

Evergreen College Sexual Violence Policy

1. Sexual Violence Policy

- (a) Evergreen College is committed to providing its students with an educational environment free from sexual violence by treating its students who report incidents of sexual violence with dignity and respect.
- (b) Evergreen College has adopted this Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involve its students.
- (c) The person accused of engaging in sexual violence will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

2. Definition of Sexual Violence

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.

3. Training, Reporting and Responding to Sexual Violence

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

- (a) Evergreen College shall include a copy of the Sexual Violence Policy in every contract made between it and its students, and provide a copy of the Sexual Violence Policy to career college management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the career college's affairs, and their agents), instructors, staff, other employees and contractors and train them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence involving its students. *Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.
- (b) The Sexual Violence Policy located in our front desk as well the student lounge.
- (c) College management, instructors, staff, other employees and contractors of Evergreen College will report incidents of or complaints of sexual violence to Evergreen College's Health and Safety Committee upon becoming aware of them.

Health and Safety Committee Members:

Chairperson: Linda Cook, Academic Director, 416-365-0505 ext. 227,
linda.cook@evergreencollege.ca

Members:

Din Awad, President, 416-365-0505 ext. 230, din@evergreencollege.ca

Julia Gu, CEO, 416-365-0505 ext. 222, juliag@evergreencollege.ca

Lily Shu, Senior Admission Counsellor, 416-365-0505 ext. 238,

lily@evergreencollege.ca

- (d) Students who have been affected by sexual violence or who need information about support services should contact Evergreen College's Health and Safety Committee Chairperson or the Academic Compliance Director.
- (e) Subject to Section 4 below, to the extent it is possible, Evergreen College 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.
- (f) Evergreen College 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.
- (g) Notwithstanding (f), in certain circumstances, Evergreen College may be required by law 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 addition, Evergreen College believes that it is in the best interest of our staff and students to investigate all complaints and deems it a policy of Evergreen College.
- (h) In all cases, including (f) above, Evergreen College will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact Evergreen College's Health and Safety Committee Chairperson or the Academic Compliance Director.

In this regard, Evergreen College will assist students who have experienced sexual violence in obtaining counselling and medical care, and link them with information about sexual violence supports and services available in the community as set out in **Appendix 1** attached hereto. Students are not required to file a formal complaint in order to access supports and services.

4. Investigating Reports of Sexual Violence

- (a) Under this Sexual Violence Policy, any student of Evergreen College may file a report of an incident or a complaint to Evergreen College Health and Safety Committee Chairperson or the Academic Compliance Director in writing. The other officials, offices or departments that will be involved in the investigation are the President and CEO.
- (b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Evergreen College's Health and Safety Committee Chairperson or the Academic Compliance Director. will respond immediately and:
 - (i) determine if there is immediate danger to anyone and if so call 911;
 - (ii) determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;
 - (iii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
 - (iv) determine whether the incident should be referred immediately to the police;

In the event that the police are called to remove a respondent from the college, as well as, in such cases or where civil proceedings are commenced in respect of allegations of sexual violence, may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and

- (v) 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 necessary course studies.
- (c) Once an investigation is initiated, the following will occur:
- (i) the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
 - (ii) interviewing the Complainant to ensure a complete understanding of the allegation and gathering 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;
 - (iii) informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;
 - (iv) interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;
 - (v) providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
 - (vi) following the investigation, Evergreen College's Health and Safety Committee Chairperson or the Academic Compliance Director. will:
 - (A) review all of the evidence collected during the investigation;
 - (B) determine whether sexual violence occurred; and if so
 - (C) determine what disciplinary action, if any, should be taken as set out in Section 5 below.

5. Disciplinary Measures

- (a) If it is determined by Evergreen College that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:
 - (i) disciplinary action up to and including termination of employment of instructors or staff; or
 - (ii) expulsion of a student; and /or
 - (iii) the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
 - (iv) any other actions that may be appropriate in the circumstances.

6. Appeal

- (a) Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to Evergreen College's President or Chief Executive Officer within ten days by submitting a letter addressed to din@evergreencollege.ca or juliag@evergreencollege.ca advising of the person's intent to appeal the decision.

7. Making False Statements

- (a) It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.
- (b) Individuals who violate this Sexual Violence Policy are subject to disciplinary and/ or corrective action up to and including termination of employment of instructors or staff or expulsion of a student.

8. Reprisal

- (a) It is a violation of this Sexual Violence 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.
- (b) Individuals who violate the Sexual Violence Policy are subject to disciplinary and/ or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

9. Review

- (a) Evergreen College shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.
- (b) Evergreen College shall review its Sexual Violence Policy 3 years after it is first implemented and amend it where appropriate. This date is May 15, 2018.

10. Collection of Student Data

- (a) Evergreen College shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Subsections 32.1 (8), (9), (10) and (11) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

Appendix 1

The following represents a list of Provincial Rape Crisis Centres.

Canadian Association of Sexual Assault

Centres Ontario

Provincial

English

Assaulted Women's

Helpline Toll Free: 1-

866-863-0511

#SAFE (#7233) on Bell, Rogers, Fido or Telus

mobile TTY: 416-364-8762

www.awhl.org

Français

Fem'aide

Telephone Toll-Free: 1-877-336-2433

ATS: 1 866 860-7082

www.femaide.ca

Sexual Assault/Domestic Violence Treatment Centres

35 [hospital-based centres that provide](#) 24/7 emergency care to women. To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, follow [this link](#).

Local

Toronto

Toronto Rape Crisis Centre

416-597-1171 (main line), 416-597-8808 (counselling line)

Offers legal support, referrals, a 24-hour crisis line, support groups and in-person counselling for victims of sexual assault. Mon-Fri, 9:30am-5pm. More information at <http://www.trccmwar.ca/>.

Assaulted Women's Help Line

416-863-0511, toll-free in Ontario at **1-866-863-0511** , or 416-323-6040 if assaulted in last 72 hours

Call-in only.

Emergency help line for women that have been assaulted. Anonymous, accessible 24 hours a day. More information at <http://www.awhl.org/>.

Sexual Assault & Domestic Violence Care Centre at the Women's College Hospital

416-323-6040

76 Grenville St., Toronto, Ontario, M5S 1B2

24-hour medical care centre for adults who have been victims of sexual assault, offering emergency and follow-up care. More information, including hours, at <http://www.womenscollegethospita.ca/programs/program116.html>.

Sexual Assault & Domestic Violence Care Centre at the Women's College Hospital

416-323-6040

76 Grenville St., Toronto, Ontario, M5S 1B2

24-hour medical care centre for adults who have been victims of sexual assault, offering emergency and follow-up care. More information, including hours, at <http://www.womenscollegethospita.ca/programs/program116.html>.

Barbra Schlifer Commemorative Clinic

416-323-9149

489 College Street, Suite 503, Toronto, Ontario, M6G 1A5

Free counselling, legal, interpretation, information and referral service for women who are survivors of violence. Mon.-Fri., 9am-5pm. More information at <http://www.schliferclinic.com>.



Canadian Women's Foundation - National office

133 Richmond St. W. Suite 504
Toronto, ON M5H 2L3

Phone 416-365-1444
Toll Free 1-866-293-4483
TTY 416-365-1732
Fax 416-365-1745/Toll Free 1-877-293-7490

info@canadianwomen.org

Are you seeking support to deal with abuse or violence?

If you or someone you know is in immediate danger, call 911 or your local police.

To find information on shelters and support services in your province or territory, go to sheltersafe.ca.