

## SEXUAL VIOLENCE AND HARASSMENT

The YHTLC follows and adheres to the regulations set out by the Ontario Regulation 415/06 and the *Private Career Colleges Act, 2005*.

The YHTLC is committed to providing a trusting and harmonious learning environment where all staff and students are treated with respect and dignity and will not tolerate any incidents of sexual violence and harassment. This policy is set up to provide specific guidelines for addressing sexual violence and harassment.

### *Definitions*

- **Sexual Violence:** In the Ministry of Training, Colleges and Universities Act, 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:** In the Ontario Human Rights Code, sexual harassment is “engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome.”

### *Policy*

- All incident reports and/or complaints, both formal and informal, of sexual violence and harassment will be taken seriously and will be investigated in a timely manner.
- All staff are responsible for receiving incident reports/complaints and to ensure the YHTLC Administrator office is informed.
- A victim may choose not to request an investigation by the private career college, and has the right not to participate in any investigation that may occur.
- A party to an investigation or decision-making process has the right to have a person present with him or her at every stage of the process.
- If YHTLC’s sexual violence policy conflicts with its expulsion policy, the sexual violence policy prevails.
- 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.

### *Procedures*

1. A student who feels that he/she has been a victim of sexual violence and/or harassment, or believes he/she is at risk of physical injury due to violence at the YHTLC, can follow the following procedures
  - a. Informal Procedure
    - i. Tell the person that the behavior is unwelcome.
      - Student is encouraged to tell the person to stop as soon as the unwelcome behavior/comments/conduct is received
    - ii. Write down what happened.
      - Write down the date, time and place and the names of other persons who may have seen what happened
    - iii. Tell someone else what happened.
      - The student can approach the class instructor, or the YHTLC Administrator, especially if the complaint relates to the instructor
    - iv. The YHTLC Administrator/representative will act as a resource person for students and answer enquiries with respect to the Sexual Violence and Harassment policy.
    - v. The YHTLC Administrator will assist in the informal resolution process and will discuss the issue with the student on a confidential basis and clearly state that a victim may choose not to request an investigation by the private career college, and has the right not to participate in any investigation that may occur.
    - vi. Informal resolution:
      - If the circumstance warrants it, and with the consent of both parties involved, mediation can come before a formal investigation
      - Mediation is not appropriate when the alleged sexual violence/harassment is serious in nature for which strong corrective action is likely required
      - Mediation is a voluntary process whereby the parties involved in a complaint meet with a neutral party (mediator) who will assist the parties to agree to a solution in which all can accept
      - Under normal circumstances, the YHTLC Administrator representative will act as the mediator, with the assistance of the HR representative from Yee Hong Centre
      - If the parties are able to reach an agreement through the informal resolution process, a Sexual Violence and Harassment Resolution Form is signed
      - If an informal resolution cannot be reached, the person making the complaint has ten days to submit a Sexual Violence and Harassment Complaint Form and request a formal investigation into the situation
  - b. Formal Procedure
    - i. The formal procedure will commence if
      - A written Sexual Violence and Harassment Complaint Form is received within ten days of the unsuccessful mediation.
      - An incident is too serious to be handled on an informal basis, and a written Sexual Violence and Harassment Complaint Form is received.

- The YHTLC Administrator determines that the allegations are very serious or widespread, even if no individual is willing to file a formal complaint
  - ii. Formal investigation will commence as quickly as possible, and no later than ten working days of receiving the written request for such action from the student.
  - iii. Under normal circumstances, the YHTLC Administrator/representative will be the investigator. The investigator will interview the complainant, the respondent and anyone else who can provide relevant information regarding the alleged incident.
  - iv. The Yee Hong Centre HR representative will support in the investigation and communicate the results to the complainant and respondent within thirty (30) days of receiving the written complaint, where possible.
2. Additional Procedure for YHTLC Violence (Including Sexual Violence)
- a. In an emergency situation when an act of violence (including sexual violence) has occurred or someone is threatened with violence (including sexual violence) in the YHTLC, the police shall be called immediately.
  - b. In view of the serious nature of physical/sexual violence, the student shall also report the incident on a Student Incident/Accident Reporting form.
  - c. The Joint Health and Safety Committee
    - will investigate violence-related deaths or critical injuries, and
    - receive statistics report for the purpose of assisting in risk assessment, violence prevention measures and worker education and awareness

#### *Confidentiality*

1. Everyone involved in a complaint under this policy has a responsibility to ensure confidentiality in order to respect the right to a fair process for the complainant and respondent, and to ensure that personal harm and damage to reputation do not occur through breaches of confidentiality.
2. Investigators shall only release as much information as necessary to investigate and respond to the complaint. Complainants, respondents and witnesses shall not disclose details of the investigation.
3. A staff who is found to be in breach of confidentiality may be subject to disciplinary actions by management.

#### *Corrective Action*

YHTLC Administrator will determine what action should be taken as a result of the investigation, and inform the complainant and respondent of the results of the investigation and whether corrective measures were taken, if any were necessary.

1. If the Evidence Supports the Complaint  
If a finding of sexual violence/harassment is made, YHTLC will take appropriate corrective measures. Corrective measures may include one or more of the following:

- discipline, up to and including expulsion, suspension for students and termination for employee/instructors
  - referral for counseling, sensitivity training or relevant programs
  - reassignment or transfer
  - any other disciplinary action deemed appropriate under the circumstances
  - notifying police if deemed necessary under the circumstances of the issue
2. If There is Insufficient Evidence to Support the Complaint
- If there is not enough evidence to support the complaint, corrective measures will not be taken.
- If a student made a complaint in good faith and without malice, regardless of the outcome of the investigation, he/she will not be subject to any form of discipline. YHTLC will, however, discipline anyone who brings a false and malicious complaint.

#### *Protection Against Retaliation*

YHTLC will not tolerate retaliations, taunts or threats against anyone who complains about sexual violence and harassment and bullying or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a complaint made under this policy may be disciplined or terminated.

#### *Support and Services in the Community:*

1. If this is an emergency, please call 911.
2. If you are in crisis, please call one of the following services or go to the nearest emergency department.
  - a. Sexual Assault and Domestic Violence Care Centre  
Phone Number: 416-495-2555  
Website: <https://www.shn.ca/sexual-assault/>
  - b. Scarborough Centre for Healthy Communities (SCHC) Sexual Assault and Domestic Violence Care Centre (SADVCC)  
Phone Number: 416-847-4144  
Website: <https://www.schcontario.ca/schc-sexual-assault-and-domestic-violence-care-centre.html>
  - c. Community Family Services of Ontario  
Phone Number: 416-979-8299  
Website: <https://cfso.care/>
  - d. Other Useful Phone Numbers:
    - 24/7 Distress & Crisis Line: 416-408-4357 / 416-408-HELP or text 45645
    - Assaulted Women's Help Line: 1-866-863-0511 TTY 1-866-863-7868
    - Gerstein Crisis Centre: 416-929-5200
    - Toronto Rape Crisis Centre: 416-597-8808 TTY 416-597-1214
    - The Scarborough Hospital Mobile Crisis Program: 416-495-2891

Please also refer to related policies:

- *Yee Hong Centre Respect in Workplace Policy (Ref: CHR-VIII-03);*
- *Yee Hong Centre Respect in Workplace Complaint Procedure (Ref: CHR-VIII-04);*
- *Yee Hong Centre Appeal Procedure (Ref: CHR-VIII-05);*
- *YHTLC Policy & Procedures Dispute Resolution;*
- *YHTLC Policy & Procedures Appeal and;*
- *O. Reg. 132/16, s. 3.*