



# NACPT Pharma College - Sexual Violence and Harassment Policy

## Sexual Violence and Harassment Action Plan

### Policy Objectives (1)

Our Ontario career college will not tolerate sexual and gender-based harassment and trusts that all staff, students, and employees will continue to act responsibly pursuant to the policies and will assist the school in maintaining a poison-free environment and thank all for their co-operation so we could progress into sexual violence against our students and how to reduce it.

North American College of Pharmaceutical Technology (NACPT) has developed policies and procedures to ensure that all employees, students, partners, and clients can work in an environment free from sexual and gender-based, or workplace harassment. All persons associated with our Ontario career college shall become familiar with this policy. Our Ontario career college will not tolerate sexual and gender-based harassment and trusts that all staff, students, and employees will continue to act responsibly pursuant to the policies and will assist the school in maintaining a poison-free environment free and thank all for their co-operation.

NACPT is committed to maintaining a fair and equal environment for all students, ages, ethnicities, religions, and sex-gender. The College is expected to be a safe place where our students, staff of NACPT feel able to work, learn and express themselves in an environment, free from sexual violence and treating those students who report incidents of sexual violence with dignity and respect.

NACPT will provide a copy of the policy to our students, and educate them together with our Ontario career college management, employees, instructors about this Policy and how to identify situations that involve or could progress into sexual violent against our students and how to reduce it.

### Purpose (2)

All members of our Ontario career college have the right to work and study in an environment that is free from any form of sexual violence.

This document sets out our policy and response protocol to sexual violence and ensures that those who experience sexual violence are believed and their rights respected, that NACPT has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

### Definitions (3)

Sexual violence - means any sexual act or act targeting a person's sexuality, gender identify 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.



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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. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

Consent - The voluntary and explicit agreement to engage in the sexual conduct in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely 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 also imperative that everyone understands the following:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgement cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- The fact that 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 can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable to giving consent to a person in a position of trust, power or authority, such as a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.

Note: It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Acquaintance Sexual Assault - Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

Age of Consent for Sexual Activity - The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. 12- and 13- year olds can consent to have sex with other youth who are less than two years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than five years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.



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**Coercion** - In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, extortion, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing sexual acts.

**Drug-facilitated Sexual Assault** - The use of alcohol and/or drugs (prescription or non prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

**Stalking** - A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear in the victim or threaten the victim/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include, but are not limited to, non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media/cyber-stalking; and uttering threats.

**Survivor** - Some who have been affected by sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim". We use the term survivor throughout this policy where relevant because some who have affected by sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has affected by these circumstances to determine how they wish to identify.

**Sexual Harassment** - A broad range of actions not including assault as it is described in the Criminal Code, but that can include sexual assault (unwanted physical acts). Sexual harassment refers to one or a series of comments or behaviours related to gender, or of a sexual nature that is known or ought to reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate. Harassment and Bullying are both covered under Ontario's Health and Safety Act. The definition of workplace harassment in the Ontario Health and Safety Act includes harassment which is prohibited under the Ontario Human Rights Code as well as what is often called psychological harassment or personal harassment. Specifically, the Ontario Health and Safety Act have workplace violence and workplace harassment policies.

**Gender-based harassment** - Gender-based harassment is one type of sexual harassment. Gender-based harassment is "any behaviour that polices and reinforces traditional heterosexual gender norms". In some cases, gender-based harassment may look the same as harassment based on sexual orientation, or homophobic bullying / transphobia.

**Gender-based violence** - Any form of behaviour, including psychological, physical, and sexual behaviour that is based on an individual's gender and is intended to control, humiliate, or harm the individual. The form of violence is generally directed at women and girls. It reflects an attitude or prejudice at the individual or institutional level that aims to subordinate an individual or group on the basis of sex and/or gender identity or gender expression.

**Gender-based Acquaintance sexual assault** - Includes partner, friend, date, peer, colleague or anyone already known to the person. Sexual gender-based violence is most often perpetrated by an acquaintance. The term "date rape" is interchangeable with "acquaintance sexual assault."

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Bystander - For the purposes of sexual violence prevention, a bystander is anyone who is neither a victim nor an offender, but who could potentially get involved to make a difference. It refers to anyone who can intervene before, during or after the sexual act.

Cyber bullying and harassment - Often used interchangeably, cyber harassment and cyber bullying are defined as repeated, unsolicited, reasonably known to be unwelcome, by a person or group using cell phone or Internet technology with the intent to bully, harass, and intimidate a victim. The harassment can take place in any electronic environment where communication with others is possible, as on social networking sites, on message boards, in chat rooms, through text messages or through email.

Member of the College Community - Includes but is not limited to all employees, governors, students, contractors, suppliers of service, individuals who are directly connected to college initiatives, volunteers and visitors.

Upstander - For the purposes of sexual violence prevention, an Upstander is anyone who is neither a victim nor an offender, but who gets involved to make a difference. It refers to anyone who intervenes before, during or after the sexual act.

### Policy (4)

Sexual assault and sexual violence are unacceptable and will not be tolerated at NACPT. We are committed to challenging and preventing sexual violence and creating a safe environment for anyone in our Ontariocareer College community who has experienced sexual violence. NACPT is expected to be a safe place where members of the Ontario career College community feel able to work, learn and express themselves in an environment, free from sexual violence.

All reported incidents of sexual violence will be investigated to the best of our ability and in a manner that ensures due process. The aim of this policy is to make individuals feel comfortable about making a report in good faith about sexual violence that they have experienced or witnessed. We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the Ontario Human Rights Code.

- It is the responsibility of administrators/supervisors, at all levels, to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it
- Employees or students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action.

Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still sexual harassment and it is still against the law.

### **Sexual violence policy in General:**

- (1) NACPT Pharma College shall ensure that its sexual violence policy,
  - (a) provides information about the supports and services available at NACPT Pharma College for students who are affected by sexual violence, and identifies the specific official, office or department at NACPT Pharma College should be contacted to obtain such supports and services;
  - (b) provides information about the supports and services available in the community for students who are affected by sexual violence;
  - (c) informs students that NACPT Pharma College will appropriately accommodate the needs of students who are affected by sexual violence, and identifies the specific official, office or department at NACPT Pharma College that should be contacted to obtain such accommodations;
  - (d) informs students that they are not required to report an incident of, or make a complaint about, sexual violence under the process referred to in paragraph 1 of subsection (2) in order to obtain the supports and services referred to in clause (a) or the accommodation referred to in clause (c); and
  - (e) includes the information set out in subsection (2) respecting NACPT Pharma College's process for responding to and addressing incidents and complaints of sexual violence, as required by clause 32.1 (2) (b) of the Act. O. Reg.



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132/16, s. 3.

(2) For the purposes of clause (1) (e), a sexual violence policy shall include the following information:

1. The process to be followed by persons who wish to report an incident of, or make a complaint about, sexual violence including the specific official to whom the incident should be reported or the complaint should be made.
2. Examples of the measures that may be implemented for the purpose of protecting a person reporting an incident of, or making a complaint about, sexual violence from retaliation and the threat of retaliation.
3. The process for deciding whether an incident or complaint of sexual violence will be investigated by NACPT Pharma College. Described under section 5 of this policy.
4. A victim may choose not to request an investigation by NACPT Pharma College and has the right not to participate in any investigation that may occur.
5. The investigation and decision-making processes at NACPT Pharma College that will take place if an incident or complaint of sexual violence is investigated.
6. The specific official will be involved in each stage of the investigation and decision-making processes.
7. A description of the elements of procedural fairness that will be part of the investigation and decision-making processes: In-person or written un-biased will be made based on the scenario with any required mediation process appropriate.
8. A party to an investigation or decision-making process has the right to have a person present with him or her at every stage of the process.
9. The interim measures that may be implemented while an incident or complaint is being investigated or a decision is being made regarding the incident or complaint:  
  
In-person/written complaint will be reviewed and action can be taken on interim period for immediate corrective and preventive action taken towards the severity of the problem.
10. NACPT Pharma College will work with the students on a fair ground basis and transparency manner after the decision that may be made and measures that may be imposed after an incident or complaint is investigated.
11. The measures that will be implemented to protect and keep confidential the personal information of the persons involved in the investigation of an incident or complaint.
12. Students can appeal the decision via written request to NACPT Pharma College HR department.
13. The roles and responsibilities of the corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the affairs of NACPT Pharma College, agents, students, instructors and other employees upon becoming aware of incidents or complaints of sexual violence. O. Reg. 132/16, s. 3. Described under section 5 of this policies.



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### Section 5.0: Process for Responding to and Addressing Incidents and Complaints of Sexual Violence Involving Students (5)

#### 5.1 Reporting and Responding to Sexual Violence

- Members of NACPT community should immediately report incidents where they are subject to, witness or have knowledge of sexual violence, or have reason to believe that sexual violence has occurred or may occur.
- Members who have experienced sexual violence are encouraged to come forward to report as soon as they are able to.

If you have experienced sexual harassment or violence you can contact 911 for emergency or report to:

Toronto Police Service - Sex Crimes | 40 College Street, Toronto, Ontario M5G 2J3 | 416- 808-7474 | [www.torontopolice.on.ca/sexcrimes/sas](http://www.torontopolice.on.ca/sexcrimes/sas) | [www.facebook.com/TPSSexCrimes](https://www.facebook.com/TPSSexCrimes) | [www.twitter.com/TPSSexCrimes](https://www.twitter.com/TPSSexCrimes) |

A police officer is to conduct a thorough investigation. The Toronto Police Service will also provide you with ongoing support throughout the entire process. Their goal is to identify, arrest and prosecute the person(s) responsible.

If you require medical attention, consider getting medical care at a local hospital. If possible, do not change clothes, bathe, or brush your teeth until evidence is collected. A complete medical evaluation will include evidence collection, a physical examination and treatment. Please note you will have the opportunity to opt out at any time during the medical evaluation.

- The Sexual Assault/Domestic Violence Care Centre (SA/DVCC) provides emergency service, follow-up health care and counselling to both female and male victims/survivors of recent sexual assault and intimate partner violence.
- Care is available 24 hours/day and includes crisis intervention, physical examination, documentation of injuries (including photographs), testing and treatment for sexually transmitted infections and pregnancy, forensic evidence collection for release to police (or stored at hospital), safety planning and referrals for ongoing support. Follow-up health care and counselling is also available at the SA/DVCC.
- There are 35 SA/DVCCs across Ontario. Listed below are two centers that are located in the city of Toronto. If you live outside of Toronto and wish to find a center in your area, call: (416) 314-2447 or toll free at 1(888) 579-2888.
- Alternatively, check out the Network of Sexual Assault/Domestic Violence Treatment Centre website: [www.sadvreatmentcentres.net](http://www.sadvreatmentcentres.net).

#### 5.2 Reporting and Responding to Sexual Violence

Students, faculty and staff of NACPT will take all reasonable steps to prevent sexual violence involving our students on our Ontario career college campus by reporting immediately to NACPT campus administrator if our students have been subject to, or they have witnessed or have knowledge of sexual violence involving our students, or have reason to believe that sexual violence has occurred or may occur which involves our students.



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Complaints will be confidential. If a matter needs to be taken further, a complaint can be made (filing an application) with the Human Rights Tribunal of Ontario (HRTO). You will need to file this within one year of the last incident of sexual harassment. The Human Rights Legal Support Centre may help you file this application. In more extreme cases, sexual harassment is a criminal offence. It is a crime if the harassment involves attempted or actual physical assault, including sexual assault, or threats of an assault. Stalking is a crime called “criminal harassment.” Where sexual harassment includes any of these things, you can contact the local police at 911.

### 5.3 Investigating Process

A reported allegation of harassment or sexual violence will be investigated immediately to the best of our ability. The aim of this policy is to make individuals feel comfortable about making report in good faith about sexual violence that they have experienced or witnessed. The investigation might include separate interviews with the parties involved, where necessary, as well as with individuals who may have observed or have knowledge relevant to the alleged conduct. An attempt to conduct the investigation in a discreet fashion to the extent practicable and appropriate under the circumstances.

- A complaint of sexual violence may be filed under this Policy, by any student of our Ontario career college to NACPT in writing.
- A complainant may ask another person to be present during the investigation. • Upon a complaint of alleged sexual violence being made, NACPT will initiate an investigation, including. As follows:
  - Anyone who has experienced sexual violence has the right to:
    - be treated with dignity and respect;
    - be informed about resource services and decide whether or not to access available services and choose those services they feel will be most beneficial;
    - have an on-campus investigation with the institution’s full cooperation; ○ have a safety plan; and
    - have reasonable and necessary actions taken to prevent further and unwanted contact with the Complainant
- Persons in a position of authority including persons directing the activities of others shall take immediate action to respond to or to prevent sexual violence from occurring
- Where NACPT becomes aware of incidents of sexual violence by a member of the College which occur on or off College property and that pose a risk to the safety of members of the College the College shall take all reasonable steps to ensure the safety of the College.

For Additional information:

[http://www.torontopolice.on.ca/publications/files/print/a\\_guide\\_for\\_sexual\\_assault\\_survivors](http://www.torontopolice.on.ca/publications/files/print/a_guide_for_sexual_assault_survivors)

### 5.4 Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any state of the process. However, NACPT may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.



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### 5.5 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.

A complaint of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the College community. For more information, please refer to the Sexual Assault and Sexual Violence Procedure, Sections 5.1 and 5.2 of this policy.

The College will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy. Respondents will be given reasonable notice, with details of the allegations and provided with an opportunity to answer to the allegations made against them.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

### 5.6 False Complaints

NACPT recognizes that false accusations of sexual harassment or other forms of workplace harassment can have serious effects on the lives and Ontario careers of innocent people. Therefore, while harassment in the workplace will not be tolerated, neither will NACPT and the submission of false accusations by any person. 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 violates this 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.

## Timelines in Reporting an Incident (6)

Prompt reporting of incidents is important so that appropriate action can be taken.

## Protection Against Retaliation (7)

Retaliation against an individual who submits a complaint of alleged harassment, reports harassment or assists in providing information relevant to a complaint of harassment is absolutely prohibited and a serious violation of this policy. If you feel you or any other person has been retaliated against, you should report the matter immediately to one of the persons listed at the end of this policy.





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### What to do if you Witnessed Sexual Violence (8)

If you witness sexual violence, and require emergency support, please call Police 911 or go to the nearest police station. If you are in need of less urgent counselling or medical support during business hours, contact the NACPT administration office.

### What to do if Someone Discloses Allegations of Sexual Violence (9)

A person may choose to confide in someone, such as an instructor who teaches at NACPT or another student about an act of sexual violence. A supportive response from NACPT involves:

- listening without judgement and accepting the disclosure as true;
- communicating that sexual violence is never the responsibility of the survivor; • helping the individual identify and/or access available on or off-campus services, including emergency medical care and counselling;
- respecting the individual's right to choose the services they feel are most appropriate and to decide whether

to formally report to the police recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited; respecting the individual's choices as to what and how much they disclose about their experience, and making every effort to respect confidentiality and anonymity.

If disclosure is made to any faculty or staff member by a student seeking support or accommodation, the faculty or staff should refer the student to Multicultural Women Against Rape Crisis: 416-597-8808 Office to ensure that the student receives all necessary support.

As indicated above, if faculty or staff member of NACPT becomes aware of an allegation of sexual violence against another member of NACPT, the faculty or staff member is required to report the alleged incident to their direct supervisor immediately.

From there, the supervisor will consult other college officials as appropriate and required. In certain circumstances, NACPT may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the person's consent, if the College believes that the safety of other members of the College is at risk.

### Corrective and Preventive Action (10)

If, after investigation, it is found that this policy has been violated, the offending person will be dealt with appropriately in the judgment of NACPT. Corrective and preventive action may include, for example, training, reassignment, or disciplinary action up to and including expulsion, termination and/or other corrective/preventive action.



## If you would like to File a Formal Complaint within the College (11)

NACPT is to be notified immediately in order to assist you with filing a complaint. If the alleged perpetrator is another member of NACPT you may file a complaint under this Policy.

## Confidentiality (12)

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and NACPT does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; and/or
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the victim would not be released to the public. All information collected as a result of a report made under the policy and procedure will be managed in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

## Length of Process (13)

Depending on the case, it might take between a couple of months to a couple of years. This long wait may be difficult for you. It is important to get support during this time. There are community agencies that can help you through the process.

## Harassment (14)

If you are being harassed (including sexual harassment) where you work, you may be able to have action taken under the Occupational Health and Safety Act. Contact Ontario's Ministry of Labor for more information.

## Disciplinary Measures (15)

If it is determined by NACPT that if a student of our Ontario career College has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of instructors or staff or expulsion of a student.



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In cases where criminal proceedings are initiated, NACPT will assist police agencies, lawyers, insurance companies, and to the fullest extent. Where criminal and/or civil proceedings are commenced in respect to the allegations of sexual violence, NACPT may conduct its own independent investigation into such allegations and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

### Reprisal (16)

It is a violation of this 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.

### Review (17)

This policy will be reviewed 3 years after it is first implemented.

### Collection of Student Data (18)

NACPT 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.

### Resource (19)

Toronto Oasis Centre des Femmes Telephone 416-591-6565 or Toronto Rape Crisis Centre: Multicultural Women Against Rape Crisis: 416-597-8808 Office Canadian Association of Sexual Assault Centers 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 Telephone toll-free: 1-877-336-2433 ATS: 1 866 860-7082

Women in Crisis 1-877-268-8380 | 705-268-8381

Toronto Multicultural Women Against Rape/Toronto Rape Crisis Centre (416) 597- 8808 416-597-1171

### References (20)

Colleges Ontario, Sexual Assault and Sexual Violence Policy and Protocol The Ontario Coalition of Rape Crisis Centers (<http://www.sexualassaultsupport.ca> (link is external))

The Ontario Human Rights Commission Act

<http://www.ohrc.on.ca/en/policy-preventing-sexual-and-gender-based-harassment>