

ICT KIKKAWA COLLEGE SEXUAL ASSAULT AND SEXUAL VIOLENCE POLICY

Type: Administrative

Responsibility: ICT Kikkawa College School Director

Effective Date: December 2016

Revised: next revision December 2019

Sexual Violence Policy: ICT Schools is committed to providing its students with an education environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect.

ICT Kikkawa 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 that involve its students.

This Policy applies to: All members of the ICT Kikkawa College community including: all employees, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors.

Policy Statement

Sexual assault and sexual violence are unacceptable and will not be tolerated. We are committed to challenging and preventing sexual violence and creating a safe space for anyone in our college community who has experienced sexual violence. ICT Kikkawa College is expected to be a safe and positive space where members of the ICT Kikkawa 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 the administration's ability and in a manner that ensures due process. It is this policy's intention 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*. We also recognize that individuals who have experienced sexual violence may experience emotional, academic or other difficulties.

We are committed to:

- assisting those who have experienced sexual violence by providing choices, including information and support, such as referral to counselling and medical care, and appropriate academic and other accommodation;
- ensuring that those who disclose that they have been sexually assaulted are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response;
- addressing harmful attitudes and behaviours (e.g., adhering to myths of sexual violence) that reinforce that the person who experienced sexual violence is somehow to blame for what happened;
- treating individuals who disclose sexual violence with compassion recognizing that they are

- the final decision makers about their own best interests;
- ensuring that at ICT Kikkawa College investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police;
- engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with ICT Kikkawa College policies, and that ensure fairness and due process;
- ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus;
- providing information to the ICT Kikkawa College community about our sexual violence policies and protocols;
- providing appropriate education and training to the ICT Kikkawa College community about responding to the disclosure of sexual violence;
- contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and
- monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

Definitions

Sexual Assault and Sexual Violence

The person accused of engaging in sexual violence will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

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.

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 abuse, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Consent: The voluntary and explicit agreement to engage in the sexual activity 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 judgment 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 of 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.

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.

Other Relevant Terms

Acquaintance sexual assault: Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

Coercion: In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, 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 particular 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.

Training, Reporting and Responding to Sexual Violence

ICT Kikkawa 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 ICT Schools management, owners, partners and other persons who manage or direct ICT Kikkawa College's affairs, and their agents, instructors, staff and 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.

The Sexual Violence Policy shall be published on our website. A paper copy will be accessible in our Reception area.

ICT Kikkawa College management, instructors, staff, other employees and contractors of ICT Kikkawa College will report incidents of or complaints of sexual violence to the ICT Kikkawa College School Director upon becoming aware of them.

Students who have been affected by sexual violence or who need information about support services should contact the ICT Kikkawa College School Director.

To the extent it is possible, ICT Kikkawa 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 an given case; and

- ii) Ensuring that the documentation is kept in a separate file from that of the Complainant/Student or the Respondent.

ICT Kikkawa College recognizes the right of the Complainant not to report an incident or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur

Notwithstanding the above in certain circumstances ICT Kikkawa College 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, ICT Kikkawa College will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact the ICT Kikkawa College School Director.

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

Investigating Reports of Sexual Violence

Under this Sexual Violence Policy, any student of ICT Kikkawa College may file a report of an incident or a complaint to the **ICT Kikkawa College School Director** in writing. The other offices or departments that will be involved in the investigations are the **Health and Safety Representative** or designate.

Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, the ICT Kikkawa College School Director will respond promptly and:

Determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;

Determine who should conduct the investigation having 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 in respect of allegations of sexual violence, ICT Kikkawa College may conduct its own independent investigation and make its own determination in accordance with its own 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 necessary course studies.

Once the 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;
- 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 and a complete description of what occurred.
- 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
- Interviewing any persons involved or who has or may have knowledge of the incident and any identified witnesses;
- Providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and

- Following the investigation, the ICT Kikkawa College School 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 below.

Disciplinary Measures

If it is determined by the ICT Kikkawa College School Director 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 Respondents ability to access certain premises or facilities; and/or
- iv) Any other actions that may be appropriate in the circumstances.

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 Board of Directors within 5 business days by submitting a letter addressed to the Board of Directors advising of the person's intent to appeal the decision. The Board's decision will be final. Please refer to Kikkawa College's Program Catalog for details on the schools complaints and appeals procedure.

Making False Statements

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.

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.

Reprisal

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.

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.

Review of Policy

ICT Kikkawa College shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended

ICT Kikkawa College shall review its Sexual Violence Policy 3 years after it is first implemented and amend it where appropriate. This date is December 2019.

Collection of Student Data

ICT Kikkawa 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) and (10) of Schedule 5 of the Private Career College Act, 2005 as amended.

What to Do if You Witnessed Sexual Violence

If you witness sexual violence, please call:

Pascal Papathanasakis – ICT Kikkawa College School Director

Tel: 416-762-4857 ext 226

What to Do if Someone Discloses Allegations of Sexual Violence

A person may choose to confide in someone about an act of sexual violence, such as a student, instructor, teaching assistant, coach, or staff from housing, health, counselling or security. An individual who has experienced sexual violence may also disclose to staff or faculty members when seeking support and/or academic accommodation. A supportive response involves:

- listening without judgment 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
- report to **Pascal Papathanasakis ICT Kikkawa College School Director, at 416-762-4857 ext 226;**
- 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 faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to the ICT Kikkawa College School Director, and work with the ICT Kikkawa College School Director to ensure that the student receives all necessary academic and other accommodations.

As indicated above, if faculty or staff of the College becomes aware of an allegation of sexual violence against another member of the College community, the faculty or staff is required to report the alleged incident to the ICT Kikkawa College School Director immediately

If You Have Experienced Sexual Violence

If you have experienced sexual violence, we will assist you by providing the resources and support you need.

If you want to speak to someone directly, please call:

Pascal Papathanasakis – ICT Kikkawa College School Director

Tel: 416-762-4857 ext 226

It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so.

If You Would like to File a Formal Complaint

The ICT Kikkawa College School Director can also assist you with filing a complaint. If the alleged perpetrator is another member of the College community, you may file a complaint under this Policy.

Individuals who have experienced sexual violence may also wish to press charges under the *Criminal Code*. The ICT Kikkawa College School Director can also assist you with contacting the local Police.

More information on filing a complaint can be found at: [Filing a Complaint](#)

[http://www.ictschools.com/PDF/Student%20Catalog%20Jan%202017%20%20column%2010.19.16%20\(v1\).pdf](http://www.ictschools.com/PDF/Student%20Catalog%20Jan%202017%20%20column%2010.19.16%20(v1).pdf) Page 27

Available Resources

A number of other resources are available to you, including:

Sexual Assault/Domestic Violence Care Centre

Women's College Hospital

76 Grenville St.

Ground floor (in the AACU), Room 1305

Toronto, ON M5S 1B2

416-323-6040

<http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domestic-violence-care-centre/>

The **Sexual Assault/Domestic Violence Care Centre (SA/DVCC)** is available 24 hours a day, seven days a week, and is a comprehensive service that assists women, men, and trans people, who are victims / survivors of sexual assault and domestic / intimate partner violence.

Assaulted Women's Helpline

Toll Free: 1-866-863-0511

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

TTY: 416-364-8762

<http://www.awhl.org>

APPENDIX I
Sexual Assault Centres (Ontario)

<i>Region in Ontario</i>	<i>Sexual Assault Centre</i>	<i>24-hr Crisis Line</i>	<i>Office Phone</i>
Algoma (Sault Ste. Marie)	Women In Crisis Algoma	1-877-759-1230	705-759-1230
Belleville-Quinte	Sexual Assault Centre for Quinte & District	1-877-544-6424	613-967-6300
Brant	Sexual Assault Centre of Brant	519-751-3471	519-751-1164
Bruce County	Women's House Serving Bruce and Grey: Sexual Assault Services	1-866-578-5566	519-372-1113
Chatham-Kent	Chatham-Kent Sexual Assault Crisis Centre	519-354-8688	519-354-8908
Cornwall	Sexual Assault Support Services for Women, Cornwall	English: 613-932-1603 French: 613-932-1705	613-932-1755
East Algoma (Elliot Lake)	Counselling Centre of East Algoma	1-800-721-0077	705-848-2585
Guelph-Wellington	Guelph-Wellington Women in Crisis	519-836-5710 1-800-265-7233	519-836-1110
Halton (Oakville)	Sexual Assault & Violence Intervention Services of Halton	905-875-1555	906-825-3622
Hamilton	Sexual Assault Centre Hamilton & Area (SACHA)	905-525-4162	905-525-4573
Kawartha (Peterborough & Area)	Kawartha Sexual Assault Centre	705-741-0260	705-748-5901
Kenora	Kenora Sexual Assault Centre	807-468-7233 1-800-565-6161	807-468-7958
Kingston	Sexual Assault Centre Kingston	613-544-6424 1-877-544-6424	613-545-0762
Waterloo	Sexual Assault Support Centre of Waterloo Region	519-741-8633	519-571-0121
London-Middlesex	Sexual Assault Centre London	519-438-2272 1-877-529-2272	519-439-0844
Muskoka	Athena's Sexual Assault Counselling & Advocacy Centre	705-737-2008 1-800-987-0799	705-737-2884
Niagara	Niagara Region Sexual Assault Centre	905-682-4584	905-682-7258
Nipissing	Amelia Rising Sexual Assault Centre of Nipissing	705-476-3355	705-840-2403
Oshawa-Durham	Oshawa-Durham Rape Crisis Centre	905-668-9200	905-444-9672
Ottawa SASC	Sexual Assault Support Centre of Ottawa	613-234-2266	613-725-2160
Ottawa RCC	Ottawa Rape Crisis Centre	613-562-2333	613-562-2334
Peel	Hope 24/7: Sexual Assault Centre of Peel	1-800-810-0180	905-792-0821
Renfrew	Women's Sexual Assault Centre of Renfrew County	1-800-663-3060	613-735 – 5551

Sarnia-Lambton	Sexual Assault Survivors' Centre Sarnia-Lambton	519-337-3320	519-337-3154
Sudbury	Voices for Women Sudbury		705-523-7100 ext. 2647
Thunder Bay	Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre	807-344-4502	807-345-0894
Timmins	Timmins and Area Women in Crisis	1-877-268-8380	705-268-8381
Toronto	Toronto Rape Crisis Centre/Multicultural Rape	416-597-8808	416-597-1171
Toronto	Sexual Assault/Domestic Violence Care Centre - Women's College Hospital	416-323-7302	416-323-6040
Windsor-Essex	Sexual Assault Crisis Centre of Essex County	519-253-9667	519-253-3100
York	Women's Support Network of York Region	1-800-263-6734 905-895-7313	905-895-3646

**Pour le support francophone aux femmes victimes d'agression sexuelle:
CALACS (Francophone Sexual Assault Centres) in Ontario**

Femaide
1-877-336-2433

Provides 24/7 over-the-phone crisis counselling for French-speaking women.

www.femaide.ca

Oasis Centre des femmes
www.oasisfemmes.org
465 Yonge Street PO Box 73022 Wood Street PO Toronto ON M4Y 2W5
Toronto
416 591-6565
services@oasisfemmes.org

Pour le support francophone aux femmes victimes d'agression sexuelle, se il vous pla"t visitez (*for French-language support to women victims of sexual assault, please also visit*): Action ontarienne contre la violence faite aux femmes.

DISPELLING THE MYTHS AND MISCONCEPTIONS ABOUT SEXUAL ASSAULT

Myth	Fact
It wasn't rape, so it wasn't sexual violence.	Sexual assault and sexual violence encompasses a broad range of unwanted sexual activity. Any unwanted sexual contact is considered to be sexual violence. A survivor can be severely affected by all forms of sexual violence, including unwanted fondling, rubbing, kissing, or other sexual acts. Many forms of sexual violence involve no physical contact, such as stalking or distributing intimate visual recordings. All of these acts are serious and can be damaging.
Sexual assault can't happen to me or anyone I know.	Sexual assault can and does happen to anyone. People of all socioeconomic and ethnic backgrounds are victims of sexual assault, but the vast majority of sexual assaults happen to women and girls. Young women, Aboriginal women and women with disabilities are at greater risk of experiencing sexual assault.
Sexual assault is most often committed by strangers.	Someone known to the victim, including acquaintances, dating partners, and common-law or married partners, commit approximately 75 per cent of sexual assaults.
Sexual assault is most likely to happen outside in dark, dangerous places.	The majority of sexual assaults happen in private spaces like a residence or private home.
If an individual doesn't report to the police, it wasn't sexual assault.	Just because a victim doesn't report the assault doesn't mean it didn't happen. Fewer than one in ten victims report the crime to the police.
It's not a big deal to have sex with someone while they are drunk, stoned or passed out.	If a person is unconscious or incapable of consenting due to the use of alcohol or drugs, they cannot legally give consent. Without consent, it is sexual assault.
If the person chose to drink or use drugs, then it isn't considered sexual assault.	This is a prominent misconception about sexual assault. No one can consent while drunk or incapacitated.

Myth	Fact
<p>If the victim didn't scream or fight back, it probably wasn't sexual assault.</p> <p>If the victim does not fight back, the sexual assault is their fault.</p>	<p>When an individual is sexually assaulted they may become paralyzed with fear and be unable to fight back. The person may be fearful that if they struggle, the perpetrator will become more violent.</p>
<p>If you didn't say no, it must be your fault.</p>	<p>People who commit sexual assault/abuse are trying to gain power and control over their victim. They want to make it extremely difficult, if not impossible, for their victim to say no. A person does not need to actually say the word "no" to make it clear that they did not want to participate. The focus in consent is on hearing a "yes".</p>
<p>If a woman isn't crying or visibly upset, it probably wasn't a serious sexual assault.</p>	<p>Every woman responds to the trauma of sexual assault differently. She may cry or she may be calm. She may be silent or very angry. Her behaviour is not an indicator of her experience. It is important not to judge a woman by how she responds to the assault.</p>
<p>If someone does not have obvious physical injuries, like cuts or bruises, they probably were not sexually assaulted.</p>	<p>Lack of physical injury does not mean that a person wasn't sexually assaulted. An offender may use threats, weapons, or other coercive actions that do not leave physical marks. The person may have been unconscious or been otherwise incapacitated.</p>
<p>If it really happened, the victim would be able to easily recount all the facts in the proper order.</p>	<p>Shock, fear, embarrassment and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma. Memory loss is common when alcohol and/or drugs are involved.</p>
<p>Individuals lie and make up stories about being sexually assaulted; and most reports of sexual assault turn out to be false.</p>	<p>According to Statistics Canada, fewer than one in 10 sexual assault victims report the crime to the police. Approximately 2% of sexual assault reports are false.</p> <p>The number of false reports for sexual assault is very low. Sexual assault carries such a stigma that many people prefer not to report.</p>
<p>Persons with disabilities don't get sexually assaulted.</p>	<p>Individuals with disabilities are at a high risk of experiencing sexual violence or assault. Those who live with activity limitations are over two times more likely to be victims of sexual assault than those who are able-bodied.</p>

Myth	Fact
A spouse or significant other cannot sexually assault their partner.	Sexual assault can occur in a married or other intimate partner relationship. The truth is, sexual assault occurs ANY TIME there is not consent for sexual activity of any kind. Being in a relationship does not exclude the possibility of, or justify, sexual assault. A person has the right to say “no” at ANY point.
People who are sexually assaulted “ask for it” by their provocative behaviour or dress.	This statement couldn’t be more hurtful or wrong. Nobody deserves to be sexually assaulted. Someone has deliberately chosen to be violent toward someone else; to not get consent. Nobody asks to be assaulted. Ever. No mode of dress, no amount of alcohol or drugs ingested, no matter what the relationship is between the survivor and the perpetrator or what the survivor’s occupation is, sexual assault is always wrong.
Sexual assault only happens to women	Not true. The majority of sexual assaults are committed against women by men, but people of all genders, from all backgrounds have been/can be assaulted.
Sexual abuse of males is rare.	According to Statistics Canada, six per cent of males 15 or over reported that they had experienced sexual victimization. Sexual assault/abuse occurs in every economic, ethnic, age and social group.
If you got aroused or got an erection or ejaculated you must have enjoyed it.	It is normal for your body to react to physical stimulation. Just because you became physically aroused does not mean that you liked it, or wanted it or consented in any way. If you experienced some physical pleasure, this does not take away the fact that sexual abuse happened or the effects or feelings of abuse.