



Ability Learning Network

Policy Regarding Sexual Assault and Sexual Violence

Effective Date: January 1, 2017

Ability Learning Network (ALN) values respect for all individuals, civility, diversity, dignity, equality, and freedom. The organization is committed to maintaining a healthy and safe learning, living, social, recreational and working environment. We are committed to maintaining a campus free of discrimination and harassment, and strive to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender roles. The College will not tolerate behaviour that contributes to a hostile and inequitable learning and working environment. We take seriously our commitment to supporting those who experience sexual violence, and we work diligently on programs, policies and resources to ensure that our site remains free from sexual violence.

This Policy applies to all members of the Private Career College community including: all employees, students, contractors, and suppliers of services.

Definitions

Sexual Assault and Sexual Violence

Sexual assault: A criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

Sexual violence: A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse and sexual assault.

Consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity.

Purpose and Intent of the Policy

All members of the ALN community have a right to a work and study in an environment that is free from any form of sexual violence. This document sets out our policy and response protocol to sexual violence and ensures that those who experience sexual violence are believed and their rights respected, that the organization has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

Policy Statement

Sexual assault and sexual violence are unacceptable and will not be tolerated. We are committed to challenging and preventing sexual violence and creating a safe space for anyone in our ALN community who has experienced sexual violence. The work/learning site is expected to be a safe and positive space where members of the ALN community feel able to work, learn and express themselves in an environment free from sexual violence.

All reported incidents of sexual violence will be investigated to the best of the administration's ability and in a manner that ensures due process. It is this policy's intention to make individuals feel comfortable about making a report in good faith about sexual

violence that they have experienced or witnessed. We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the Ontario Human Rights Code. We also recognize that individuals who have experienced sexual violence may experience emotional, academic or other difficulties.

We are committed to:

- assisting those who have experienced sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation;
- ensuring that those who disclose that they have been sexually assaulted are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response;
- addressing harmful attitudes and behaviours that reinforce that the person who experienced sexual violence is somehow to blame for what happened;
- treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests;
- ensuring that internal investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police;
- engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with ALN policies and standards and that ensure fairness and due process;
- ensuring coordination and communication among the various individuals who are most likely to be involved in the response to sexual violence;
- engaging in public education and prevention activities;
- providing information to the ALN community about our sexual violence policies and protocols;
- providing appropriate education and training to the ALN community about responding to the disclosure of sexual violence;
- contributing to the creation of a work and learning atmosphere in which sexual violence is not tolerated; and
- monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

Reporting and Responding to Sexual Violence

Members of the ALN community should immediately report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur. Members who have experienced sexual violence are encouraged to come forward to report as soon as they are able to do so.

Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.

Where the organization becomes aware of incidents of sexual violence by a member of the ALN community or against a member of the ALN community, which occur on or off College property and that pose a risk to the safety of members of the ALN community, the organization shall take all reasonable steps to ensure the safety of the ALN community.

Complaint Process and Investigations

A complaint of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the ALN community. ALN will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy. Respondents will be given reasonable notice, with full detail of the allegations and provided with an opportunity to answer to the allegations made against them.

Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. However, the organization 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.

Protection from Reprisals, Retaliation or Threats

It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- having pursued rights under this Policy or the Ontario Human Rights Code;
- having participated or co-operated in an investigation under this Policy or the Ontario Human Rights Code; or
- having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

Unsubstantiated or Vexatious Complaints

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed. Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the respondent, may result in sanctions and/or discipline against the complainant.

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 associated with ALN or wider community may be at risk of harm. In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor would not be released to the public. Where the organization becomes aware of an allegation of sexual violence by a member of the ALN community against another member of the ALN community, the College take steps to ensure that the matter is dealt with in order to comply with ALN's policies.

SEXUAL ASSAULT AND SEXUAL VIOLENCE PROTOCOL

If You Have Experienced Sexual Violence

If you have experienced sexual violence, please contact any of the persons identified below:

Tamara Estwick, Program Coordinator 416-350-2331 ext. 101

Paul Lanteigne, Instructor 416-350-2331 ext. 108

Lisa McDonald, Managing Director 416-350-2331 ext. 104

They will assist you in identifying resources and supports.

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.

A number of other resources are available to you. The link below identifies 26 services and supports for those who have experienced sexual violence. Depending on your location and particular circumstances, you may find some to be more preferable than others.

http://www.211toronto.ca/quick/Central%20Region/ORGANIZATION/sexual%20violence/Toronto%20%28City%29/ENGLISH/1/0/LOCATED_IN_REGION

Examples of Available Resources include:

[Toronto Rape Crisis Centre / Multicultural Women Against Rape](#) 416-597-1171

[Victim Services Program of Toronto. High Risk Support Services](#) 416-808-7077

[Scarborough Hospital. Birchmount Campus. Sexual Assault and Domestic Violence Program](#) 416-495-2555

Anyone who has experienced sexual violence has the right to:

- be treated with dignity and respect,
- be believed,
- be informed about services and resources in the community,
- decide whether or not to access available services and to choose those services they feel will be most beneficial,
- decide whether to report to local police,
- have an investigation by the organization,
- have a safety plan, and
- have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

If you would like to file a formal complaint ALN staff listed above can also assist you with filing a complaint. If the alleged perpetrator is another member of the ALN community, you may file a complaint under this Policy. Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code. ALN staff identified above can also assist you with contacting police.

Feedback on this policy from students is encouraged. The policy will be revised from time to time to incorporate student input and ensure continuing relevance. If you would like to offer suggestions for improving this policy, please email lisa@aln.ca.