

Subject: Sexual Violence & Harassment

Approved By: Sherry Docherty, Dean

Date of Review:

Date of Approval: December 30, 2016

Date of Revision:

Application: All members of the National Institute of Esthetics community including: all students, employees, independent contractors, suppliers of services, individuals who are directly connected to any National Institute of Esthetics initiatives, volunteers, and visitors.

Applies to incidents or complaints of Sexual Violence & Harassment that have occurred on any National Institute of Esthetics campus, or at one of our events and involve our students.

1. PURPOSE:

All members of the National Institute of Esthetics community have a right to a work and study in an environment that is free from any form of sexual violence and harassment.

- i. This document defines behaviour that constitutes sexual violence and harassment.
- ii. This document sets out our policy and response protocol to sexual violence and harassment, including the process to investigate complaints of sexual violence and harassment.
- iii. This document ensures that National Institute of Esthetics is compliant with the requirements of the Private Career Colleges Act (PCC), 2005 regarding sexual violence and harassment.

2. POLICY STATEMENT

Sexual violence and harassment are unacceptable and will not be tolerated. National Institute of Esthetics is expected to be a safe and positive space where members of the school community feel able to work, learn and express themselves in an environment free of sexual violence and harassment. All incidents and complaints of sexual violence and harassment will be investigated to the best of the administration's ability and in a manner that ensures due process.

We are committed to:

- i. making individuals feel comfortable about making a report in good faith about sexual violence and harassment that they have experienced or witnessed, regardless of who the offender might be

- ii. addressing harmful attitudes and behaviours that reinforce that the person who experienced sexual violence is somehow to blame for what happened
- iii. treating individuals who disclose sexual violence and harassment with compassion, dignity and respect
- iv. providing appropriate education and training to the school community about responding to the disclosure of sexual violence
- v. investigate promptly and document all incidents and reports of sexual violence or harassment
- vi. communicating to all students and employees the terms of this policy, and educating them together with our career college management, employees and contractors about this Policy and how to identify situations that involve, or could progress into sexual violence and how to reduce it; all will be educated about the types of comments and behaviour that may constitute sexual violence or harassment, and the procedures to be followed in making a complaint
- vii. ensuring that the reputations, current or future careers of all parties involved are not unjustly affected as a result of a sexual violence or harassment incident or complaint
- viii. monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices

We recognize that:

- i. sexual violence and harassment can occur between individuals regardless of sexual orientation, gender, gender identity or relationship status as articulated in the Ontario Human Rights Code.
- ii. individuals who have experienced sexual violence or harassment may experience emotional, academic or other difficulties
- iii. sexual violence and harassment incidents and complaints are sensitive in nature and we will keep all investigations confidential to the extent that we are able to do so, and to the extent permitted by law

Note: To ensure the protection and confidentiality of witnesses and others, details of any sexual violence and harassment complaint, investigation, and evidence will NOT be kept in academic or personnel files. These files will contain only the outcomes of investigations and records of remedial and/or disciplinary actions that result.

3. 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, 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.

Harassment: (a) Engaging in a course of vexatious comment or conduct against a member of the National Institute of Esthetics community where the course of comment or conduct is known or ought to be reasonably known as unwelcome or (b) Making a sexual solicitation, request for sexual favour, and other verbal or physical conduct of sexual nature that tends to create a hostile working or learning environment.

Human rights law clearly recognizes that sexual harassment is often not about sexual desire or interest at all. In fact, it often involves hostility, rejection, and/or bullying of a sexual nature.

The following list is not exhaustive, but some examples of Harassment, some of which are sexual in nature, are:

- Demanding hugs
- Invading personal space
- Unnecessary physical contact, including unwanted touching
- Derogatory language and/or comments toward women (or men, depending on the circumstances), sex-specific derogatory names
- Leering, or inappropriate staring
- Gender-related comment about a person's physical characteristics or mannerisms
- Comments or conduct relating to a person's perceived non-conformity with a sex-role stereotype
- Displaying or circulating pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online)
- Sexual jokes, including circulating written sexual jokes (e.g. by e-mail)
- Rough and vulgar humour or language related to gender
- Sexual or gender-related comment or conduct used to bully a person
- Spreading sexual rumours (including online)
- Suggestive or offensive remarks or innuendo about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats, or taunting
- Bragging about sexual prowess
- Demanding dates or sexual favours
- Questions or discussions about sexual activities
- Requiring an employee to dress in a sexualized or gender-specific way
- Paternalistic behaviour based on gender which a person feels undermines their status or position of responsibility
- Threats to penalize or otherwise punish a person who refuses to comply with sexual advances (known as reprisal).

Sexual harassment is different from flirting, playing around, or other types of behavior that you enjoy or welcome. Sexual harassment constitutes unwelcome sexual behavior that is bad enough or happens often enough to make you feel uncomfortable, scared or confused and that interferes with your schoolwork or your ability to participate in extracurricular activities or attend classes. Harassers, including sexual harassers, can be administrators, teachers, fellow students, or any other individual that comes in contact with the National Institute of Esthetics student community.

4. REPORTING & RESPONDING TO SEXUAL VIOLENCE & HARASSMENT

Students, faculty and staff of National Institute of Esthetics will take all reasonable steps to prevent sexual violence & harassment involving our students on our career college campus or at our events by reporting immediately to Sherry Docherty, Dean (hereafter referred to as PCC Designate) 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.

Subject to the investigation procedure defined below, to the extent it is possible, the PCC Designate will attempt to keep all information disclosed confidential except in those circumstances 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 our campus or the broader community are at risk.

National Institute of Esthetics recognizes the right of the complainant to determine how her or his complaint will be dealt with. However, in certain circumstances, National Institute of Esthetics 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.

5. INVESTIGATING REPORTS OF SEXUAL VIOLENCE & HARASSMENT

A formal complaint or a report of an incident of sexual violence or harassment may be filed under this Policy, by any student or employee of our career college to the PCC Designate, in writing.

- i. In the event that a complaint is being made against the PCC Designate, the complaint can be submitted to Kristine Fowler, HR Administrator at kristine.d.fowler@gmail.com (905-317-8823), or other senior leader at National Institute of Esthetics.
- ii. Upon a complaint or report of alleged sexual violence being made, the PCC Designate will initiate an investigation, which may include the following:
 - 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
- iii. A complainant may request that a third party be present during the investigation.

6. DISCIPLINARY MEASURES

If it is determined by National Institute of Esthetics that a student of our 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.

In cases where criminal proceedings are initiated, National Institute of Esthetics 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 National Institute of Esthetics may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

7. MAKING FALSE STATEMENTS

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence or harassment 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 of instructors or staff or expulsion of a student.

8. Reprisal

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 or harassment, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

9. Review

This policy will be reviewed 1 year after it is first implemented.

The following is a list of local/provincial resources for victims of Sexual Violence and/or Harassment

SACHA –Sexual Assault Centre Hamilton Area
75 MacNab St. South
3rd Floor
Hamilton, Ontario
L8P 3C1
www. <http://sacha.ca/>

Phone: 905-525-4573
Fax: 905-525-7085

Canadian Association of Sexual Assault Centres
Ontario
www.awhl.org

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

Sexual Assault Centre of Brantford
sexualassaultcentre@sacbrant.ca
<http://sacbrant.ca/>

Crisis: 519-751-3471
Office: 519-751-1164

Haldimand & Norfolk Women's Service
hnws@hnws.on.ca
www.hnws.on.ca

Crisis: 1-800-265-8076
TTY: 1-800-815-6419
Office: 519-426-8048

Niagara Region Sexual Assault Centre
carsa@sexualassaultniagara.org
<http://sexualassaultniagara.org/>

Crisis: (905) 682-4584
Office: (905) 682-7258

Catholic Family Services of Hamilton
447 Main St E
Hamilton, ON
L8N 1K1

905-527-3823

Interval House of Hamilton
www.intervalhousehamilton.org

Administration 905-387-9959
Crisis: 24 Hr Assault Helpline 905-387-8881
Fax: 905-387-0019

Sexual Assault / Domestic Violence Care Centre
hamiltonhealthsciences.ca/sadv

(905) 521-2100 ext 73557
