

CARSON DUNLOP

SEXUAL VIOLENCE AND HARRASSMENT POLICY CURRENT AS OF July 2024 (Version #4)

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

Introduction

Carson Dunlop recognizes 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 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.

Students are not required to report an incident of, or make a complaint about, sexual violence to access support, services or accommodations outlined in this document. More information on support and services available in Ontario can be found in Appendix A.

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. This is intended to be a Sexual Violence and Harassment Policy Guideline and does not constitute legal advice.

Publication and Training

Carson Dunlop is obligated to provide or make available adequate training to all owners, managers, staff and students of the Career College and to outline the proper procedures required to address any situation that could contain sexual violence.

This Sexual Violence and Harassment Policy is included in every enrolment contract.

This Sexual Violence and Harassment Policy will be published on our website, available in hardcopy at the Toronto office (120 Carlton Street, Suite 407, Toronto, ON M5A 4K2), and a copy of the policy will be provided to anyone who requests it.

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 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.

Training, Reporting and Responding to Sexual Violence

Personal Information

To the extent it is possible, Carson Dunlop will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. This will be done by:

- (i) ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and
- (ii) ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

Complaints Procedures

Students who have been affected by sexual violence or who need information about support services should contact Carson Dunlop at education@carsondunlop.com.

Carson Dunlop recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur.

Under this Sexual Violence Policy, any student of Carson Dunlop may file a report of an incident or a complaint to Carson Dunlop in writing to the Director at education@carsondunlop.com. The officials that may be involved in the investigation are the Director, Administrator, Human Resources and, if necessary, the President.

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 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 career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

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 at training@carsondunlop.com. Alternatively, a student may

contact the Director at education@carsondunlop.com, an 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. 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.

Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Carson Dunlop will respond promptly and the Director will determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation.

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 notify all parties involved in the investigation or decision-making process that they have the right to have a person present with them at every stage of the process.

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 determine what interim measures ought to be put in place pending the investigation process which will include any measures needed to protect the Complainant, such as removal of the Respondent or seeking alternate methods of providing necessary course studies. In most cases this will involve guidance from the Human Resources Department.

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 treating 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.

Appeals Process

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the President within 10 days by submitting a letter addressed to the President advising of the person's intent to appeal the decision.

Review

Carson Dunlop will ensure that student input is taken into consideration when developing, reviewing and/or amending the Sexual Violence Policy.

Carson Dunlop will review this Sexual Violence Policy at least once every three years and will be amended as appropriate.

Collection of Student Data

Carson Dunlop will provide information to the Superintendent concerning:

- i. the number of times supports, services, and accommodation relating to sexual violence are requested and obtained by students;
- ii. any initiatives and programs to promote awareness of supports and services available to students and,
- iii. the number of incidents and complaints of sexual violence reported by students, and the implementation and effectiveness of its sexual violence policy.

The information that Carson Dunlop provides to the Superintendent does not include personal information within the meaning of the Freedom of Information and Protection of Privacy Act.

Appendix A below outlines the support and services available in the wider community.

Appendix A - Support and Services

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

Ontario-wide

Canadian Association of Sexual Assault Centres

Toll Free: 1-866-863-0511 or text #SAFE (#7233) on Bell, Rogers, Fido, or Telus mobile TTY:

416-364-8762

www.awhl.org

By City

<p>Belleville Sexual Assault Centre for Quinte and District Crisis: 1-877-544-6424 Office: 613-967-6300 www.sacqd.com</p>	<p>Bracebridge Muskoka/Parry Sound Sexual Assault Services Parry Sound District Office Crisis: 1-800-461-2929 Office: 1-877-851-6662 www.daphnewymn.com</p>	<p>Brantford Sexual Assault Centre of Brantford Crisis: 519-751-3471 Office: 519-751-1164 www.sacbrant.ca</p>
<p>Bruce County Women's House Serving Bruce and Grey: Sexual Assault Services Crisis: 1-866-578-5566 Office: 519-372-1113 www.whsbg.on.ca</p>	<p>Chatham Chatham-Kent Sexual Assault Crisis Centre Crisis: 519-354-8688 Office: 519-354-8908 https://cksacc.org/</p>	<p>Cornwall Sexual Assault Support Services for Women Crisis: 1-877-544-6424 Office: 613-932-1755 http://sassforwomen.ca/</p>
<p>Durham Rape Crisis Centre Crisis: 905-668-9200 Office: 905-444-9672 info@drcc.ca www.drcc.ca</p>	<p>Guelph Guelph-Wellington Women in Crisis Crisis: 519-836-5710 /1-800-265-7233 Office: 519-823-5806 www.gwwomenincrisis.org</p>	<p>Hamilton Sexual Assault Centre (Hamilton and Area) Crisis: 905-525-4162 Office 905-525-4573 TTY: 905-525-4592 www.sacha.ca</p>
<p>Kingston Sexual Assault Centre Kingston Crisis: 613-544-6424/1-877-544-6424 Office: 613-545-0762 sack@sackington.com www.sackington.com</p>	<p>Kitchener-Waterloo Sexual Assault Support Centre of Waterloo Region Crisis: 519-741-8633 Office: 519-571-0121 info@sascwr.org www.kwsasc.org</p>	<p>London Sexual Assault Centre London Crisis: 519-438-2272 Office 519-439-0844 TTY: 519-439-0690 sacl@sacl.ca www.sacl.ca</p>
<p>Newmarket Women's Support Network of York Region Crisis: 1-800-263-6734/905-895-6734 Office: 905-895-3646 www.womenssupportnetwork.ca</p>	<p>North Bay Amelia Rising Women's Sexual Assault Centre of Nipissing Crisis: 705-476-3355 Office: 705-840-2403 TTY: (705) 840-5877 info@ameliarising.ca www.ameliarising.ca</p>	<p>Oakville Sexual Assault & Violence Intervention Services of Halton Crisis: 905-875-1555/1-877-268-8416 Office: 905-825-3622 www.savisofhalton.org</p>

<p>Orangeville Family Transition Place Crisis: 1-800-265-9178 Office: 519-942-4122 www.familytransitionplace.ca</p>	<p>Ottawa Sexual Assault Support Centre Crisis: 613-234-2266 Office: 613-725-2160 TTY: 613-725-1657 info@sascottawa.com http://sascottawa.com</p>	<p>Ottawa Rape Crisis Centre Crisis: 613-562-2333 Office: 613-562-2334 http://orcc.net/</p>
<p>Peterborough & Kawarthas Kawartha Sexual Assault Centre Crisis: 705-741-0260/1-866-298-7778 Office/TTY: 705-741-0260 www.kawarthasexualassaultcentre.com</p>	<p>Sault Ste Marie Women in Crisis (Algoma) Inc. Crisis: 1-877-759-1230 Office: 1-877-759-1230 www.womenincrisis.ca</p>	<p>Sarnia-Lambton Sexual Assault Survivors Centre Sarnia-Lambton Crisis: 519 337-3320/1-888-231-0536 Office: 519-337-3154 www.sexualassaultsarnia.on.ca</p>
<p>Simcoe Haldimand & Norfolk Women's Service Crisis: 1-800-265-8076 Office: 519-426-8048 TTY: 1-800-815-6419 hnws@hnws.on.ca www.hnws.on.ca</p>	<p>St. Catherines Niagara Region Sexual Assault Centre Crisis: 905-682-4584 Office: 905-682-7258 carsa@sexualassaultniagara.org http://sexualassaultniagara.org/</p>	<p>Thunder Bay Sexual Assault and Sexual Abuse Crisis and Counselling Centre Office: 807-345-0894/1-866-311-5927 tbcounselling@tbsasa.org www.tbsasa.org</p>
<p>Timmins and Area Women in Crisis Crisis: 1-877-268-8380 (sexual assault) Crisis: 1-855-827-7233 (shelter) Office: (705) 268-8381 info@tawc.ca</p>	<p>Toronto Oasis Centre des Femmes Telephone: 416-591-6565 services@oasisfemmes.org http://oasisfemmes.org/</p>	<p>Toronto Rape Crisis Centre: Multicultural Women Against Rape Crisis: 416-597-8808 Office: 416-597-1171 info@trccmwar.ca crisis@trccmwar.ca www.trccmwar.ca</p>
<p>Windsor Sexual Assault Crisis Centre of Essex County Crisis: 519-253-9667 www.saccwindsor.net</p>	<p>Woodstock Domestic Abuse Services Oxford Crisis: 519 539-4811/1-800-265-1938 info@daso.ca www.daso.ca</p>	