

# Sexual Harassment and Sexual Violence Policy

## Sexual Harassment and Sexual Violence Policy

**Category:** General Policies

**Policy Number:** CSM 04

**Responsible Authority:** President, College of Sports Media

**Approval:** President, College of Sports Media

**Last Reviewed/Revised:** August 31<sup>st</sup>, 2018

**Mandatory Review/Revision:** No later than August 31<sup>st</sup>, 2020

### Purpose

This policy is intended to ensure that every member of The College of Sports Media (CSM) community experiences and contributes to an understanding and respectful study and work environment that is free from discrimination, sexual violence and harassment.

The College of Sports Media ascribes to the **Ontario Human Rights Code** (“the Code”). The Code states that it is public policy in Ontario to recognize the inherent dignity and worth of every person, and to provide for equal rights and opportunities without discrimination. The Code aims to create a climate of understanding and mutual respect for the dignity and worth of each person so each person feels part of the community.

### Scope

1. This policy applies to all members of the College of Sports Media community engaged in college-related study, work, relevant off-site activities, social interaction or other contact.

Specifically:

- a) All students;
- b) All faculty, consultants or contract employees, including academic and non-academic;
- c) Members of CSM’s Advisory Board;
- d) Members of any college-related committee, established by the college;

- e) Independent contractors, such as those undertaking construction or providing services or conducting research for CSM;
  - f) Volunteers; and
  - g) Visitors on campus and at college-related functions off-site.
2. This policy applies to incidents of discrimination or harassment that occur on CSM's premises including, but not limited to:
    - a) While engaged in academic- or work-related activities;
    - b) At college-related social functions;
    - c) Over the telephone; or through e-mail, social media or other electronic communication, such as text messaging or on social networking web sites.
    - d) This policy applies to incidents of discrimination or harassment that occur between members of the College of Sports Media community when involved in college-related academic or work activities off college premises including, but not limited to:
      - e) In the course of academic placements or academic-related work;
      - f) In the course of work-related field assignments;
      - g) During academic- or work-related travel; or
      - h) At college-related social functions.
  3. For this policy to apply to incidents that occur off college premises, the harassment or sexual violence must have the potential to adversely affect an individual's study or work performance at the college, or create a negative study or work environment within the college.
  4. Incidents that occur off college premises which have little or no likelihood of adversely affecting an individual's study or work environment at the college should be pursued through other avenues of redress, such as the Ontario Human Rights Tribunal process the police or the relevant judicial/legal process.

**Related policies:**

- Anti-Oppression, Access and Equity
- Human Resources
- Anti Violence
- Safety Statement
- Anti-Bullying

## Definitions for Purpose of this Policy

**Sexual Harassment:** One or a series of vexatious comments or behaviours related to gender, or of a sexual nature, that are known, or might reasonably be known, to the person doing the harassing to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate.

**Sexual Violence:** A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence can take different forms, including sexual abuse and sexual assault.

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

Sexual violence is **never** the fault of the person who was assaulted or targeted, a.k.a the survivor. It is the responsibility of the person initiating sexual contact to ensure each time that there is ongoing consent to the sexual activity.

**Consent** cannot be obtained from a person who is drunk; under the influence of drugs; unconscious; coerced; in a relationship with someone with more power than them, such as a boss or teacher; or by a third party.

### Sexual Violence: Definitions

Sexual violence is defined as a sexual act committed against someone without that person's freely given consent. Sexual violence is divided into the following types:

- Completed or attempted forced penetration of a victim
- Completed or attempted alcohol/drug-facilitated penetration of a victim
- Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else
- Completed or attempted alcohol/drug-facilitated acts in which a victim is made to penetrate a perpetrator or someone else

- Non-physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce
- Unwanted sexual contact
- Non-contact unwanted sexual experiences

**Unwanted sexual contact** – intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Unwanted sexual contact can be perpetrated against a person or by making a person touch the perpetrator. Unwanted sexual contact could be referred to as “sexual harassment” in some contexts, such as a school or workplace.

**Noncontact unwanted sexual experiences** - does not include physical contact of a sexual nature between the perpetrator and the victim. This occurs against a person without his or her consent, or against a person who is unable to consent or refuse. Some acts of non-contact unwanted sexual experiences occur without the victim’s knowledge. This type of sexual violence can occur in many different settings, such as school, the workplace, in public, or through technology. Examples include unwanted exposure to pornography or verbal sexual harassment (e.g., making sexual comments).

### **Why Is a Consistent Definition Important?**

A consistent definition is needed to monitor the prevalence of sexual violence and examine trends over time. In addition, a consistent definition helps in determining the magnitude of sexual violence and aids in comparing the problem across jurisdictions. Consistency allows researchers to measure risk and protective factors for victimization in a uniform manner. This ultimately informs prevention and intervention efforts.

## Core Principles Governing College of Sports Media's Policy

- Discrimination and harassment are prohibited by the Ontario Human Rights Code.
- Work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each and every individual.
- CSM is committed to preventing discrimination and harassment as part of fostering a climate of inclusion, equal opportunity, anti-oppression, diversity and mutual respect for all members of the college community.
- CSM will not tolerate any kind of harassment in its academic, employment or business dealings. Each member of the college's diverse community is responsible for helping to create a study and work environment that is free of discrimination and harassment by supporting this policy and co-operating in the resolution of complaints.
- CSM is committed to dealing quickly, fairly and effectively with complaints of sexual harassment, sexual violence or harassment.
- CSM will confidentially and professionally safeguard the rights of the complainant and the respondent throughout any complaints resolution process.
- CSM recognizes the intersectional nature of all stakeholders and commits to taking this reality into account (where relevant and necessary) in addressing complaints
- CSM will maintain the confidentiality of all information relating to a complaint.

The **objectives of any remedy** proposed in response to a finding of sexual violence or sexual harassment will be to:

- Quickly and effectively take a constructive and restorative approach whenever possible;
- Clarify the expectations and understanding of the complainant and the respondent regarding the conduct of concern;
- Mitigate the impact of the discrimination or harassment upon the complainant's study or work; Prevent further incidents of the conduct occurring between the complainant and the respondent and, where appropriate, within CSM generally; and
- Correct the behaviour of the respondent, if appropriate, pursuant to CSM's Student Code of Conduct. In some cases, expulsion from the college or termination of employment may be deemed necessary.

## POLICY

### 1. Statement

- a) Sexual assault and sexual violence in all its forms are unacceptable and will not be tolerated at The College of Sports Media. All reported incidents of sexual harassment and sexual violence will be appropriately investigated to the best of the administration's ability and in a manner that is fair and equitable.
- b) Sexual harassment and sexual violence are pervasive and affect many members of society, directly or indirectly, and have significant social and individual consequences. 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*.
- c) The College of Sports Media is committed to preventing sexual violence by creating a safe and positive space where all members of the college community feel able to

work, learn and express themselves in an environment free from sexual and gender-based violence.

## **2. Retaliation**

- a) This policy prohibits retaliation, reprisals or threats of reprisals. Threats of reprisal, or acts of reprisal or retaliation, may form the basis of a complaint under this policy.
- b) All CSM Faculty members have a legal responsibility under the OHR Code to act immediately on observations or allegations of discrimination or harassment.
- c) Details about a complaint will only be made known to those involved in the process, and only to the extent needed to fulfill their role.
- d) A complainant will not be obliged to directly approach a respondent at any stage of the complaints resolution process.
- e) Complainants should not directly approach respondents if direct interaction may escalate the discrimination or harassment, or put the safety of the complainant at risk.
- f) Complainants may choose to not approach respondents in situations where there may be power imbalances or where they fear reprisals.
- g) The college prohibits reprisals against individuals who:
  - I. Are pursuing their rights under this policy;
  - II. Have participated or cooperated in a complaint resolution process;
  - III. Have been associated with someone who has pursued their rights under this policy or participated in a complaint resolution process; or
  - IV. Have acted in any other role or capacity under this policy.

## **3. College of Sports Media Responsibility**

- a) Throughout the complaints resolution process, all documents, including contents of meetings, interviews and reports, will be securely maintained and stored. After the process is concluded, all documentation will be stored securely under the purview of the President or his/her designate. **No documentation should remain with any faculty or staff, or the external Mediator/Consultant.**
- b) The College of Sports Media is committed to preventing all forms of discrimination and harassment in all college-related activities.



- c) Faculty and leaders of CSM will demonstrate strong, visible and ongoing commitment to preventing and addressing all forms of discrimination and harassment, including sexual harassment and sexual violence.
- d) Everyone in positions of authority will be made aware of their responsibilities under this policy and under the OHR Code for creating and maintaining an environment free from oppression, discrimination and harassment.
- e) CSM will continue to establish policies and procedures that clarify the responsibilities of all members of the college community.
- f) The President and Faculty members will conduct regular reviews and revisions of college policies to ensure that policies:
  - I. Reflect current human rights laws;
  - II. Account for changes in college organizational structures or resources;
  - III. Address changes in the colleges demographic or environmental makeup
  - IV. Address new and developing human rights issues that affect the college community; and
  - V. Continue to be effective.
- g) CSM will continually work to address any structural or cultural issues that might contribute to systemic harassment on prohibited grounds.
- h) CSM will ensure that all Faculty members are held accountable for behaviour and leadership in this regard with respect to instruments like performance objectives and human resources responsibilities.
- i) The College of Sports Media shall include a copy of the Sexual Harassment and Sexual Violence Policy in every contract made between it and its students, instructors, staff, 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.
- j) This Policy shall be published on CSM's website.
- k) CSM's management, instructors, staff, other employees and contractors of The College of Sports Media will report incidents of or complaints of sexual violence to The College of Sports Media Campus President upon becoming aware of them.

## Procedures

### 1. Addressing Sexual Harassment and Sexual Violence

- a. The College of Sports Media will 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.
- b. This will be done by 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 any given case;
- c. The College of Sports Media recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur.
- d. Notwithstanding the above, in certain circumstances, The College of Sports Media 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.

### 2. Investigating Reports of Sexual Harassment and Sexual Violence

- a. Under this Policy, any student of The College of Sports Media may file a report of an incident or a complaint to The College of Sports Media Campus President in writing. A complainant may lodge a formal complaint if:

- Circumstances are such that the complainant cannot or does not choose to approach the respondent for *informal resolution*
- Informal resolution does not resolve the conduct/behavior of concern;
- The complainant does not choose to use *mediation*;
- Mediation is unsuccessful;
- The complaint is such that neither informal resolution nor mediation is an appropriate response;
- The conduct of concern is repeated; or
- The complainant chooses this avenue for seeking resolution.

- b. In the event that the complaint is filed against the President of The College of Sports Media or his designate, it shall be directed to members of the college's Advisory Board of Trustees. Information on contacting members of the board shall be immediately provided to the complainant by the President or his designate.**
  
- c. Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, The College of Sports Media Campus President or his designate will respond promptly and:
  - (i) determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;
  - (ii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
  - (iii) 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, The College of Sports Media may conduct its own independent, third party investigation and make its own determination in accordance with its own policies and procedures;
  - (iv) determine what interim measures be put in place pending the investigation process

### **3. Investigation process**

Once an investigation is initiated, the following will occur:

- a. the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
  
- b. 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, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
  
- c. 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;

- d. interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;
- e. providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
- f. following the investigation, The College of Sports Media Campus President will:
  - (A) review all of the evidence collected during the investigation;
  - (B) determine whether sexual harassment or sexual violence occurred; and if so
  - (C) determine what disciplinary action, if any, should be taken as set out in the section below.

#### **4. Disciplinary Measures**

- a. If it is determined by The College of Sports Media that the Respondent did engage in sexual harassment or 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) suspension and or expulsion of a student; and /or
- b. Mandatory training and skills development
  - (iii) the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
  - (iv) any other actions that may be appropriate in the circumstances.

#### **5. Making False Statements**

- a. It is a violation of this Sexual Harassment and Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint. Disciplinary measures as outlined above will also apply.

- b. 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.

## **Opportunity for Review/Appeal of Findings**

1. The Complainant or Respondent may request a review of the complaints resolution process to the President and or their designate on the following grounds:
  - That the procedures outlined in this policy were not followed; or
  - That there were compelling or extraordinary circumstances that were not considered.
2. The Complainant or Respondent must request a review within ten (10) working days of receiving the copy of the Decision. The request must include the reasons for requesting the review, and evidence to support the request.
3. The President and or his designate will review the decision to identify whether there is evidence that:
  - a. The procedures outlined in this policy were not followed;
  - b. Procedural fairness was not demonstrated; or
  - c. Compelling or extraordinary circumstances that were beyond the complainant's or respondent's control, and that could have had a bearing on the decision, were not considered.
4. If appropriate evidence is identified, the President and or his designate will make amendments to the decision. If no evidence is identified, the decision will stand.
5. A letter will be filed with the complainant and respondent that sets out the outcome of the review, and informs both parties that the decision is final with no internal avenue for further review.

### **Policy Review**

The College of Sports Media shall review its Sexual Violence Policy 2 years after it is first implemented and amend it where appropriate. This date is August 2020.

### **Collection of Student Data**

(a) The College of Sports Media 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), (10) and (11) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

## The College of Sports Media Commitment

We are committed to:

- Assisting those who have been affected by sexual violence by providing choices, including information and support, such as provision of and/or referral to counselling and medical care, information about legal options, 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. Ensure fairness and due process.
- Addressing harmful attitudes and behaviours (e.g. adhering to myths of sexual violence) that reinforce that the person who are affected by 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.
- Providing appropriate education and training to the College community about responding to the disclosure of sexual violence.

## Supports

**Help is available at The College of Sports Media. Please contact:**

- David Lanys, President, The College of Sports Media, 647-427-4242 ext. 1 or [davidl@collegeofsportsmedia.com](mailto:davidl@collegeofsportsmedia.com)
- Ray Williams, Radio Coordinator, The College of Sports Media, 647-427-4242 ext. 3 or [rayw@collegeofsportsmedia.com](mailto:rayw@collegeofsportsmedia.com)
- Off campus, you can call either numbers above or email or call 911 for police or medical help.

**If you have experienced sexual violence or gender harassment:**

1. Go somewhere safe.
2. Get emergency help, whether through the contacts listed above, the police, a hospital, etc.

3. Make a safety plan with your support person or emergency services.
4. Take care of yourself through breathing, journaling, doing yoga, colouring, having a bath, sitting in a park, etc.

**If someone you know has experienced sexual violence or gender harassment:**

- Believe the survivor. Listen non-judgmentally.
- Ensure the survivor's safety short and long term.
- Contact appropriate support services.
- Respect the survivor's choice to go to the police or not.

**Resources and Services in Toronto:**

Emergency Services (Police, Ambulance, Fire) dial 911

Women's College Hospital Sexual Assault / Domestic Violence : 416.323.6040

Toronto Rape Crisis Centre: 416.597.8808

YWCA Toronto 416-497-7151 ext. 266: Healing from Violence and Trauma Groups

The Gatehouse (in case there are historical issues of childhood sexual abuse that compound a recent incident) 416-255-5900

Tropicana Community Services (Counselling for the Black Community) 416-439-9009

Scarborough Hospital Sexual Assault/Domestic Violence Care Centre 416-495-2555

Barbara Schlifer Commemorative Clinic (Counselling and legal support): 416-323-9149

Assaulted Women's Helpline: 1-866-863-0511

Support Services for Male Survivors of Sexual Abuse: 1-866-887-0015

211 (information and referral line)

Anishnawbe Health: 416-891-8606

Toronto Family Services Association: 416-595-9618

Distress Line: 416-408-4357

David Kelly Services (LGBTQ): 416-595-9618

519 Church Street Community Centre (LGBTQ Counselling and Legal Support): 416-392-6874

LGBTQ Youthline: 1-800-268-9688

Gerstein 24 hour Crisis Line: 416-929-5200

Women's Support Network of York Region: 1-800-263-6734

**The chart below outlines some of the commonly held myths, and corrects them with the corresponding facts.**

Myth	Fact
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. 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 82 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 a woman 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 a woman while she is drunk, stoned or passed out.	If a woman is unconscious or incapable of consenting due to the use of alcohol or drugs, she cannot legally give consent. Without consent, it is sexual assault.



Myth	Fact
<p>If a woman didn't scream or fight back, it probably wasn't sexual assault.</p>	<p>When a woman is sexually assaulted, she may become paralyzed with fear and be unable to fight back. She may be fearful that if she struggles, the perpetrator will become more violent. If she is under the influence of alcohol or drugs, she may be incapacitated or unable to resist.</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 a woman does not have obvious physical injuries, like cuts or bruises, she probably was not sexually assaulted.</p>	<p>Lack of physical injury does not mean that a woman wasn't sexually assaulted. An offender may use threats, weapons, or other coercive actions that do not leave physical marks. She may have been unconscious or been otherwise incapacitated.</p>
<p>If it really happened, the woman 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>Women lie and make up stories about being sexually assaulted.</p>	<p>The number of false reports for sexual assault is very low, consistent with the number of false reports for other crimes in Canada. Sexual assault carries such a stigma that many women prefer not to report.</p>

Myth	Fact
It wasn't rape, wasn't sexual violence.	so it 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.
Women with disabilities don't get sexually assaulted.	Women 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.
Husbands cannot sexually assault their wives.	Sexual assault can occur in a married or other intimate partner relationship.