



SEXUAL VIOLENCE POLICY

Sexual Violence Policy

1. PURPOSE

Academy Truck Driving School (the “College”) is committed to providing a safe, inclusive, and respectful learning environment for all students and staff. This policy outlines the college’s approach to preventing and responding to incidents of sexual violence and outlines the investigative processes in compliance with Provincial and federal rules and regulations.

2. SCOPE

This policy applies to all students, staff, contractors, and visitors of the college.

3. OBJECTIVES

To provide all students and staff with an educational atmosphere free from sexual violence. Also investigate, support and treat those who report incidents of sexual violence and harassment with dignity and respect.

4. DEFINITIONS

- **Sexual Violence:** Any sexual act or act targeting a person’s sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, and whether it is committed, threatened, or attempted against a person without the person’s consent. This includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.
- **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.
- **The "Respondent":** The person accused of engaging in sexual violence.
- **The "Complainant":** the person making the allegation.
- **Sexual Violence Response “SVR” Coordinator(s):** is a group of college staff/administrators who receive reports & complaints, support, and oversee the process & policies related to sexual violence.
- **Consent:** the *Criminal Code* defines "consent" as follows: The voluntary agreement to engage in the sexual activity in question.

Consent is the act of willingly agreeing to engage in specific sexual behaviour and requires that a person is freely able to 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.

It is necessary to understand the following is not a consent:

- Silence or non-communication.
- A person with mental disability that prevent him/her from fully understanding the sexual acts.
- A person is asleep or unconscious.
- Diminished judgment or a person under the influence of alcohol and/or drugs.
- A person who has been threatened or forced into engaging in sexual activity.
- A consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person withdrew consent during the course of a sexual encounter.
- Consent given on behalf of another person.
- Giving consent to a person in a position of abusing trust power or authority, such as, a faculty member abusing his/her authority to initiate a relationship with a student who they teach.

5-POLICY STATEMENTS

5.1 Education and Training

The college will provide regular training and education to students and/or staff on topics related to sexual violence, consent, and the support available to those affected by sexual violence.

5.2 Commitment to a Safe Environment

The college is committed to maintaining a learning and working environment free from sexual violence and will take all reasonable steps to prevent and respond to such incidents.

5.3 Reporting and Response

- **Reporting:** Any member of the college who experiences or witnesses sexual violence is encouraged to report the incident to the designated Sexual Violence Response (SVR) Coordinator on campus.
- **Response:** The college will respond promptly and effectively to all reports of sexual violence. This includes providing support to the complainant, conducting an investigation, and taking appropriate disciplinary action if necessary.

5.4 Support for Victims

The college will offer support services to victims of sexual violence, including counseling, academic accommodations, and referrals to external support agencies. The college SVR Coordinator(s) will assist in coordinating these services.

5.5 Confidentiality

The College is committed to maintaining the confidentiality of all personal information involved in cases of sexual violence. This commitment is vital to creating a safe and supportive environment for all individuals involved. The following principles guide our confidentiality policy:

Protection of Personal Information:

The College will make every effort to keep personal information of all persons involved in an investigation of sexual violence confidential. This includes details that could identify the complainant, respondent, witnesses, or any other individuals involved.

Exceptions to Confidentiality:

Imminent Risk: If the College believes an individual is at imminent risk of self-harm or harming another, confidentiality may be breached to ensure safety.

Community Safety: If there are reasonable grounds to believe that others on campus or in the broader community are at risk, the College may disclose necessary information to protect those at risk.

Legal and Policy Obligations:

When the College becomes aware of an allegation of sexual violence by a member of the College community against another member, it may have a legal obligation and/or policy requirement to investigate the matter. In such instances, the College will take steps to address the allegation while striving to maintain confidentiality. Certain College administrators may be informed about the reported incident on a "need to know" basis. This means that only those individuals who require the information to perform their duties will be given access to it, and even then, the identities of the persons involved may not be disclosed unless absolutely necessary.

Release of Information to Authorities:

Personal information may be released to external authorities, such as the police, if it is deemed necessary.

This might occur in situations where there is a legal requirement to report or where the safety of individuals or the community is at stake.

Confidential Handling of Reports:

All reports of sexual violence will be handled with the utmost discretion. The College will ensure that information is only shared with individuals who are directly involved in the investigation or support process and only to the extent necessary to ensure a thorough investigation and appropriate response.

By adhering to these principles, the College aims to respect the privacy and dignity of all individuals involved in investigations of sexual violence while balancing the need to ensure safety and comply with legal and policy obligations.

5.6 Recognition & Right to Withdraw a Complaint

The 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.

A complainant has the right to withdraw a complaint at any stage of the process and the college recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, Academy Truck Driving School may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent.

5.7 Disciplinary Action

Any member of the School community found to have violated this policy will be subject to disciplinary action, up to and including expulsion or termination.

6. REPORTING AND RESPONDING TO SEXUAL VIOLENCE

A complainant seeking accommodation should contact the CVR coordinator @ Academy Truck Driving School located at 2700 Central Ave, Windsor ON.

6.1 . Investigating Reports of Sexual Violence

A complaint of sexual violence may be filed under this Policy, by any student or employee, and hand in to college CVR coordinator in writing.

A complainant may ask another person to be present during the investigation.

Upon a complaint of alleged sexual violence being made CVR coordinator will initiate an investigation within timely manner, including as follows:

- (a) determining whether the incident should be referred immediately to police;
- (b) determining what interim measures, if any, need to be taken during the investigation;
- (c) meeting with the complainant to determine 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;
- (d) interviewing the complainant, any person involved in the incident and any identified witnesses;
- (e) interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- (f) informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- (g) providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- (h) determining what disciplinary action, if any, should be taken.

Individuals 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 CVR coordinator or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

6.2. Disciplinary Measures

If it is determined that an individual at the college has been involved in sexual violence, immediate disciplinary or corrective actions may be considered: Meeting with appropriate staff, a formal warning, removal from class or office, termination or expulsion and Authorities Involvement.

In cases where criminal proceedings are initiated, Academy Truck Driving School will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence Academy Truck Driving School may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

6.3 Appeal

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 President advising of the person's intent to appeal the decision.

7. UNSUBSTANTIATED REPORTS

If a person, in good faith, discloses or files a Sexual Misconduct report that is not supported by evidence gathered during an investigation, the complaint will be dismissed. Records associated with the investigation and the results of the investigation will be kept on file as appropriate. Parties involved may still access and/or inquire further about support services.

8. MAKING FALSE STATEMENTS

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

9. RETALIATION PROHIBITED

The college prohibits retaliation against anyone who reports or participates in the investigation of an incident of sexual violence.

10. REVIEW AND MONITORING

This policy will be reviewed annually to ensure it remains effective and in compliance with legislative requirements. Feedback from students, staff, and other stakeholders will be considered in the review process.

11. COLLECTION OF STUDENT DATA

Academy Truck Driving School shall collect and be prepared to provide upon request by the Superintendent of Ontario Career Colleges such data and information as required according to Subsections 32.3 (8), (9) and (10) of Schedule 5 of the Ontario Career Colleges Act, 2005 as amended.

12. RESPONSIBILITIES

- **Students and Staff:** Must familiarize themselves with this policy and participate in training sessions.
- **SVRC:** Responsible for training, receiving reports, coordinating responses, and providing support to complainant.
- **School Administration:** Ensures the implementation and enforcement of this policy and the provision of necessary resources for training and support services.

13. REFERENCES

- Bill 26, Domestic and Sexual Violence Workplace Leave, Accommodation and Training Act, 2016
- Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016
- O. Reg. 415/06: General under Ontario Career Colleges Act, 2005, S.O. 2005, c. 28, Sched. L

14. CONTACT INFORMATION

For more information or to report an incident on-campus, contact:

Academy Truck Driving School
2700 Central Ave Windsor, ON

Sexual Violence Response (SVR) Coordinator(s)
David K – President (519-999-9697) and Jessica B – Manager (226-280-3031).

Resources within the community:

Windsor Regional Hospital–Grace Camp (Sexual Assault Centre): 1995 Lens Ave Windsor, ON Telephone: 519-255-2234

Hiatus House: 250 Louis Ave. Windsor, ON Telephone: 519-252-7781

Sexual Assault Centre of Essex County: 1770 Langlois Ave. Windsor, ON Telephone: 519-253-3100

Assaulted Women’s Helpline www.awhl.org Toll Free: 1-866-863-0511
#SAFE (#7233) on Bell, Rogers, Fido or Telus mobile TTY: 416-364-8762