

Canadian Tourism College

Sexual Violence and Misconduct Policy

Name of Policy

Campus Director

Position(s) Responsible

Policy:

Canadian Tourism College is committed to providing its students with an environment free from sexual violence and treating anyone who reports incidents of sexual violence or misconduct with dignity and respect.

This Sexual Violence and Misconduct Policy defines sexual violence and misconduct, and outlines CTC's policies and procedures for training staff and students, as well as reporting and responding to complaints of sexual violence made by or involving its students. Any person(s) accused of engaging in sexual violence or misconduct will be referred to as the "Respondent(s)" and the person(s) making the allegation as the "Complainant(s)".

If this policy conflicts with the any other CTC Policy, the Sexual Violence and Misconduct Policy prevails.

Definition of Sexual Violence and Misconduct

Sexual violence and misconduct 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, sexual exploitation and the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph and video.

Training, Reporting and Responding to Sexual Violence and Misconduct

A copy of the Sexual Violence and Misconduct Policy is included in every contract through the made between CTC and its students. Furthermore, a copy of the Sexual Violence and Misconduct Policy is given to all CTC teachers, staff, other employees as well as CTC contractors, and training is provided regarding the policy and the processes of reporting, investigating, and responding to complaints of sexual violence.

The Sexual Violence and Misconduct Policy is available in the Student Handbook found on the CTC website and available to students, teachers, and staff at any time.

CTC teachers, staff, and any other employees and contractors of CTC will report incidents of or complaints of sexual violence or misconduct to their Campus Director upon becoming aware of them. Students who have been affected by sexual violence or misconduct who need information about support services should contact the Campus Director/SEA immediately.

Subject to Section 4 below, to the extent it is possible, CTC 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:

- 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 or other measures that may be required ; and
- ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

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

Notwithstanding, in certain circumstances, CTC may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk. In all cases, including the above, CTC will appropriately accommodate the needs of any student affected by sexual violence or misconduct.

In this regard, CTC will assist students who have experienced sexual violence to obtain counselling and medical care and provide them with information about sexual violence support services available in the community. Students are not required to file a formal complaint in order to access support services.

Investigating Reports of Sexual Violence and Misconduct

Under this Sexual Violence and Misconduct Policy, any student of CTC may file a report of an incident or a complaint to the Campus Director/ SEA in writing. Other officials, offices or departments may be involved in any investigation including the Human Resource Department. Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, the Campus Director/ SEA will respond promptly and:

- determine whether an investigation should take place and if the Complainant wishes to participate in the investigation;
- determine who should conduct the investigation with regard to the seriousness of the allegation and the parties involved;
- determine whether the incident should be referred immediately to the police;

In such cases or where civil proceedings are commenced with respect to allegations of sexual violence or misconduct, CTC may conduct its own independent investigation and make its own determination in accordance with its policies and procedures; and

- determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing course delivery.

Once an investigation is initiated, the following will occur:

- the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
- the Complainant will be interviewed to ensure a complete understanding of the allegation and to gather additional information that may not have been included in the written complaint, such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
- the Respondent will be interviewed and informed of the complaint, provided details of the allegations, and provided an opportunity to respond to the allegations, including providing any witnesses the Respondent feels are essential to the investigation;
- any person involved or who has, or may have, knowledge of the incident and any identified witnesses will be interviewed;
- reasonable updates to the Complainant and the Respondent about the status of the investigation will be provided; and
- following the investigation, the Campus Director will:
 - review all of the evidence collected during the investigation;
 - determine whether sexual violence occurred; and if so
 - determine what disciplinary action, if any, should be taken as set out in Section 5 below.

Disciplinary Measures

If it is determined by CTC that the Respondent did engage in sexual violence or misconduct, immediate disciplinary or corrective action will be taken. This may include:

- disciplinary action up to and including termination of employment of teachers or staff; or
- expulsion/dismissal of a student; and /or
- the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
- any other actions that may be appropriate in the circumstances.

Appeal

Should the Complainant or the Respondent disagree with the decision resulting from the investigation, he or she may appeal the decision to the VP Operations within 5 business days by submitting a letter/email advising of the person's intent to appeal the decision.

Making False Statements

It is a violation of the Sexual Violence and Misconduct Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

Individuals who violate the Sexual Violence and Misconduct Policy are subject to disciplinary and/or corrective action up to and including termination of employment of teachers or staff or expulsion of a student.

Reprisal

It is a violation of the Sexual Violence and Misconduct Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

Individuals who violate the Sexual Violence and Misconduct Policy are subject to disciplinary and/or corrective action, up to and including termination of employment of teachers or staff or expulsion of a student.

Review

CTC shall ensure that student input is considered every time the Sexual Violence and Misconduct Policy is reviewed or changed. CTC will review its Sexual Violence and Misconduct Policy at least once every 3 years and amend it where appropriate.