

**CARSON DUNLOP
SEXUAL VIOLENCE AND HARRASSMENT POLICY
CURRENT AS OF October 2016**

Per Regulation 415/06 (Private Career Colleges Act, 2005)

DISCRIMINATION, SEXUAL VIOLENCE AND HARRASSMENT:

Introduction

Carson Dunlop recognises it is the right of every student to be able to learn without being subjected to any form of discrimination, sexual violence or harassment.

Equally it is the obligation and responsibility of every student and employee of the College to ensure that the learning environment is free from discrimination, sexual violence and harassment.

Carson Dunlop is fully committed to its obligations to eliminate discrimination, sexual violence and harassment in student relations.

Purpose

The purpose of this document is to outline **Carson Dunlop's** position on discrimination, sexual violence and harassment and to document the process which is to be followed should any grievances arise.

Discrimination in learning is specifically prohibited. Carson Dunlop will not tolerate any form of discrimination, or victimisation under any circumstances. The responsibility lies with every student, instructor and administrator to ensure that discrimination or victimisation does not occur.

Sexual violence and harassment does not have any legitimate function. Carson Dunlop will not tolerate sexual violence or harassment under any circumstances. The responsibility lies with every student, instructor and administrator to ensure that this does not occur.

Carson Dunlop considers that legislative obligations under the Acts establish minimum standards of behaviour for students, instructors and administrators.

The principles set out in this policy are intended to apply to any education-related context.

A breach of this policy will result in disciplinary action. This may include, but is not limited to, apology, transfer, expulsion, or other forms of disciplinary action deemed appropriate.

Carson Dunlop strongly encourages any student who feels they have been subject to sexual violence or harassed to take action, preferably by making it clear that such behaviour is unwelcome and offensive; alternatively, or in addition, follow the procedures for reporting the behaviour.

Any reports will be treated seriously and promptly with sensitivity and complete confidentiality. Complainants have the right to determine how to have a complaint treated, have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process. Carson Dunlop will appropriately accommodate the needs of students affected by sexual violence, harassment or discrimination.

The alleged harasser will be given the right to have a support person of their own during any investigation procedures, to representation and advice throughout the process and to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

No student will be treated unfairly as a result of complaining of discrimination or harassment. Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of discrimination or harassment, or against any student who has been alleged to be a harasser.

All students reserve the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Instructors or administrators who fail to take appropriate corrective action when aware of discrimination or harassment of a person will be subject to disciplinary action.

Definitions

Discrimination is treating an individual with a particular attribute less favourably than an individual without that attribute or with a different attribute under similar circumstances; also, seeking to impose a condition or requirement on a person with an attribute who does not or cannot comply, while people without that attribute do or can comply.

Harassment is uninvited, unwelcome behaviour, which does not have any legitimate workplace function. Harassment includes any written, physical, or verbal conduct that from the perspective of a reasonable person is intimidating, offensive or humiliating against another person.

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.

Responsibility

It is **Management's** responsibility to ensure that:

- they understand and are committed to the rights and entitlements of all students to learn and complete their education without fear of being discriminated against or harassed in any form;
- all reasonable steps to eliminate discrimination and harassment are made;
- all students are regularly made aware of their obligations in relation to providing a learning environment free from discrimination or harassment;
- they provide an environment which discourages harassment and victimisation and set an example by their own behaviour;
- all complaints are treated seriously and confidentially;
- they take immediate and appropriate corrective action if they become aware of any offensive action.

It is the **Students'** responsibility to ensure that:

- they understand and are committed to the rights and entitlements of all students and staff to learn and perform their duties without fear of being discriminated against or harassed in any form;
- they provide an environment which discourages victimisation, discrimination and harassment ;
- they immediately report any offensive action.

It is **Human Resources** responsibility to ensure that:

- guidance and education is provided, where requested and/or appropriate, to cases and subsequent decisions relating to discrimination or harassment;
- students, instructors and administrators are aware of their obligations and responsibilities in relation to discrimination or harassment, and the rights and entitlements of the students;
- ongoing support and guidance is provided to students, instructors and administrators in relation to the prevention of discrimination or harassment.

Procedures

Complaints Procedures

Current legislation states that it is illegal to discriminate, victimise, harass or vilify on the basis of:

- sex;
- sexual harassment;
- pregnancy;
- potential pregnancy;
- marital/domestic status;
- disability;
- race, colour, national extraction, social origin, descent, and ethnic, ethno-religious or national origin;
- age, compulsory retirement;
- family responsibilities, family status, status as a parent or caregiver;
- racial vilification;
- homosexual vilification;
- HIV/AIDS vilification;
- religious belief or activity;
- political belief or activity;
- physical features;
- industrial activity;
- employer association activity;
- trade union activity;
- breastfeeding;
- sexuality;
- transsexuality;
- transgender;
- profession, trade, occupation or calling;
- medical record; and
- criminal record

Discrimination, sexual violence and harassment can occur at any level of the education experience, and can be experienced by both men and women and may involve anyone. Lack of intent is no defence in discrimination or harassment cases.

Formerly agreed behaviour may be found to be harassment or discrimination when it continues after a request from the recipient for the behaviour to stop, or at the point it becomes intimidating, offensive or humiliating.

Students who believe they are the subject of discrimination or harassment should take firm, positive and prompt action.

If deemed appropriate the student should make the perceived harasser(s) aware that they find their behaviour offensive, unwelcome, unacceptable, and that it needs to stop immediately.

If the behaviour continues, or if the student feels unable to speak to the person(s) directly, they should contact the administrator. Alternatively a student may contact the Director, and instructor or another administrator with whom they feel comfortable. That person will provide support, ascertain the nature of the complaint and the wishes of the complainant. The complainant does not have to request a full formal investigation if they will be satisfied by less formal treatment of the issue.

Informal Intervention

The administrator will explain the student rights and responsibilities under College policy, procedures and Ontario Human Rights anti-discrimination legislation.

Informal Intervention may be done through a process of either mediation or conciliation. During Informal Intervention the respondent will be made aware of the allegations being made against them and given the right to respond.

This procedure will be complete when the alleged harasser respects the individual's request to cease unwanted and unwelcome behaviour. If this does not occur, the formal procedure should be followed.

Formal Complaints Procedure

Proceeding with a formal complaint requires the consent of the person complaining, particularly as witnesses or senior management may become involved. A formal report of an incident of sexual violence is not necessary to access support, services or accommodations. The formal procedure will be coordinated by the Director who will be guided by the Human Resources Department. The Human Resources Department does not need to know the specific details of the discrimination or harassment case to provide this guidance.

The Director should clarify the complaint and obtain a step by step account of the incident. In serious cases, more than one interview may be necessary.

The Director will document all such interviews accurately and avoid irrelevant information. This will include parties involved, timing, location, and nature of conduct complained against.

Records are to be kept and filed in a confidential and secure place. If no confidential area is available these notes may be sealed and forwarded to the Human Resources Department, where they will be maintained, unopened, in a confidential filing system. These records should be kept for a period of seven years. Under no circumstances will records be placed on the complainant's personnel file.

The Director will organise an investigation, which in most cases may involve but is not be limited to:

- a private interview to ascertain the facts and what the complainant expects to happen as a result of making the complaint;
- an interview with the alleged harasser(s) to ascertain their defence;
- interviews with other students or individuals who may be able to assist;
- examination of any relevant documents;
- determination of previous behaviours or issues.

All evidence should be forwarded to the person conducting the investigation. Such evidence may include:

- supporting evidence provided by a medical practitioner, counsellor, family member or friend;
- records kept by the person claiming to have been harassed;
- information on whether the evidence was presented by the parties in a credible and consistent manner;

- information on the absence of evidence where it should logically exist.

On completion of the investigation the complainant and the Director will determine a course of action to be taken. In most cases this will involve guidance from the Human Resources Department.

Possible course of actions may include, but not be limited to, any combination of the following:

- counselling;
- disciplinary action against the harasser (e.g. demotion, transfer, suspension, probation or dismissal);
- official warnings that are noted in the harasser's student file;
- disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- formal apologies and undertaking that the behaviour will cease;
- conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- reimbursing any costs associated with the discrimination or harassment;
- re-crediting any leave taken as a result of the harassment;

Outcomes will depend upon factors such as:

- the severity and frequency of the discrimination or harassment;
- the weight of the evidence;
- the wishes of the person who was subjected to discrimination or harassment;
- whether the harasser could have been expected to know that such behaviour was a breach of policy;
- the level of contrition;
- whether there have been any prior incidents or warnings.

The Director will advise all relevant parties of the outcome.

If the investigation determines that discrimination or harassment has occurred, the Director must forward a summary of the complaint and the action taken to the Human Resources Department. A copy may be placed in the respondent's student file by Human Resources, in accordance with Performance Counselling procedures.

If there is insufficient proof to decide whether or not discrimination or harassment occurred, the Director will:

- remind those involved of expected standards of conduct;
- conduct further training awareness raising sessions for staff;
- monitor the situation carefully.

The Director will monitor the outcome to ensure that the offensive behaviour has ceased, and that neither party has been victimised. This may involve follow-up interviews. If there has been any substantiated victimisation Disciplinary Procedures will be followed.

Procedures for Dealing with Criminal Conduct

Some forms of severe harassment, e.g. physical attack, obscene phone calls, may constitute criminal conduct. While **Carson Dunlop** is committed to treat most harassment complaints at a company level as far as possible, this type of conduct is not suited to internal resolution. Such complaints should be treated by the criminal justice system. Students should be advised of the option of police support or intervention. It is not the obligation or duty of the company to report such matters to the police on behalf of the complainant.

Support and services

There is help available in the community for students affected by sexual violence. Some resources include:

[Ontario Coalition of Rape Crisis Centres](#)

[Canadian Association of Sexual Assault Centres](#)

[Ontario Network of Sexual Assault/Domestic Violence Treatment](#)