

The Shiatsu School of Canada

Sexual Violence and Harassment Policy

1. Policy Application

This Policy applies to all members of The Shiatsu School of Canada (SSC) community as defined, including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any of The Shiatsu School of Canada's initiatives, operations, volunteers and visitors.

2. The Scope

This Policy applies to complaints of sexual violence that have occurred at The Shiatsu School of Canada's facility or at an SSC event or offsite activity and involves members of The Shiatsu School of Canada community as defined in paragraph one, the Policy Application.

3. Purpose and Intent

All members of the The Shiatsu School of Canada community have a right to study and work in an environment free of sexual violence.

This document sets out SSC's policy on sexual violence, defines the prohibited behaviours, and outlines the investigative processes for sexual violence.

4. Policy Objectives

The Shiatsu School of Canada is committed to providing members of its community an educational environment free from sexual violence and treating those individuals who report incidents of sexual violence with dignity and respect.

To that end, The Shiatsu School of Canada will educate faculty, staff and students about this Policy and how to identify situations that involve, or could progress into sexual violence and how to reduce these forms of prohibited behaviours.

Where a complaint has been made of sexual violence, under this Policy, The Shiatsu School of Canada will take all reasonable steps to investigate it, including as follows:

- responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- assisting those who have experienced sexual violence in obtaining counselling and medical care;
- providing those who have experienced sexual violence with appropriate academic and other accommodation;
- providing those who have experienced sexual violence with information about reporting options; and
- providing on-campus investigation procedures for sexual violence complaints.

5. Definitions

Sexual Violence

This Policy prohibits sexual violence which 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 harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

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 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.

6. Reporting and Responding to Sexual Violence

All members of The Shiatsu School of Canada community will take all reasonable steps to prevent sexual violence at the SSC facility or at SSC events and report immediately to The Shiatsu School of Canada Director if they are subject to, witness or have knowledge of sexual violence, or have reason to believe that sexual violence has occurred or may occur.

The SSC recognizes the right of the complainant to determine whether her or his complaint will be dealt with by the police and/or internally by SSC. However, in certain circumstances, The Shiatsu School of Canada 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 community is at risk.

During the investigation and decision-making process, any party has the right to have a person present with him or her at every stage of the process.

7. Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. A formal report of an incident of sexual violence is not necessary to access supports, services or accommodations. The victim may choose not to request an investigation by the Shiatsu School of Canada, and has the right not to participate in any investigation that may occur. However, SSC 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.

8. Commitment to Support

- All Shiatsu School of Canada students and employees should expect to receive support if they are affected by sexual violence.
- Complainants should be able to access support regardless of when, where or by whose hand they experienced an incident of sexual violence.
- The Shiatsu School of Canada will work with individuals in determining their support and/or workplace and academic accommodation needs and assist them in accessing these. Each individual's needs will be different, and the types and forms of support and accommodation made available will be tailored to their needs on a case-by-case basis.
- Complainants need only to disclose their experience to seek support and will not be required or pressured to make a formal report or complaint.

- Detailed information about off-campus supports for students is provided at the end of this policy.

9. Confidentiality

Subject to section 9 below, to the extent it is possible, the Director 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 in The Shiatsu School of Canada community are at risk.

Where a complaint of sexual violence has been reported to SSC, SSC will exercise care to protect and respect the rights of both the complainant and the respondent. SSC understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the police and/or SSC. In most circumstances, the person will retain this control. However, in certain circumstances, SSC 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 Director believes that the safety of other members of SSC community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

Where the Respondent is a Student

Sexual violence is a violation of The Shiatsu School of Canada's policy. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences.

Where the Respondent is an Employee

Sexual violence is a violation of The Shiatsu School of Canada's policy. Allegations against employees will be addressed in accordance with the procedures set out in this Policy, and in any applicable collective agreement, and/or other SSC policies. If the complaint is sustained following an investigation, SSC will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

Where the Respondent is not a Student or Employee

Contractors, suppliers, volunteers or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct. Where a complaint against the respondent is substantiated, SSC will take appropriate action. All contractual relationships entered into by SSC will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the Ontario Human Rights Code, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

Multiple Proceedings

Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual violence, SSC shall 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, SSC will cooperate with the local police.

10. Investigating Reports of Sexual Violence

A complaint of sexual violence may be filed under this Policy, by any member of The Shiatsu School of Canada community, to the Director, in writing. The complaint should be addressed to:

Enza Ierullo
Executive Director
The Shiatsu School of Canada Inc. & SSC Acupuncture Institute
455 Spadina Avenue, Suite 300
Toronto, Ontario, M5S 2G8

Upon a complaint of alleged sexual violence being made, the Director will initiate an investigation, including as follows:

- determining whether the incident should be referred immediately to police;
- 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;
- interviewing the complainant, any person involved in the incident and any identified witnesses;
- interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- determining what disciplinary action, if any, should be taken.

11. Procedural Fairness

The Shiatsu School of Canada 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 full detail of the allegations and provided with an opportunity to answer to the allegations made against them.

12. Interim Measures

It may be necessary to enforce interim measures during any time of the investigation, to protect both the complainant and the respondent, and the SSC community. These measures are temporary and without prejudice, until an outcome of the investigation is reached. Consequences will be in effect for violating any of the following interim measures:

- Restrictions to campus access
- No contact/communication
- Employment/workplace restrictions
- Changes to class and/or enrolment

13. Disciplinary Measures

If it is determined by The Shiatsu School of Canada that a member of its community has been involved in sexual violence, immediate disciplinary or corrective action will be taken, students may face discipline, up to and including expulsion. Employees may face penalties, cancellation of contracts and other sanctions. SSC may also impose non-punitive measures.

In cases where criminal proceedings are initiated, The Shiatsu School of Canada 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, The Shiatsu School of Canada may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

14. Appeal Process

A complainant and the respondent has the right to appeal their case. All appeals must be a written request directly to the Director. The request must be submitted to the Director within 10 days of the investigation reaching a decision.

The Director will inform all individuals within the investigation that an appeal has been submitted. The Director will review the investigation, including original reports and documents, in regards to the final outcome. More interviews may be held. The Director will issue their final review of the investigation within 15 days. After this appeal process, the decision of the Director is final.

There is no formal appeal process for supplier, volunteer or visitor violations.

15. Making False Statements

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 violate this Policy are subject to disciplinary and / or corrective action, up to and including termination of employment or expulsion.

16. Roles and Responsibilities

All SSC staff, students and community will:

- Be aware of this policy and the correct procedures to report and respond to an incident
- Know where to have access to the policy
- Will participate in any training provided by SSC
- Be aware of the support services listed in this policy, or how to access this information
- Maintain on going commitment to enforce this policy daily.

17. Reprisal

It is a violation of this Policy to retaliate or threaten to retaliate against a complainant, acting in good faith, who has brought forward a complaint of sexual violence, provided information related to a complaint, or, otherwise been involved in the complaint investigation process.

18. Review

This policy will be reviewed by May 2020 for necessary additions and amendments. It may also be revised from time to time based upon the final revisions to Bill132 and as policies may be issued by the Superintendent for the Ministry of Advanced Education and Skills Development, Colleges and Private Career Colleges, PC Branch.

19. Resources

Appendix 1 lists provincial rape crisis centres which could be provided as resources.

Appendix 1

Canadian Association of Sexual Assault Centres in Ontario

English:

Assaulted Women's Helpline

Toll Free: 1-866-863-0511

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

TTY: 416-364-8762

www.awhl.org

Français:

Fem'aide

Telephone toll-free: 1-877-336-2433

ATS: 1 866 860-7082

www.femaide.ca

Sexual Assault/Domestic Violence Treatment Centres

35 hospital-based centres that provide 24/7 emergency care to women. See below to locate the Sexual Assault/Domestic Violence Treatment Centre nearest you.

Belleville

Domestic Violence/Sexual Assault Response Team of Hastings and Prince Counties

245 Dundas Street E, Room 36

613- 969-7400 ext. 2094

Brantford

Sexual Assault/Domestic Violence Care Team

Brantford General Site

200 Terrace St.

519-751-5544, ext. 4449

Brockville

Assault Response and Care Centre of Leeds and Grenville

Brockville General Hospital

70 Charles St., Suite 201

613-345-3881

Burlington

Nina's Place

Joseph Brant Hospital
1230 North Shore Blvd.
905-632-3737, ext. 5708

Chatham

Sexual Assault/Domestic Violence Treatment Centre

Chatham–Kent Health Alliance
80 Grand Ave. W.
519-352-6400, ext. 6382

Cornwall

Assault and Sexual Abuse Program (ASAP)

Cornwall Community Hospital, Second Street Site
510 Second St. E.
613-932-3300, ext. 4202

Dryden

Sexual Assault/Domestic Violence Program

Dryden Regional Health Centre
58 Goodall St.
807-223-7427

Guelph

Guelph–Wellington County Sexual Assault/Domestic Violence Treatment Centre

Guelph General Hospital
115 Delhi St.
519-837-6440, ext. 2758

Hamilton

Sexual Assault/Domestic Violence Care Centre

Hamilton Health Sciences McMaster University
Medical Centre
1200 Main St. W.
905-521-2100, ext. 73557

Kenora

Sexual Assault/Partner Abuse Program

Lake of The Woods District Hospital
21 Sylvan St. W.
807-468-9861, ext. 428

Kingston

Sexual Assault/Domestic Violence Program
Kingston General Hospital
76 Stuart St.
613-549-6666, ext. 4880

Smiths Falls

Lanark County Sexual Assault/Domestic Violence Program
Perth and Smiths Falls District Hospital
60 Cornelia St.
613-283-2330, ext. 1258

London

Regional Sexual Assault and Domestic Violence Treatment Centre
St. Joseph's Health Care
268 Grosvenor St.
519-646-6100, ext. 64224

Mississauga

Peel Region Sexual Assault/Domestic Violence Program
Sexual Assault Care and Counselling Centre
The Trillium Health Centre
100 The Queensway W.
905-848-7580, ext. 2142

North Bay

Sexual Assault/Domestic Violence Treatment Centre
North Bay General Hospital
750 Scollard St.
705-474-8600, ext. 2350

Orangeville

Dufferin County Sexual Assault/Domestic Violence Program Headwaters
Health Care Centre
Orangeville Campus
100 Rolling Hills Dr.
519-941-2702, ext. 2255

Orillia

Regional Sexual and Domestic Assault Program of Simcoe and Muskoka
Orillia Soldiers' Memorial Hospital
170 Colborne St. W.
1-877-377-7438

Ottawa

Sexual Assault Partner Abuse Care Program
The Ottawa Hospital
Civic Campus
Emergency Department
1053 Carling Ave.
613-761-4366
613-761-4140 (TTY)
613-798-5555, ext. 16555 (admin.)

Ottawa Pediatric Sexual Assault

Children's Hospital of Eastern Ontario
401 Smyth Rd.
613-737-7600, ext. 2939

Owen Sound

Sexual Assault/Domestic Violence Care Centre
The Grey Bruce Regional Health Centre
1800–8th St. E.
519-376-2121, ext. 2458

Peterborough

Sexual Assault/Domestic Violence Program
Women's Health Care Centre
157 Charlotte St.
705-743-4132

Renfrew

*Renfrew Victoria Hospital Regional Assault
Response Program*
499 Raglan St. N.
613-432-4851, ext. 818

Richmond Hill

Domestic Abuse and Sexual Assault Care Centre
York Central Hospital
10 Trench St.
905-832-1406, ext. 3

Sarnia

Sexual Assault/Domestic Assault Treatment Centre
Bluewater Health
220 Mitton St. N.
519-464-4522

Sault Ste Marie

Sexual Assault Care Centre/Partner Assault Clinic
Sault Area Hospitals
915 Queen St. E.
705-759-5143

Scarborough

Sexual Assault/Domestic Violence Care Centre
The Scarborough Hospital
Grace Campus
3030 Birchmount Rd.
416-495-2555

Sioux Lookout

Sioux Lookout Assault Care and Treatment Program
Meno Ya Win Health Centre
60 1/2 Front Street
Upper Level
807-737-0015
807-737-3030, ext. 2096 (admin.)

St. Catharines

Sexual Assault/Domestic Violence Centre
Niagara Health System
St. Catharines General Site
142 Queenston St.
905-684-7271, ext. 45300

Sudbury

Domestic Violence/Sexual Assault Treatment Program
St. Joseph's Health Centre
700 Paris St.
705-675-4743

Thunder Bay

Sexual Assault/Domestic Violence Program
Thunder Bay Regional HSC
980 Oliver Rd.
807-684-6750

Toronto

Sexual Assault/Domestic Violence Care Centre
Women's College Hospital
76 Grenville St.
416-323-6040

For additional support services in Toronto, visit <http://www.torontocentralhealthline.ca>

Suspected Child Abuse and Neglect Program (SCAN)

The Hospital For Sick Children

555 University Ave.

6th floor

416-813-6275

Waterloo

Waterloo Region Sexual Assault/Domestic Violence Treatment Centre

St. Mary's General Hospital

400 Queen St.

519-749-6994

Windsor

Sexual Assault/Domestic Violence and Safekids Care Centre

Windsor Regional Hospital Grace Campus

1995 Lens Ave.

519-255-2234

Whitby/Oshawa

Durham Region Domestic Violence/Sexual Assault Care Centre

115 Simcoe St. S., Oshawa

905-721-6128, ext. 278