

APLUS INSTITUTE SEXUAL VIOLENCE POLICY

POLICY CATEGORY:	Administrative
Responsibility:	Office of Student Affairs
Original Date:	January, 2017
EFFECTIVE DATE:	January 2024
REVIEW PERIOD:	Every 3 Years
NEXT REVIEW:	January 2027

APLUS INSTITUTE'S SEXUAL VIOLENCE POLICY GOAL

Sexual violence in all forms is an abuse of power and will not be tolerated at APLUS Institute.

This Policy's objective is to:

- Prevent sexual violence and promote a culture of consent
- Outline the process to make a disclosure, seek support, report, and make a complaint.
- To comply with the requirements of *Strengthening Post-secondary Institutions and Students Act, 2022*.

APPLICATION & SCOPE

This Policy applies to all APLUS Institute employees, students, contractors, suppliers of services, individuals who are directly connected to any APLUS initiatives, alumni, and visitors. This policy and procedures may continue to apply when a person's relationship with APLUS changes or terminates after the incident, and may be initiated or completed even if the Complainant or Respondent is no longer employed/associated with APLUS.

This policy applies to incidents of sexual violence: on-campus/off-campus in virtual environments (Zoom, TopHat), and also including WhatsApp, texts, Facebook, Instagram, TikTok and Snapchat, and in-person gatherings.

This Policy is guided by the *Ontario Human Rights Code* (the "Code"), the *Occupational Health and Safety Act* ("OHSA") and *Bill 132, Sexual Violence and Harassment Action Plan Act* as well as other legislation, policies, and collective agreements.

DEFINITIONS

SEXUAL ASSAULT:

A criminal offence under the ***Criminal Code*** of Canada. Any form of sexual contact without consent. Sexual assault includes unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature.

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 assault, sexual harassment, sexual abuse, sexual misconduct, stalking, indecent exposure, human trafficking, voyeurism, sexual exploitation, drug-facilitated sexual assault, sexual coercion, cyber sexual harassment, recording and distribution of a sexually explicit photograph, etc.

SEXUAL HARASSMENT

Sexual harassment is any unwelcome comment, gesture, or action of a sexual nature that is offensive, humiliating, or is perceived to place a condition of a sexual nature on employment or other opportunities. It can include unwanted touching, sexual advances, offensive jokes or remarks, leering, displaying sexual images, and sexual solicitation or advances from someone in a position of power.

SEXUAL MISCONDUCT

Sexual misconduct is any unwelcome sexual act, behavior, or remark of a sexual nature that is committed, attempted, or threatened against an individual without their consent. It is an umbrella term for a range of harmful behaviors, including sexual harassment, sexual assault, and discrimination based on sex, gender, gender identity, or sexual orientation. Key elements include lack of consent and power dynamics.

COERCION:

Coercion is the use of emotional manipulation, pressure, blackmail, or threats, or the promise of rewards or special treatment, in order to persuade someone to engage in sexual acts.

COMPLAINANT:

A person who makes a report or complaint of sexual violence.

RESPONDENT:

A person alleged to have committed sexual violence.

PREVENTION AND EDUCATION

Any sexual act or attempt to obtain a sexual act by force, coercion, manipulation, or threat, or any unwanted sexual conduct directed against another person's will. This includes, but is not limited to:

- Sexual assault;
- Sexual harassment;
- Stalking or voyeurism;
- Indecent exposure; and
- Non-consensual sharing of sexually explicit images or videos.

APLUS Institute is dedicated to proactive prevention by:

- Providing regular education and awareness programs on consent, healthy relationships, and bystander intervention;
- Including information about this policy in student and employee orientations;
- Offering professional development for staff and faculty to recognize, respond to, and refer disclosures of sexual violence.

KEY CONCEPTS

CONSENT:

The voluntary, informed, and ongoing agreement to engage in sexual activity. Consent cannot be assumed, coerced, or given by individuals who are incapacitated due to alcohol, drugs, unconsciousness, or other conditions. Consent cannot be obtained by a person in a position of trust, power, or authority (e.g., a faculty member who teaches a student or a manager who supervises an employee).

Silence or non-communication will not be interpreted as consent. Consent given in the past to sexual activity does not mean that consent exists for future sexual activity.

PROCEDURAL FAIRNESS

Procedural fairness includes the parties' right to:

- notice of the allegations against them

- a reasonable opportunity to respond to the allegations;
- an impartial decision-making and providing reasons for the decision.

CONFIDENTIALITY/LIMITATIONS

Confidentiality is important to those who have disclosed or reported sexual violence. The confidentiality of all persons involved in a report of sexual violence will be strictly observed, and APLUS Institute will make every reasonable effort to protect personal information and handle records in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

Confidentiality cannot be assured in the following circumstances:

- An individual is at imminent risk of self-harm; and/or
- An individual is at imminent risk of harming another; and/or
- There are reasonable grounds to believe that others in the Institute or greater community may be at risk of harm.

PROTECTION FROM REPRISALS, RETALIATION, OR THREATS

APLUS Institute will not tolerate any retaliation or reprisal through any means against anyone who discloses or reports an incident of sexual violence or participates in a related investigation.

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.

REPORTING PROCEDURES

Students looking to initiate an internal investigation can report an incident of sexual violence and file a Complaint with the VP of Student Affairs. Complaints require the declaration of the details of the allegations for the purpose of procedural fairness (a fair process for resolving disputes).

Reports can be made in person, in writing, or anonymously.

Individuals may choose whether or not to report to law enforcement. The Institute will support their decision.

All reports will be taken seriously and handled promptly, fairly, and with compassion.

DISCLOSURES AND INCIDENT REPORTING OF SEXUAL VIOLENCE

All students and employees should expect that responses to disclosures of sexual violence will be non-judgmental, respectful, compassionate, and supportive with no irrelevant questions asked.

Students who have experienced or been affected by sexual violence are encouraged to come forward, if desired. Individuals who disclose can receive support without making a Complaint.

Students looking to initiate an internal investigation can report an incident of sexual violence and file a Complaint. For the purpose of procedural fairness, complaints require the declaration of the details of the allegations.

APLUS is committed to responding to complaints fairly and expeditiously recognizing the difficulty of being involved in a Complaint process.

All individuals have the right to be kept informed in a timely manner about the processes they've engaged as a result of information they have provided.

All faculty, employees, and contractors have a duty to immediately report all incidents and suspected incidents of sexual violence.

COMPLAINT PROCESS

Where a complaint of sexual violence has been reported to APLUS, the institute will exercise care to protect and respect the rights of both the complainant and the respondent, and to ensure the safety of the individuals involved in the complaint.

RIGHT TO WITHDRAW A COMPLAINT

A complainant has the right to withdraw a complaint at any stage of the process before a decision is rendered. They should communicate their decision to withdraw their complaint in writing

IRRELEVANT QUESTIONING

During the institution's investigative process, complainants acting in good faith who share their experience of sexual violence through disclosing, and/or reporting, will not be asked irrelevant questions.

RESPONSE AND INVESTIGATION

- Upon receiving a report, the VP of Student Affairs or delegate will review the matter and determine the appropriate next steps.
- Where necessary, a formal investigation will be conducted.
- Both the complainant and respondent will be informed of the investigation process, their rights, and available supports.
- Findings will be based on the balance of probabilities, and disciplinary actions may include suspension, expulsion, or termination.

VOLUNTARY RESOLUTION

In certain circumstances, a Complainant and Respondent may be interested in attempting a resolution of a Complaint at any time before the completion of an Investigation.

Voluntary Resolution is a viable option if the Complainant and the Respondent both agree to:

- attempt to reach a resolution in good faith;
- the methods to be used to seek resolution; and
- the terms of what would constitute resolution.

A meeting between the Complainant and the Respondent will not be a requirement for Voluntary Resolution.

CRIMINAL REPORT AND OTHER EXTERNAL OPTIONS

A Criminal Report is made when an individual files a report of Sexual Violence with a Police.

Individuals may exercise other options e.g. through civil litigation or Ontario Human Rights Code provisions.

SUPPORT AND ACCOMMODATIONS

The Institute will provide reasonable academic and personal supports to affected individuals, including:

- Academic accommodations (e.g., extensions, deferrals);
- Counseling and mental health referrals;
- Assistance with contacting police or community services;
- Safety planning and on-campus measures as appropriate.

References:

1. [Colleges Ontario, Sexual Assault and Sexual Violence Policy and Protocol Template](#)
2. [Criminal Code of Canada](#)
3. [Department of Justice](#)
4. [Dispelling Myths and Misconceptions about Sexual Assault](#)
[Freedom of Information and Protection of Privacy Act, 1990](#)
[Personal Health and Information Protection Act, 2004](#)
5. [The Ontario Coalition of Rape Crisis Centres'](#)
[The Ontario Human Rights Code](#)
6. <https://www.ontario.ca/document/guide-occupational-health-and-safety-act/part-iii0i-workplace-violence-and-workplace-harassment>
7. <https://careercollegesontario.ca/wp-content/uploads/2019/05/Sexual-Assault-Guide.pdf>

PROVINCIAL SERVICES AND SERVICE ASSOCIATIONS

Please note that these services are listed in alphabetical order

ASO411

www.aso411.ca

ASO411 provides information about HIV related services offered at AIDS Service Organizations (ASOs) and other organizations in Canada. ASO411 is for people who need services and for service providers.

Association of Ontario Health Centres

www.aohc.org

This site provides information on local community health services including Community Health Centres, Aboriginal Health Access Centres and Community Family Health Teams.

Assaulted Women's Helpline

www.awhl.org

1-866-863-0511 (toll-free)

1-866-863-7868 (TTY)

416-863-0511 (Toronto)

#7233 on your Bell Mobility phone

This confidential, 24-hour province-wide helpline offers crisis counselling, emotional support, safety planning, and referrals for women needing a shelter, legal advice or other supports. This service is free and is available in over 100 different languages including 17 Aboriginal languages.

ConnexOntario

www.connexontario.ca

ConnexOntario provides free and confidential health services information for people experiencing problems with alcohol, drugs, mental health or gambling.

Distress Centres Ontario

www.dcontario.org

Femaide: Crisis Line for Women who are Victims of Violence

www.femaide.ca

1-877-FEMAIDE or 1-877-336-2433 (toll-free)

1-866-860-7082 (TTY)

This confidential, 24-hour province-wide crisis and support number automatically connects the caller to a crisis line for French-speaking women who are victims of violence. It offers emotional support, safety planning and referrals for women who need shelter, counselling or other support.

DEVELOPING A RESPONSE TO SEXUAL VIOLENCE: A RESOURCE GUIDE FOR ONTARIO'S COLLEGES AND UNIVERSITIES 33

French Language Services for Victims of Violence

www.francofemmes.org/aocvf/index.cfm?Repertoire_No=-1051436664&Voir=menu&M=1422

Action ontarienne contre la violence faite aux femmes offers a list of French-language and bilingual services for women experiencing violence.

Kids Help Phone

www.kidshelpphone.ca

1-800-668-6868

Kids Help Phone provides bilingual over-the-phone or web-based counselling for sexual assault, as well as other crisis situations, on a 24 hour per day basis.

Language Interpreter Services

www.citizenship.gov.on.ca/english/grantsandfunding/language.shtml

The Language Interpreter Services program delivers spoken language interpretation to help victims of domestic and sexual violence access social, healthcare and legal services. Services are available in over 60 languages, 24 hours a day, seven days a week, 365 days a year. The website provides a list of local service providers.

Legal Aid Ontario

www.legalaid.on.ca

Legal Aid Ontario promotes access to justice throughout Ontario for low-income individuals. The website provides information on the types of services available. Legal Aid Ontario can be reached toll-free at 1-800-668-8258 Monday through Friday from

8:00 a.m. to 5:00 p.m.

Ontario Association of Children's Aid Societies

www.oacas.org

The Ontario Association of Children's Aid Societies (CAS) provides information on child protection services. Information on the duty to report and how to contact your local CAS is available through this site.

Settlement.org

www.settlement.org

Settlement.org provides information and resources to newcomers to help them settle in Ontario. A list of local services for newcomers is provided.

Sexual Assault/Rape Crisis Centres

www.sexualassaultsupport.ca

Sexual Assault/Rape Crisis Centres offer a wide variety of services to victims and survivors of sexual violence, 16 years and over. Services include a 24-hour anonymous crisis/support telephone line, individual and group counselling, court, police and hospital accompaniment, information on the legal system, and community referrals. Francophone services are available in designated areas.

Sexual Assault/Domestic Violence Treatment Centres

www.satcontario.com

A network of hospital-based sexual assault/domestic violence treatment centres provides 24/7 emergency care to women, children and men who have been sexually assaulted or who are victims or survivors of domestic violence. Services include emergency medical and nursing care, crisis intervention, collection of forensic evidence, medical follow-up and counselling and referral to community resources. Information on local services can be accessed through the site.

Victim Support Line

www.attorneygeneral.jus.gov.on.ca/english/about/vw/vsl.asp

1-888-579-2888 (toll-free)

416-314-2447 (Toronto)

The Victim Support Line is a free, province-wide, multilingual information line that provides a range of services to victims of crime. Victims may speak directly with an information and referral counsellor 24 hours a day, seven days a week, about supports and services that are available in their community. Information on victims' services is also available through an online directory:

www.attorneygeneral.jus.gov.on.ca/english/ovss

Violence Against Women Shelters

www.211ontario.ca/#results:m=QUICK&q=domestic%20violence%20women%27s%20shelters&r=0

Dial 211

Violence against women shelters provide emergency accommodation, food, counselling, support, and referrals for women and their children. Ontario 211 provides a directory and contact information for domestic violence women's shelters in Ontario. It also provides information on other community and social services in the province.