

OIART SEXUAL VIOLENCE AND HARASSMENT POLICY

Sexual Violence and Harassment Policy

OIART is committed to establishing and maintaining an environment free from sexual violence and/or sexual harassment. OIART recognizes that the prevention of, and response to, sexual violence is of particular importance in post-secondary environments. Sexual violence will not be tolerated. Any and all acts of sexual violence will be addressed and individuals who have committed an act of sexual violence will be held accountable. Following a disclosure of sexual violence, OIART will accommodate and support the provision of alternative academic arrangements, as appropriate.

OIART will ensure that appropriate procedures are in place to respond to reported incidents of sexual violence and to provide support to those who have experienced sexual violence. All support will be available at no cost. OIART will accommodate survivors of sexual violence and safeguard the confidentiality of persons who have experienced sexual violence in accordance with the provisions of the Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act.

In responding to a disclosure of sexual violence, OIART will ensure:

- the survivor is treated with compassion;
- the survivor is informed about on and off campus support and resources;
- the survivor has the right to decide whether or not to access available services and to choose those services the survivor feels will be most beneficial;
- the survivor has the right to access support services without a formal report;
- the survivor has the right to decide whether to report to police;
- an investigation with the institution's full cooperation is available to the survivor;
- survivors may choose not to request an investigation by the career college, and has the right not to participate in any investigation that may occur;
- a safety plan is available for the survivor;
- reasonable and necessary actions are taken to prevent further unwanted contact with the alleged perpetrator(s);
- 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 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 college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history;
- the survivor's identity will remain anonymous and the details of all complaints confidential in order to protect survivors from retaliation or threat of retaliation;

- all reports and disclosures of sexual harassment violence to OIART will be treated in a confidential manner and in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA)

If You've Experienced Sexual Violence - Getting Help and Reporting the Incident(s)

In case of an emergency, individuals should call 911 directly.

An individual who has experienced a sexual assault is encouraged to seek health care immediately. In London, immediate care and counselling support is available at the Regional Sexual Assault and Domestic Violence Treatment Centre, located at St. Joseph's Hospital:

Regional Sexual Assault and Domestic Violence Treatment Centre

St. Joseph's Hospital
Room B0-644
268 Grosvenor Street
London, Ontario N6A 4V2

Phone:

Program administration (Monday to Friday: 8 a.m. to 4 p.m.) 519-646-6100 ext. 64224

After hours: 519-646-6100, press "0" and ask switchboard to page the nurse-on-call for sexual assault and domestic violence

Sexual Assault Centre London

Individual & group counselling and accompaniment & advocacy for women. 24-hour crisis & support line is available to men and women:

Sexual Assault Centre London
255 Horton Street East, 3rd Floor, London, ON, N6B 1L1
Ph: 519-439-0844 ext. 2221
Crisis and Support Line 519-438-2272

Accommodations, Support and Counselling is also available through campus:

Accommodations/On Campus Support:
Lee While, Chief Operating Officer
Office located in front lobby of building 502
lwhile@oiart.org
519-686-5010 ext. 27

Lee While can ensure survivor's needs are appropriately accommodated. Lee While can also connect you with and arrange a meeting with a sexual assault and sexual violence counsellor located in London at no cost to the survivor.

Reporting an Incident

If you wish to file a complaint or formal report please see Lee While, OIART's Chief Operating Officer. All complaints must be submitted in writing, a complaint submission form can be requested from Lee While, OIART's Chief Operating Officer. Individuals who have experienced sexual violence may wish to press criminal charges. Lee While can also assist you with contacting the police. You may have a third party of your choosing present with you at every stage of the complaint process. A complaint can be withdrawn at any stage of the process. Please note that you are not required to file a formal complaint to obtain supports, services or appropriate accommodations.

Response to Complaints Procedure

A formal investigation will only be initiated with the express consent from the survivor. In the case of ALL complaints, OIART will refer the investigation over to the college's legal firm who employs a lawyer with experience in sexual assault and violence investigation. The legal firm will decide if an investigation is required. If the legal firm decides an investigation is required, each stage of the investigation and decision-making process will be conducted by the third-party investigator. This lawyer will act as a third-party investigator, conduct the investigation and collect evidence and statements from the survivor, respondent, witnesses and others as necessary. By using an experienced third party, OIART can ensure procedural fairness in the investigation and decision process, privacy, anonymity, confidentiality and compliance with all relevant laws and regulations.

The role and responsibilities of OIART's owner and directors upon becoming aware of incidents or complaints of sexual violence is to ensure the policy is strictly adhered to, accommodations and support services were made available to the survivor and any complaints were given to the college's legal firm to initiate an investigation.

To ensure procedural fairness during the complaint process, the Complainant, the Respondent and witnesses must maintain confidentiality and privacy and not make public statements that may jeopardize the investigation.

Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual violence, OIART will ensure the third-party investigator conducts an independent investigation and makes determinations in accordance with this Policy. Where there is an ongoing criminal investigation, the College and the third-party investigator will cooperate with the local police.

While the investigation is being conducted, in the interim measures may be implemented including class and exam deferrals, schedule changes, lab and project changes to ensure no contact and to prevent retaliation or threat of retaliation.

The third-party investigator will determine, based on its investigation, what happened and whether it constitutes sexual violence or another form of misconduct. If a complaint is substantiated following the investigation, OIART will determine the appropriate disciplinary measure. Decisions or measures imposed in response to sexual harassment or violence will depend on the circumstances, on the severity of the conduct and on any mitigating factors. If a complaint of sexual harassment violence is substantiated, examples of consequences and measures include a letter of apology, attendance in a suitable course or program designed to educate about

the harms associated with and impact of sexual harassment and violence, participating in counselling sessions, suspension from classes and labs, and termination of enrollment in the program .

The Chief Operating Officer, Lee J. While, will inform the complainant and respondent of the results of the third party investigation in writing. The written decision summary will include a brief description of any corrective action that the OIART has taken or will take as a result of the investigation.

Appealing a Decision:

You may appeal OIART's decision regarding a complaint of sexual violence by requesting an appeal in writing within 14 days of notification of the decision. The notice of appeal must include the reason or grounds for the appeal, any documents or witness statements in support of the appeal and identification of the type of resolution sought. OIART's Board of Directors will review the appeal and return a result within 14 days of filing the appeal. If you are not satisfied with the result of the appeal, you may refer the matter to the Superintendent of colleges in accordance with OIART's student complaint procedure.