

# Policy for Sexual Violence

## **Purpose**

- The Purpose of this policy is to make clear that Peak Healthcare Private College is committed to addressing sexual violence through survivor support, awareness, education, training and prevention programs, and the appropriate handling of reports/complaints of incidents of sexual violence.

## **Introduction**

- Sexual Violence is a serious problem in our society and on schools' campuses. Acts of sexual violence have a significant impact on survivors, their friends and family members, and on those who work closely with survivors as supporters, advocates and educators. Sexual violence is a complex issue that needs attention and intervention throughout our society and within our school, especially given the prevalence of sexual assault on college and university campuses. It is the most underreported criminal activity and we know through many sources that the number of disclosed or reported incidents on campuses does not reflect the true number of assaults faced by students. This policy is intended to outline commitments to raise awareness and educate about sexual violence, to prevent sexual violence, to reduce the risk of sexual violence incidents, to promote a consent culture, and to respond to the needs of survivors in our community for support and empowerment.

## **Definitions**

- **Sexual Violence:** Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature.
- **Sexual Assault:** Any kind of sexual contact without mutual consent. It can include unwanted kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, or any other unwanted act of a sexual nature.
- **Sexual Harassment:** A course of unwanted remarks, behaviors, or communications of a sexually oriented nature and/or a course of unwanted remarks, behaviors or communications based on gender — where the person responsible for the remarks, behaviors or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may consist of unwanted attention of a sexually oriented nature such as personal questions about one's sex life, persistent requests for a "date", or unwelcome remarks about someone's hair, body shape, etc. Sexual harassment may also consist of unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender based jokes or comments.
- **Consent:** An active, direct, voluntary, unimpaired and conscious choice and agreement between adults to engage in physical contact or sexual activity.
- **Rape Culture:** Rape culture is a term that was coined by feminists in the United States in the 1970's. It was designed to show the ways in which society blamed victims of sexual assault and normalized male sexual violence by blaming survivors for their own abuse.
- **Survivor:** An individual who has experienced sexual violence.
- **First Responder:** The person to whom the survivor initially disclosed. This could be a friend, staff member of school. They may be significantly affected by the disclosure of sexual violence and may also be in need of support.
- **Person Accused:** A person who has been accused of committing sexual violence.
- **Sexual Violence Survivor Advocate:** A volunteer support person who has received extensive training in working with survivors of sexual violence who will be able to provide individual support and referral to other resources.
- **Disclosure:** When someone discloses to a campus official that they have experience sexual violence.

- **Report/Complaint:** A formal report or complaint of an incident of sexual violence for the purposes of initiating some form of investigation or adjudication on or off campus.

## **Policy**

### **1. Sexual Violence and Identity**

Peak Healthcare Private College will make every effort to address issues of sexual violence with an understanding that each person's experience will be affected by many factors such as their sex, ancestry, race, ethnicity, language, ability, faith, age, socioeconomic status, sexual orientation, and gender identity. We must acknowledge that some acts of sexual violence are also acts of sexism, racism or homophobia

### **2. Parameters of Consent**

Peak Healthcare Private College will work to promote a consent culture on campus including promotion of the following principles related to consent:

- a. Consent is active, not passive or silent
- b. It is the responsibility of the person who wants to engage in physical contact or sexual activity to make sure that they have consent from the other person(s) involved.
- c. Consent to one sexual act does not constitute or imply consent to a different sexual act.
- d. Consent is required regardless of the parties' relationship status or sexual history together.
- e. Consent cannot be given by a person who is incapacitated by alcohol or drugs or who is unconscious or otherwise lacks the capacity to give consent.
- f. If a survivor's judgment is impaired, consent is not valid.
- g. Impaired judgment that leads an assailant to think or believe there was consent is not an excuse.

### **3. Survivor Support**

- a. All members of Peak Healthcare Private College (staff and students) should expect to receive support through the appropriate channels if they have experienced sexual violence.
- b. Survivors should be able to access support regardless of when, where or by whose hand they experienced an incident of sexual violence.
- c. The College will work with individual survivors in determining their support and/or workplace and academic accommodation needs and assist them in accessing these.
- d. Survivors are not required to report an incident of or make a complaint about sexual violence in order to obtain supports and services.
- e. Survivors have the right to determine what and how much they choose to disclose or report about their experience and to decide whether to report to police.

### **4. Formal Reporting / Complaint Options for Survivors**

Survivors of sexual violence have options for filing a formal report/complaint in response to an incident of sexual violence. Staff at Peak Healthcare Private College can assist survivors in understanding their options and in ensuring that they have all the information that they need in order to make an appropriate decision on next steps. Detailed information about options and what to expect, survivors and persons accused, will be provided on a dedicated Sexual Violence Education and Support website. Some options will depend on the community status of the survivor and/or the person accused. All processes must follow principles of natural justice and must appropriately protect the rights of both the survivor and the person accused. Reporting options include but are not limited to:

- a. **Criminal Option** — reports/complaints can be made to the police to pursue criminal charges under the Criminal Code of Canada
- b. **Non-Criminal** —On campus option report/complaint can be made to the school office.

## 5. Confidentiality

Ensuring confidentiality is a key principle in creating an environment and culture where survivors feel safe to disclose and seek support and accommodation. Peak Healthcare Private College is committed ensuring such an environment and culture exists. There are, however, limits to the confidentiality that can be assured under certain circumstances such as:

- a. An individual is judged to be at imminent risk of self-harm.
- b. An individual is judged to be at imminent risk of harming another.
- c. Reporting or action is required by law.
- d. Evidence of sexual violence is available in the public realm (e.g. video shared publicly on social media)

## Reporting Procedures

Anyone who experiences sexual misconduct or violence as defined by this policy is encouraged to report such incidents. Those includes the right to:

1. Notify or not notify school office and/or local law enforcement of the incident(s);
2. Report such incident(s) to a confidential institutional resource; and
3. Consult with the school administrator for assistance and information.
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 private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred;
5. 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

Persons reporting sexual misconduct or violence will be protected from retaliation and are entitled to receive assistance and information about avenues for redress, academic and non-academic accommodations as well as information on available services and resources. Reporting persons have the right and can expect to have incidents of sexual misconduct or violence taken seriously by the school when reported, and to have those incidents investigated and properly resolved through administrative procedures.

## Confidentiality

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; and/or
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

## Filing a Complaint

If a student wishes to file a formal complaint of sexual abuse or harassment, he or she must file such a complaint within twenty (20) days after the alleged abuse has occurred. Please address to

ATTN: Judy Cohen  
Peak College  
12-1140 Sheppard Ave West Toronto ON M3K 2A2

Students shall file the signed complaint in writing with the school management office. A complaint shall contain the name, address, and telephone number (and a student identification number) of the person filing it with a detailed description of the abuse. The complaint may also be required to provide any of the following information, to the extent practicable:

- O The issues or circumstances involved O  
The date of the alleged abuse
- O Details of what allegedly occurred
- O Identification of witnesses or others with relevant knowledge O  
The accommodation(s) requested and/or remedy sought

#### Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. However, the College 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. The College may also continue to act when there is a threat to the Safety of the College Community.

#### SEXUAL ASSAULT AND **SEXUAL** VIOLENCE PROTOCOL

##### If You Have Experienced Sexual Violence

If you have experienced sexual violence, there are resources available to assist you.

It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so.

Resources within our community:

##### Sexual Assault/Domestic Violence Care Centre (SA/DVCC)

Women's College Hospital 76

Grenville Street

Main floor

Toronto, ON M5S 1B2 Phone: 416-323-6040

##### Ontario Network of Sexual Assault/

Domestic Violence Treatment Centers 76

Grenville Street

Toronto, ON M5S 1B2 Tel. (416) 323-7327

Anyone who has experienced sexual violence has the right to:

- be treated with dignity, respect and be believed,
- be informed about on- and off-campus services and resources,
- decide whether or not to access available services and to choose those services they feel will be most beneficial,
- decide whether to report to campus office and/or local police,
- have an on-campus investigation with the institution's full cooperation,
- have a safety plan, and
- have reasonable and necessary actions taken, to prevent further unwanted contact with the alleged perpetrator(s).

#### What to Do if Someone Discloses Allegations of Sexual Violence

A person may choose to confide in someone about an act of sexual violence, such as another student, instructor or management. An individual who has experienced sexual violence may also disclose to staff or classmates when seeking support and/or academic accommodation. A supportive response involves:

- listening without judgment and accepting the disclosure as true;
- communicating that sexual violence is never the responsibility of the survivor;

- helping the individual identify and/or access available on- or off-school services, including emergency medical care and counseling;
- respecting the individual's right to choose the services they feel are most appropriate and to decide whether to report to the police and/or the school office;
- recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited;
- respecting the individual's choices as to what and how much they disclose about their experience; and
- making every effort to respect confidentiality and anonymity.

### **How Will the College Respond to a Report of Sexual Violence?**

Where a complaint of sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the police and/or the College. In most circumstances, the person will retain this control. However, in certain circumstances, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the person's consent, if the College believes that the safety of other members of the College community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances. A report of sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the College community or in circumstances where the College is unable to initiate an internal investigation under this Policy.

At Peak Healthcare Private College:

- Sexual violence is unacceptable and will not be tolerated
- Survivors will be believed and respected as the final decision-makers as to what is in their own best interest
- Individuals who have committed an act of sexual violence will be held accountable by the institution, and face disciplinary action up to and including expulsion
- There is a formal procedure for responding to incidents of sexual violence
- The statement applies to everyone who works or studies at the school

### **Policy Review**

This policy will be reviewed every three years.

Last review November 15, 2022