

## **TIRP Sexual Violence and Harassment Policy**

### **Introduction:**

Sexual violence and harassment is a violation of human rights. TIRP recognizes its ethical and legal responsibility to provide a workplace and learning environment that is free of sexual harassment. Students, members of Faculty, and any external contract persons at TIRP have the right to work and study in an environment that is free from sexual harassment. TIRP will not tolerate any form of sexual violence or sexual harassment.

TIRP supports healthy social relationships. Power differences exist, implicit or explicit, between or among students and Faculty. Where one person has power or authority over another, implicit or explicit, there is potential for sexual violence and harassment issues to arise.

### **Purpose:**

To protect the safety and security of members of TIRP community by establishing a framework which aims:

1. to prevent sexual violence and harassment through education;
2. to mitigate the effects of sexual harassment; and,
3. to identify methods for the resolution of complaints of sexual violence and harassment which may arise at TIRP.

### **Scope:**

All members of the TIRP community.

This Policy does not restrict the right of individuals to file a complaint with the Human Rights Commission, make use of the Criminal Code of Canada or take legal action. Sexual assault is a form of sexual violence and harassment and is covered by this policy. However, in cases of alleged sexual assault, individuals will be advised to contact the appropriate Legal Authorities immediately. In addition, the TIRP Community Liaison is available to provide support, advice and guidance.

### **Definitions:**

**Complainant** - a Member of TIRP community or Non-TIRP person who considers themselves to have been subjected to sexual violence or harassment, as defined by this policy, and who has chosen to file a formal complaint against a member of TIRP community in accordance with this policy.

**Day(s)** - a day, other than a Saturday or Sunday, statutory holiday, or other day on

which TIRP is not open for administrative business.

**Legal Authorities** - the legal entities, external to TIRP community, who have the responsibility and jurisdiction to uphold and enforce the law including the Criminal Code of Canada (i.e., Metro Toronto Police Services; Royal Canadian Mounted Police).

**Mediation** (Alternative dispute resolution) - an assisted negotiation; a process in which a neutral third party, known as a mediator, facilitates a collaborative, controlled discussion between and with the informed consent of a complainant and respondent in a setting that is deemed as safe as possible, with the goal of achieving an effective resolution. It is a non-disciplinary means of resolution, designed to address complaints of sexual harassment.

**Members of TIRP community** - Any person who teaches, conducts research, studies or works at or under the auspices of TIRP and includes, without limitation:

- full- or part-time academic faculty members;
- full-time, part-time, continuing, temporary, contract and administrative members;
- all students;
- clinical supervisors; and
- any other persons while they are acting on behalf of or at the request of TIRP.

Students and TIRP contractors include former students and contractors raising allegations of sexual violence and harassment which occurred while they were still members of TIRP if those alleged incidents occurred within the time limits set out in this Policy.

**TIRP person** - includes but is not limited to volunteers, contractors, their employees and agents, vendors of goods and services and their employees and agents, visitors to the Academic institution.

### **Definition of Sexual Violence**

Sexual Violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim.

**Sexual harassment**- Comments or conduct of a sexual nature and/or abusive conduct based on gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation directed at an individual or group of individuals by a person or persons of the same or other gender, who knows or ought reasonably to know that such comments or conduct is unwelcome and/or unwanted.

Comments or conduct constitute sexual violence and harassment when:

- a. submission to such comments or conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic status, academic accreditation, or
- b. submission to or rejection of such comments or conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decisions affecting such individual, or
- c. such comments or conduct interferes with, or adversely affects, directly or indirectly, an individual's work or academic environment or performance, or
- d. such comments or conduct calls attention to the gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation of an individual or individuals in a manner that creates an intimidating, hostile or offensive work/study environment.

Sexual harassment includes but is not limited to:

- unwelcome sexual invitations or requests;
- demands for sexual favours;
- unnecessary touching or patting of a person's body;
- leering at a person's body;
- unwelcome and repeated innuendos or taunting about a person's gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation;
- unwelcome remarks or verbal abuse of a sexual nature;
- visual displays of sexual images perceived to be degrading or offensive;
- unwelcome remarks or verbal abuse based on gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation which are demeaning or degrading;
- threats of a sexual nature;
- sexual assault and;
- any other unwanted verbal or physical conduct of a sexual nature.

Sexual violence and harassment may occur during a single incident, or a series of single incidents. Whether or not a single incident constitutes Sexual harassment will depend on the nature and type of incident(s).

Sexual harassment may occur between individuals of the same or other gender.

Sexual harassment may occur in the course of work or study or participation in Academic institution-sponsored organizations, activities and programs, whether they occur on-campus or off-campus. Under this Policy any inappropriate social interactions in the course of study or work may be considered as Sexual harassment whether it happens on campus or away from campus. Examples of off-campus settings, include,

but are not limited to, field trips, athletic team road trips, conferences or training events, and work or study-related social functions whether or not they are official Academic institution functions.

**Respondent** - a Member of TIRP community or a TIRP person as defined in this Policy whose alleged comments or conduct is the subject of a complaint and against whom a formal written complaint of Sexual violence and harassment has been made under the provisions of this Policy.

**Retaliation** - any threat of reprisal or any attempt to intimidate and/or any adverse behaviour or action, taken against a member of TIRP community or TIRP person, by a member of TIRP community in response to the initial member:

- having invoked this Policy;
- having participated or cooperated in any investigation under this Policy; or
- having been associated with a member of TIRP community or TIRP person who has invoked this Policy or participated in these procedures.

## **Policy:**

### **1.0 Responsibilities and Duties**

1.1 All members of the TIRP community, and in particular those in academic or administrative authority, shall:

- a. know what constitutes sexual violence and sexual harassment;
- b. familiarize themselves with and be aware of this Policy and its related Academic institution-Wide Procedures for Sexual violence and Harassment Concerns and Complaints;
- c. encourage an environment which is free of sexual violence and harassment; and
- d. inform students, **faculty** and colleagues about the Policy and its related Academic institution-Wide Procedures for Sexual Violence and Harassment Concerns and Complaints;

1.2 Sexual violence and harassment by any member of the TIRP community or a TIRP person is prohibited.

1.3 Any member of the TIRP community or TIRP person as defined in this Policy may make a complaint of sexual violence and harassment against a Member of the TIRP community or against a TIRP person as defined in this Policy.

### **2.0 Power Differences**

2.1 Anyone in a sexual relationship with a person where a power differential exists is advised that, if a complaint of sexual violence and harassment is subsequently filed, the

power differential may be construed against them. When power differentials exist amongst or between members of the academic institution, those holding positions of authority must respect the power with which they are entrusted. An inappropriate sexual relationship may create a negative work or study environment for others and give rise to a complaint under this Policy.

### **3.0 Jurisdiction**

3.1 Non-TIRP persons who have concerns about sexual violence and harassment at TIRP or a TIRP-related event may express their concerns to the Community Liaison. This Policy and its related TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints may be used where a non-TIRP person as defined in this Policy makes a complaint against a member of TIRP community.

3.2 A concern of sexual violence and harassment against a TIRP person should be reported to the Community Liaison.

- a. The Community Liaison may deal with the concern in consultation with the complainant, where appropriate.
- b. Where a formal complaint has been made against a TIRP person, the Community Liaison will determine, in consultation with the complainant, the appropriate steps to be taken.
- c. Sexual violence and harassment by a TIRP person may result in suspension of privileges, such as access to campus or any other action deemed necessary.

### **4.0 Confidentiality**

4.1 All complaints shall be handled with confidentiality. All who may be involved in the complaint process are to maintain confidentiality, particularly within the work, study or living area in question.

4.2 Confidentiality may not apply to persons subject to extra-TIRP judicial processes, or where disclosure is permitted by law, or where the health, safety and security of a person or persons is a concern.

### **5.0 Process**

5.1 There are two processes for addressing a sexual violence and harassment concern or complaint. The processes as outlined in the TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints can be availed of by any Member of TIRP community or TIRP person who considers themselves to have been subjected to sexual

violence and harassment as defined in this Policy. An individual making allegations may choose to proceed with either an informal or a formal process.

i. Informal Process

- Consultation

ii. Formal Process

- Mediation
- Investigation

5.2 When an informal process fails or is not deemed appropriate by the complainant, the complainant may proceed with the filing of a formal complaint under the formal process and request mediation or formal investigation.

5.3 If a complainant wishes to file a formal complaint, it shall be filed within twelve (12) calendar months of the incident. Events prior to the twelve (12) month period can be referenced if the incident(s) is relevant and part of a series of incidents that form a pattern of harassment.

## **6.0 Records and Retention**

6.1 All records will be handled in accordance with the Access to Information and Protection of Privacy Act, and other privacy legislation applicable to TIRP.

6.2 Informal Process

The Community Liaison keeps a non-identifying account of the nature of the concern, any advice given and any outcome achieved. This information is retained for statistical purposes.

6.3 Formal Process

Record retention relating to the formal complaint process is collected and retained in accordance with the TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints.

## **7.0 Appeals**

Complainants and respondents have the right to appeal or grieve in accordance with the following:

7.1 In the case of any complainant, if the matter has been dealt with by the Community Liaison, the appeal shall be directed to the TIRP Faculty as a whole, who will then

engage and external party to hear the appeal in accordance with the TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints. The complainant will notify the TIRP Registrar of their desire to appeal within fifteen (15) days of the Community Liaison's notification of the action to be taken. The TIRP Registrar will notify the Faculty as a whole immediately upon receiving the notice of appeal from the complainant.

## **8.0 Frivolous or Vexatious Complaints**

8.1 Frivolous, vexatious and/or malicious complaints may constitute grounds for disciplinary action against the complainant.

8.2 Any imposed discipline related to frivolous, vexatious and/or malicious complaints will be determined by the Community Liaison in consultation with the TIRP Faculty as a whole.

## **9.0 Retaliation**

9.1 No person shall retaliate against another for bringing forward a concern or complaint of sexual violence and harassment or for being involved in the process. TIRP considers retaliation at any stage to be a serious offence because it may prevent potential complainants, witnesses, administrators or others from coming forward with concerns or complaints of sexual harassment. A breach of confidentiality by any individual with respect to a concern or complaint may also constitute retaliation.

9.2 Any imposed discipline related to retaliation will be determined by the Community Liaison in consultation with the TIRP Faculty as a whole.

## **10.0 Role of Community Liaison**

10.1 The Community Liaison has the primary responsibility for the implementation of the Sexual Violence and Harassment Policy and its related TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints and plays a key role in educating the TIRP community. They shall maintain neutrality, and be as accessible as possible to TIRP community.

## **11.0 Supports, Services and Accommodations**

Students are entitled to an accommodation upon reporting an incident of sexual violence and TIRP shall not charge a fee for any accommodation offered and agreed upon by the student.

A formal report of an incident of sexual violence is not necessary to access supports, services, or accommodations.

TIRP will make supports available to any person reporting an incident of sexual violence or harassment on campus. These supports could include counselling and/or referrals for support services.

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 private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred;

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 private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

**NOTE:**

The *TIRP Procedures for Sexual Violence and Harassment Concerns and Complaints* is a companion document to this Policy and should be read in conjunction with this Policy.