also address harmful attitudes and behaviours that reinforce that the person who experienced sexual harassment or sexual violence is somehow to blame for what happened.

FME will ensure that internal investigative 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. FME will engage in an appropriate investigative process that ensures fairness and due process.

8. Investigating Reports of Sexual Harassment

If a member of the FME community believes she/he has been sexually harassed by a member of our community, she/he may choose to confront the harasser personally, or in writing, pointing out the unwelcome behaviour and requesting that it stop; or report the complaint to FME's Administrator in writing. A complaint of sexual violence may be filed under this Policy, by any member of FME's community, to the FME Administrator in writing.

- 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 FME's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

- students who, in good faith, report an incident of, or make a complaint about, sexual harassment or sexual violence, will not be subject to discipline or sanctions for violation of FME policies relating to drug and alcohol use at the time the alleged sexual harassment or sexual violence occurred.

Upon a complaint of alleged sexual harassment being made to FME’s Administrator, the Administrator will respond promptly and:

- determine whether an investigation should proceed and if the complainant wishes to participate in an investigation;
- determine who should conduct the investigation having regard to the seriousness of the allegations and the parties involved;
- 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, FME may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and
- 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:

- the complainant and the respondent will be informed that they both have a right to have another person with them throughout the investigation process;
- meeting with the complainant to ensure a complete understanding of the allegations and gathering additional information that may not be 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;
- interviewing the complainant, any person involved in the incident and any identified witnesses;
- interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- informing the respondent of the complaint, providing details of the allegations and giving the individual an opportunity to respond to those allegations and to provide any witnesses the respondent feels are essential to the investigation;
- providing reasonable updates to the complainant and the respondent about the status of the investigation; and

Following the Investigation the FME Administrator will

- review all of the evidence collected during the investigation;
- create an investigation report; and

- submit the investigation report to the Investigation Review Committee, who will then determine what disciplinary action, if any, should be taken.

9. Decision Making Process by the Committee

The investigation report shall be given to the President of the Board of Directors who will share it with the other members of the Board of Directors, and the Director of Training. The Board of Directors, along with the Director of Training, will convene an Investigation Review Committee (the Committee) to determine whether the Policy has been breached, based on the investigation report. The Committee will review the investigation report and, if it deems necessary, may meet with any individual who may have relevant information to determine whether there are reasonable grounds to believe the Policy has been breached. The Committee will either:

- Make a finding that it is more likely than not that the Policy has been breached, and decide upon disciplinary sanctions to be imposed, or
- Make a finding that it is more likely than not that the Policy has not been breached, and recommend that the matter be closed; or,
- Make a finding that it is more likely than not that the Policy has not been breached, but review and potentially implement new measures to promote a safe and inclusive environment that is free of Sexual Violence.

The Committee shall notify the complainant and the respondent in writing of its decision within 10 business days of the receipt of the investigative report or sooner.

10. Disciplinary Measures

If it is determined the respondent has been involved in sexual violence or sexual harassment of a member of our community, immediate disciplinary or corrective action will be taken up to and including termination of employment or expulsion of a student, and/or the placement of restrictions on certain premises or areas that the respondent may access, or any other actions that may be appropriate in the circumstances.

In cases where criminal proceedings are initiated, FME 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 or sexual harassment, FME may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures. If FME's sexual violence policy conflicts with its expulsion policy, the sexual violence policy prevails.

11. Appeals Process

Should the complainant or the respondent not agree with the decision resulting from the investigation, she/he may appeal the decision to FME's Administrator. Grounds for appeal include the following:

- Relevant evidence has emerged that was not available when the formal report was submitted.
- There is a reasonable apprehension of bias on the part of those who made the decision.
- There was a fundamental procedural error that substantially affected the outcome of the decision.

The appeal must be made within 5 business days of receiving the written decision from the Committee. This will be done by submitting a letter addressed to the FME Administrator advising of the person's intent to appeal the decision. The letter should include the following information:

- The reason or reasons for the request.
- The reason or reasons why the review should be granted.

FME's Administrator will provide a response to the request within 3 business days or sooner. Should an appeal be granted, FME's Administrator will begin an investigation and review of the entire case.

12. Making False Statements

It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or sexual harassment or to provide false information about a complaint. Individuals who violate this Sexual Violence Policy are subject to disciplinary and / or corrective action, up to and including termination of employment or expulsion of a student.

13. Reprisal

It is a violation of this Sexual Violence Policy to retaliate or threaten to retaliate against a complainant, acting in good faith, who has brought forward a complaint of sexual violence or sexual harassment, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

14. Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. However, FME may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.

15. Review

This policy will be reviewed at least once every three years and will be amended as appropriate.

16. Collection of Student Data

FME shall collect and be prepared to provide upon written request by the Superintendent of Private Career Colleges such data and information as required according to subsection 32.3 (8), (9) and (10) of Schedule 5 of the private Career Colleges Act, 2005 as amended such as:

- The number of times supports, services and accommodation relating to sexual violence are requested and obtained by students,
- Any initiatives and programs to promote awareness of supports and services available to students, the number of incidents and complaints of sexual violence reported by students, and
- The implementation and effectiveness of its sexual violence policy.

FME will ensure that the information provided to the Superintendent does not include personal information within the meaning of the Freedom of Information and Protection of Privacy Act, and to conduct a survey of its students relating to sexual violence as directed by the Superintendent and to disclose the results of the survey to the Superintendent.

17. Resources

Appendix 1 lists provincial sexual violence and harassment centres which could be provided as resources.ⁱ

Appendix 1

Supports

OCRCC – Ontario Coalition of Rape Crisis Centres: <https://sexualassaultsupport.ca/>

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

Talk4Healing, for Indigenous women: 1-855-554-HEAL

Male Survivors of Sexual Violence: 1-866-887-0015

Good2Talk: <https://good2talk.ca/> 1-866-925-5454

SEXUAL ASSAULT CENTRES (ONTARIO)

Toronto Rape Crisis Centre

Crisis Line: (416) 597-8808

Office Line: (416) 597-1171

Region: Toronto

Hope 24/7

Crisis Line: (800) 810-0180

Office Line: (905) 792-0821

Region: Peel

Family Transition Place

Crisis Line: (800) 265-9178

Office Line: (519) 942-4122

Region: Dufferin County, Peel

Sexual Assault and Violence Intervention Services of Halton

Crisis Line: (905) 875-1555

Office Line: (905) 825-3622

Region: Halton (Oakville)

Women’s Support Network of York Region

Crisis Line: (800) 263-6734

Office Line: (905) 895-3646

Region: York

Durham Rape Crisis Centre

Crisis Line: (905) 668-9200

Office Line: (905) 444-9672

Region: Durham

Niagara Region Sexual Assault Centre

Crisis Line: (905) 682-4584

Office Line: (905) 682-7258

Region: Niagara (Niagara Falls-St. Catharines)

Sexual Assault Centre Hamilton & Area

Crisis Line: (905) 525-4162

Office Line: (905) 525-4573

Region: Hamilton

Guelph-Wellington Women in Crisis

Crisis Line: (800) 265-7233
Office Line: (519) 836-1110
Region: Guelph-Wellington

Sexual Assault Centre of Brant

Crisis Line: (519) 751-3471
Office Line: (519) 751-1164
Region: Brant

Sexual Assault Support Centre of Waterloo Region

Crisis Line: (519) 741-8633
Office Line: (519) 571-0121
Region: Waterloo

Kawartha Sexual Assault Centre

Crisis Line: (705) 741-0260
Office Line: (705) 748-5901
Region: Kawartha (Peterborough & Area)

Athena's Sexual Assault Counselling & Advocacy Centre

Crisis Line: (800) 987-0799
Office Line: (705) 737-2884
Region: Barrie, Simcoe

Muskoka Parry Sound Sexual Assault Services

Crisis Line: (800) 461-2929
Office Line: (705) 646-2122
Region: Muskoka

Women's House Serving Bruce and Grey: Sexual Assault Services

Crisis Line: (866) 578-5566
Office Line: (519) 372-1113
Region: Bruce County

Anova

Crisis Line: (800) 265-1576
Office Line: (519) 642-3003
Region: London-Middlesex

Sexual Assault Centre for Quinte & District

Crisis Line: (877) 544-6424
Office Line: (613) 967-6300
Region: Belleville-Quinte

Pour le support francophone aux femmes victimes d'agression sexuelle:

CALACS (Francophone Sexual Assault Centres) in Ontario

Centre Passerelle pour femmes: CALACS du Nord de l'Ontario
C.P. 849 Timmins (Ontario) P4N 7G7
705 360-5657 www.centrepasserelle.ca

Centre francophone d'aide et de lutte contre les agressions à caractère sexuel d'Ottawa

www.calacs.ca

40, rue Cobourg
Ottawa (Ontario) K1N 8Z6
613 789-8096 calacs@calacs.ca

Centre Novas : Centre francophone d'aide et de lutte contre les agressions à caractère sexuel de Prescott-Russell

C.P. 410
Casselman (ON) K0A 1M0
613 764-5700
1 866 772-9922 poste 221 www.centrenovas.ca
administration@centrenovas.ca

Carrefour des femmes du Sud-Ouest de l'Ontario: CALACS de la région du Sud-Ouest

Casier Postal 774, London (ON) N6A 4Y8
519 858-0954
1 888 858-0954 www.carrefourfemmes.on.ca
bienvenue@carrefourfemmes.on.ca

Centre Victoria pour femmes

www.centrevictoria.ca
C.P. 308
Sudbury (ON) P3E 4P2
705 670-2517
info@centrevictoria.ca

Centr'Elles, centre des Femmes Francophones du Nord-Ouest de l'Ontario

P.O. Box 26058
Thunder Bay (Ontario)
P7B 0B2
807 684-1955 www.centrelles.com
1 888 415-4156
admin@centrelles.com

Oasis Centre des femmes

465 Yonge Street PO Box 73022 Wood Street PO Toronto ON M4Y 2W5
Toronto
416 591-6565 www.oasisfemmes.org
services@oasisfemmes.org

Colibri – Centre des femmes francophones du comté de Simcoe

80, rue Bradford, bureau 340

Barrie (ON) L4N 6S7

Barrie

705 797-2060

www.centrecolibri.ca

1 877 797-2050

admin@centrecolibri.ca

Centre de santé communautaire Hamilton/Niagara – Espace entre Elles

1320 rue Barton Est

Hamilton (Ontario) L8H 2W1

905 528-0163

1 866 437-7606

www.centredesantecommunautaire.com

cschn@cschn.ca

Pour le support francophone aux femmes victimes d'agression sexuelle, se il vous plaît visitez (*for French-language support to women victims of sexual assault, please also visit*): Action ontarienne contre la violence faite aux femmes.

ⁱ **Acknowledgements:**

A number of resources contributed to the development of this document, including the sexual violence policies and procedures from several colleges, PCCs and universities in Ontario, notably, Durham College, Trillium College, Stanford International College, University of Guelph and Lakehead University; as well as the Ontario Association of Career Colleges Policy Guide. The Ontario Women's Directorate resource, "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities" served as a reference. In addition, the Ontario Coalition of Rape Crisis Centres provided a list of sexual assault centres in Ontario and their hotline numbers.