

Sexual Harassment and Violence Policy

1. What is Sexual Harassment?

The Ministry of the Attorney General defines sexual harassment as “engaging in a course of vexatious comments or conduct of a sexual nature that is known, or ought reasonably to be known, to be offensive.” It is deliberate and/or repeated unsolicited comments, questions, representations, and/or physical contact of a sexual nature.

The Canadian Human Rights Commission broadly defines harassment, some of which is sexual in nature, as follows:

- a. Verbal abuse or threats
- b. Unwelcome remarks, jokes, innuendos, or disrespectful comments about a person’s body, clothing, age, marital status, ethnicity, or religious background
- c. Showing offensive or disrespectful pictures
- d. Jokes that cause embarrassment or awkwardness
- e. Unwelcome invitations or requests
- f. Leering or other similar gestures
- g. Condescending behaviour that takes away a person’s self-respect
- h. Unnecessary physical contact

Discrimination and harassment are violations of the Human Rights Code and will not be tolerated at NetSoft College of Technology. Proven claims of harassment, violence, or discrimination will result in disciplinary action being taken, up to and including immediate expulsion. Harassment does not have to take place only during class; if the harassment occurs during school events, it still qualifies.

Conduct or comments not considered to be harassment:

- a. Insisting upon performance standards or providing feedback to students regarding their performance
- b. Conducting written appraisals
- c. Equally and consistently enforcing policies and procedures

2. Principles

- a. NetSoft has a very strict policy against sexual (and all other types of) harassment.
- b. All students are expected to refrain from acts of sexual harassment against other students and individuals with whom they have contact on a day-to-day basis during their time of enrolment.
- c. Students have a specific procedure to follow in the event they are subject to sexual harassment.
- d. It is the responsibility of all individuals to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it. That includes bringing it to the attention of the Management Team.
- e. Students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action.

3. Purpose

It is the policy of NetSoft to ensure that it takes every reasonable precaution to protect all students from threats, violence, and harassment and to provide a safe environment.

4. Responsibility

The Management Team at NetSoft will ensure that all students are in an environment free from all forms of harassment, violence, and threats. The Management Team will respond to every incident of actual or potential violence immediately, in a manner that is proportionate to the seriousness of the situation. Any violent behaviour or action, as well as any verbal threat of violence, will be evaluated with the utmost level of seriousness and can be considered grounds for expulsion. Penalties may be assigned to both the company and

the instructor or manager in question, even if they are not actively involved in the situation. For example, an instructor who doesn't do anything to prevent harassment or mitigate its effects may find themselves facing financial and legal consequences.

If all students and employees comply with the *Sexual Harassment and Violence Policy* and immediately report any incidents of harassment and violence, everyone can continue to experience a safe and comfortable environment. All students have a responsibility to treat each other with respect and to speak up if they or others are being harassed. All students have a responsibility to report harassment to the appropriate person. They are responsible for working together in a professional manner and resolving issues in a nonviolent manner.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to any member of the administration. This includes threats by other students, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, students should be as specific and detailed as possible. Students must also cooperate with the investigation of a violent incident. Anyone who has evidence or information on an investigation must provide that information to the management involved in the investigation. Beyond reporting this information, it should be kept confidential, except when sharing it is necessary to deal effectively with the issue.

5. Anti-Harassment Policy Education

To ensure protection against victimization or retaliation for students who complain of harassment or who testify in an investigation, NetSoft will take proactive measures as detailed below. The college will communicate and circulate details of the policies to all instructors and managers, current and prospective, through:

- a. Orientation
- b. Staff meetings
- c. Memos or email
- d. Posters and brochures
- e. Courses

6. Procedure for Responding to an Incident of Violence

- a. Students should call the local emergency number (911) or the police if a situation is deemed life-threatening or potentially harmful to the individual.
- b. Students should speak to their Instructor or another member of NetSoft's Management Team immediately.
- c. NetSoft's administration will gather the facts of the incident.
- d. NetSoft's CEO will be contacted and the facts of the incident reviewed.
- e. NetSoft's CEO will identify the lead role, determine an action plan, assign responsibilities, and follow up. A file that contains all the information regarding the incident will be created.

7. Complaint Procedures

a. Reporting

If a student is being harassed, they should report it to their Instructor. If the Instructor is involved in the complaint, the student should see the Manager, Training Department. If, for some reason, the student is unable to report the harassment to someone at NetSoft, they may go to the police (for a case of sexual or physical assault) or go directly to the Canadian Human Rights Commission. Once someone reports harassment, there will be questions asked to determine the details of the situation. Official notes of this conversation will be kept.

b. Mediation

In many cases, it is a better choice to attempt mediation as a resolution rather than a formal investigation. If the parties involved agree to the mediation, a professional can be called in to help address the issue. The parties may also agree to an impartial company employee assisting in mediation. Whomever the

mediator is, that person must not be involved in the actual investigation or asked to represent the company in any legal proceedings.

c. **Investigation**

If the company is not able to resolve things using mediation, a formal complaint process will be followed. An individual who is specifically trained for such situations will conduct the investigation. They will interview the complainant, the alleged harasser, and any witnesses. All students have a responsibility to cooperate with the investigation. Both the student and the accused have the right to be accompanied to any interviews or meetings by someone with whom they feel comfortable. All investigations will involve:

- Gathering all necessary details directly from the complainant
- Providing the details to the alleged harasser and giving them an opportunity to respond to the allegations
- Interviews/questions asked of any potential witnesses
- Consideration of all details gathered to determine whether the harassment did actually occur (based on a balance of probabilities)
- Providing recommended remedies for the situation

d. **Substantiated Complaints**

If the investigator finds the complaint to be valid, they will report in writing to the administration, ideally within a week of completing the investigation. The investigator will recommend appropriate remedies, disciplinary action, and any other necessary action. The administrator will make the final decision on the consequences. Ideally, within a week's time, the administrator will provide a decision, in writing, to all parties involved.

e. **Remedies for the Victim**

The individual on the receiving end of harassment may be eligible for specific remedies. These are dependent on the severity and nature of the harassment and include:

- An apology from both the harasser and from NetSoft College of Technology
- Reimbursement of tuition, fees, or other losses
- A guarantee that they will not be expelled or have a diploma denied

f. **Corrective Action for Harassers**

The individual who was found guilty of committing the harassment may be required to perform specific corrective actions. These also are dependent on the severity and nature of the harassment and include:

- A written disciplinary notice to be kept in their file
- A fee
- Mandatory attendance at anti-harassment course sessions
- Expulsion or termination of employment

g. **Unsubstantiated Complaints**

If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies.

h. **Retaliation**

Retaliation of any kind will absolutely not be tolerated. If an individual retaliates in any way against NetSoft or an individual involved in a harassment complaint, that person will be subject to the same penalties as the original harasser.

i. **Confidentiality**

NetSoft will never disclose any details of a situation involving harassment, except as necessary to investigate the complaint, to take disciplinary action, or to remain in compliance with the law. NetSoft requires instructors; the Manager, Training Department; and all other personnel to respect confidentiality in the same way.

j. **Time Limits**

Instructors; the Manager, Training Department; and other personnel are responsible for stopping harassment as soon as they become aware of it. Complaints should be taken seriously and resolved as quickly as possible. Complainants should be aware that there is a one-year limit for filing a complaint with the Canadian Human Rights Commission.

8. Regulation Amendments to Sexual Violence Policy

On January 1, 2017, the day Section 1 of Schedule 5 to the Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment) 2016 came into force, Part VII of the Regulation was amended with the addition of the following sections (See: O. Reg. 132/16, s. 3):

a. **Accommodation for Victims of Sexual Violence u/s 36.0.1**

- NetSoft College of Technology shall appropriately accommodate the needs of students who are affected by sexual violence. O. Reg. 132/16, s. 3.
- NetSoft College of Technology does not charge a fee for the provision of supports, services, or accommodation to students who are affected by sexual violence, or for referring a student to any such supports or services that are available off the premises. O. Reg. 132/16, s. 3.

b. **Sexual Violence Policy u/s 36.0.2**

- NetSoft College of Technology will ensure that its *Sexual Harassment and Violence Policy*:
 - Provides information about the support and services available at NetSoft College of Technology or through its agent for students who are affected by sexual violence, and identifies the specific official, office, or department at NetSoft College of Technology that should be contacted to obtain such supports and services.
 - Provides information about the supports and services available in the community for students who are affected by sexual violence.
 - Informs students that NetSoft College of Technology will appropriately accommodate the needs of students who are affected by sexual violence, and identifies the specific official, office, or department at NetSoft College of Technology that should be contacted to obtain such accommodations.
 - 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).
 - Includes the information set out in subsection (2) respecting NetSoft College of Technology'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. 132/16, s. 3.
- For the purposes of clause (1)(e), a sexual violence policy shall include the following information:
 - 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, office, or department to which the incident should be reported or the complaint should be made.
 - 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.
 - The process for deciding whether an incident or complaint of sexual violence will be investigated by NetSoft College of Technology.

- The statement that a victim may choose not to request an investigation by NetSoft College of Technology and has the right not to participate in any investigation that may occur.
 - The investigation and decision-making processes at NetSoft College of Technology that will take place if an incident or complaint of sexual violence is investigated.
 - The specific officials, offices, or departments that will be involved in each stage of the investigation and decision-making processes.
 - A description of the elements of procedural fairness that will be part of the investigation and decision-making processes.
 - The statement that a party to an investigation or decision-making process has the right to have a person present with them at every stage of the process.
 - Examples of 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.
 - Examples of the decisions that may be made and measures that may be imposed after an incident or complaint is investigated.
 - 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.
 - A description of the appeal processes that may be available related to decisions resulting from the investigation process.
 - The roles and responsibilities of the corporate directors, controlling shareholders, owners, partners, others who manage or direct the affairs of NetSoft College of Technology, agents, students, instructors, and other employees upon becoming aware of incidents or complaints of sexual violence. O. Reg. 132/16, s. 3.
 - The *Sexual Harassment and Violence Policy* is published on NetSoft College of Technology's website.
 - NetSoft College of Technology will provide or make available its *Sexual Harassment and Violence Policy* to the following persons:
 - Corporate directors, controlling shareholders, owners, partners, and other persons who manage or direct the affairs of NetSoft and their agents
 - Instructors, staff, and other employees and contractors of NetSoft
 - Students enrolled at NetSoft O. Reg. 132/16, s. 3
 - The course shall include information on NetSoft College of Technology's process for responding to and addressing incidents and complaints of sexual violence, including the elements set out in subsection (2). O. Reg. 132/16, s. 3.
 - If NetSoft College of Technology's *Sexual Harassment and Violence Policy* conflicts with its *Expulsion Policy*, the *Sexual Harassment and Violence Policy* prevails. O. Reg. 132/16, s. 3.
- c. **Amendment to Sexual Violence Policy O. Reg. 415/06 (General) u/s 36.0.2**
- 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 NetSoft College of Technology'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 NetSoft's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

9. Provincial Rape Crisis Centres

The following is a list of provincial rape crisis centres that could be used as a resource in the occurrence of sexual violence:

a. Durham Region

Durham Rape Crisis Centre

Crisis: (905) 668-9200

Office: (905) 444-9672

Email: info@drcc.ca

Website: <http://www.drcc.ca>

b. Guelph-Wellington Women in Crisis

Crisis: (519) 836-5710

Office: (800) 265-7233

Office: (519) 823-5806

Website: <http://www.gwwomenincrisis.org>

c. Toronto Rape Crisis Centre/Multicultural Women Against Rape

Crisis: (416) 597-8808

Office: (416) 597-1171

Email: info@trccmwar.ca

Email: crisis@trccmwar.ca

Website: <http://www.trccmwar.ca>