

# Northstar Truck Driving School

5044 Walker Road, Old Castle, ON N9G 0C5

## Sexual Violence Policy and Protocol

### Statement from the Career College Administrator

Northstar Truck Driving School values respect for all individuals, civility, diversity, dignity, equality, and freedom. The College is committed to maintaining a healthy and safe learning, living, social, recreational and working environment. We are committed to maintaining a campus free of discrimination and harassment, and strive to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender roles. The College will not tolerate behaviour that contributes to a hostile and inequitable learning and working environment. We take seriously our commitment to supporting those who experience sexual violence, and we work diligently on campus and with community partners on programs, policies and resources to ensure that our campus remains free from sexual violence.

This website provides quick access to the information contained in the College's Sexual Assault and Sexual Violence Policy and Protocol. The Policy and Protocol provides procedures and resources to support individuals and groups who may be directly or indirectly involved in working with persons who have experienced sexual violence. I urge all members of the College community to review the Policy and Protocol to learn about options and resources available to those who require support or who wish to support others. Please help to ensure that the College remains a safe and positive space where members of the College community feel able to work, learn and express themselves in a safe environment that upholds human equality.

Raymond St. Jean

Career College Administrator

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The Ontario Government is moving forward with regulatory amendments that will help create a safer environment for students attending publicly assisted colleges and universities, as well as Ontario Career Colleges. Students will be shielded from irrelevant questions during sexual violence investigations and ensure that students can safely bring forward complaints without fear of disciplinary action. Our number one priority is safety of the students, everyone should be able to pursue their studies on or off campus without worrying about sexual violence or harassment.

1. 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 the Ontario Career College'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 the Ontario Career College's staff or investigators, including irrelevant questions relating to the students' sexual expression of past sexual history.

Students in Ontario expect a learning environment that is free from sexual harassment, violence and abuse.

Our goal is to ensure survivors of sexual and gender-based violence can come forward without fear of facing questions about their sexual history or expression, and that they will be protected from repercussions for lesser policy violations.

This policy is pursuant to the Ontario Regulation 131/16 made under the Ministry of Training, Colleges and Universities Act and Ontario Regulation 415/06 made under the Ontario Career Colleges Act set out requirements for sexual violence policies. (March 1, 2022)

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

### 1. **Definitions: Sexual Assault and Sexual Violence**

**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 capable of consenting to.

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

**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 freely able to 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, and 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.

**Note:** For information purposes only, the *Criminal Code* defines "consent" as follows:

**Consent:** The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where

- a. The agreement is expressed by the words or conduct of a person other than the complainant;
  - b. The complainant is incapable of consenting to the activity;
  - c. The accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
  - d. The complainant expresses, by words or conduct, a lack of agreement to engage in the activity;
- Or
- e. The complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

#### **Other Relevant Terms**

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

**Age of consent for sexual activity:** The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

**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.

**Survivor:** Some who have sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term “victim”. We use the term survivor throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

## **2. Purpose and Intent of the Policy**

All members of Northstar Truck Driving School have a right to a work and study in an environment that is free from any form of sexual violence. This document sets out our policy and response protocol to sexual violence and ensures that those who experience sexual violence are believed and their rights respected, that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

## **3. 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. The 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 administrations 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:**

- 3.1.** Assisting those who have experienced sexual violence by providing choices, including detailed 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;
- 3.2.** 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;
- 3.3.** 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.
- 3.4.** Treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests;
- 3.5.** Ensuring that on ---campus (internal) investigation procedures are available the case of sexual violence, even when the individual chooses not to make a report to the police;
- 3.6.** Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies, standards and applicable collective agreements, and that ensure fairness and due process;
- 3.7.** Ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus,
- 3.8.** Engaging in public education and prevention activities;
- 3.9.** Providing information to the College community about our sexual violence policies and protocols;
- 3.10.** Providing appropriate education and training to the College community about responding to the disclosure of sexual violence;
- 3.11.** contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and
- 3.12.** monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

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#### **4. Reporting and Responding to Sexual Violence**

4.1 Members of the College community should immediately report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur. Members who have experienced sexual violence are encouraged to come forward to report as soon as they are able to do so.

4.2 Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.

4.3 Where the College becomes aware of incidents of sexual violence by a member of the College community or against a member of the College community, which occur on or off College property and that pose a risk to the safety of the College community

#### **4.4**

Prompt reporting of all incidents is important so that appropriate action can be taken. All reported incidents of sexual violence and/or sexual harassment will be investigated to the best of our ability and in a manner that ensures due process. Students, faculty and staff of Northstar Truck Driving School will take all reasonable steps to prevent sexual violence involving our students on our campus by reporting immediately to NSTDS 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 one of our students. We, at Northstar Truck Driving School, 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. • It is the responsibility of administrators/supervisors, at all levels, to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it • Employees or students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action. • 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 the Ontario Career College'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 the Career College's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

#### **5 Complaint Process and Investigations**

A complaint of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the College community.

The College 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.

### **5.1 Right to Withdraw a Complaint**

A complainant has the right to withdraw a complaint at any stage of the process. However, the College 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.

### **5.2 Protection from Reprisals, Retaliation or Threats**

It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- having pursued rights under this Policy or the *Ontario Human Rights Code*;

Having participated or co---operated in an investigation under this Policy or the *Ontario Human Rights Code*.

Anyone engaged in such conduct may be subject to sanctions and/or discipline

### **5.3 Unsubstantiated or Vexatious Complaints**

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.

Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the respondent, may result in sanctions and/or discipline against the complainant.

## **6. Confidentiality**

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses. However, confidentiality cannot be assured in the following circumstance: 8.

- an individual is at imminent risk of self---harm;
- an individual is at imminent risk of harming another; and/or
- there are reasonable grounds to believe that others in the College or wider Community may be at risk of harm.

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor would not be released to the public.

Where the College becomes aware of an allegation of sexual violence by a member of the College community against another member of the College community, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases certain College administrators will be informed about the reported incident on a "need to Know" and confidential basis, but not necessarily of the identities of the persons involved.

## **SEXUAL ASSAULT AND SEXUAL VIOLENCE PROTOCOL**

### **1. If You Have Experienced Sexual Violence**

If you have experienced sexual violence, please call Raymond St. Jean our School Administrator or Liz Carreira, Office Administrator. If you need to speak to someone directly, please go to: 5044 Walker Road, Old Castle, ON and ask for Liz Carreira.

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. A number of other resources are available to you, including;

- Sexual Assault Centre of Essex County, 1770 Langlois Avenue, Windsor, ON 519-253-3100
- Hiatus House, 250 Louis Avenue, Windsor, ON 519-252-7781

Information about these resources is available below; or you can use the link to go directly to the **resources**.

Anyone who has experienced sexual violence has the right to:

- be treated with dignity and respect.
- be believed.
- be informed about on---and off---campus services and resources,
- decide whether or not to access available services and to choose those services they feel will be most beneficial.
- decide whether to go to the police or report the incident to the campus.

- have an on---campus---investigation with the institution’s full cooperation.
- have a safety plan, and have responsible and necessary actions taken to prevent further Unwanted contact with the alleged perpetrator(s).

## **2. If You Would like to File a Formal Complaint**

Raymond St. Jean, School Administrator or Liz Carreira, Office Administrator will 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 may file a complaint under this Policy.

Individuals who have experienced sexual violence may also wish to press charges under the *Criminal Code*. Raymond St. Jean or Liz Carreira can assist you with contacting the local police.

More information on filing a complaint can be found at: **Filing a Complaint**

## **3.What to Do if You Witnessed Sexual Violence**

If you witness sexual violence, Please call Raymond St. Jean at 519-737-0444 or Liz Carreira at 519-737-0444 and we will assist you by providing all the resources and necessary support. If you want to speak to someone directly, please go to Reception at Northstar Truck Driving School and ask for Liz Carreira or Raymond St. Jean.

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

- Sexual Assault Centre of London Crisis and Support Line: 519-642-3000 or 1-877-529-2272
- Sexual Assault Centre of Essex County, 1770 Langlois Ave, Windsor, ON 519-253-3100
- Hiatus House, 250 Louis Avenue, Windsor, ON 519-252-7781

If a member of 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 Keith Robinson, The Ontario Career College President, immediately at 519-738-6885.

## **4.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 other staff. 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 judgement 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 Decide whether to report to the police and/or Sexual Assault Centre of Essex County at 519-253-3100; 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 Raymond St. Jean or Liz Carreira to ensure that the student receives all necessary academic and other accommodations.

If the staff at the College becomes aware of an allegation of sexual violence against another staff member of the College, the staff is required to report the alleged incident to the Ontario Career Colleges’ President immediately.

### **5.Communicating with individuals who have Experienced Sexual Violence**

Sensitive and timely communication with individuals who have experienced sexual violence and their family members (when an individual consents to this communication) is a central part of the Colleges first response to sexual violence. To facilitate communication the College will:

- Ensure that designated employees, who are knowledgeable about sexual violence, are responsible for advocacy on behalf of the employees, students or any other member of the College community who have experienced sexual violence. Ensure designated employees respond in a prompt, compassionate, and personalized fashion, and
- Ensure that the person who has experienced sexual violence and the respondent are Provided with reasonable updates about the status of the College’s investigation of the Incident when such investigations are undertaken.

### **6.Roles and Responsibilities of the College Community**

While everyone has a role to play in responding to incidents of sexual violence some staff members will have specific responsibilities which might include;

- Front line staff to provide emotional support, assist with safety planning and make Referrals to other services including medical services;
- Staff and administrators to facilitate academic accommodations and other academic needs of those who have experienced sexual violence, e.g. extensions on assignments, changes to attendance policy, and dropping courses;
- Human Resources will assist with any incidents relating to employees. They can be Reached at 519-737-0444.

## **7. How will the College Respond to a Report of Sexual Violence?**

Where a complaint of sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College 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 the College. In most circumstances, the person will retain this control. However, in certain circumstances, the College 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 College believes that the safety of other members of the College community is at risk. The confidentiality and anonymity of their person(s) affected will be prioritized in these circumstances. A report of sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the College or in circumstances where the College is unable to initiate an internal investigation under this Policy.

### **7.1 Where the Respondent is a Student**

Sexual violence is a violation of Northstar Truck Driving Schools' Sexual Assault and Sexual Violence Policy. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences.

### **7.2 Where the Respondent is an Employee**

Sexual violence is a violation of Northstar Truck Driving Schools' Employee Policy. Allegations against employees will be addressed immediately. If the complaint is Sustained following an investigation, the College will decide on the appropriate disciplinary actions.

### **7.3 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, the College will take appropriate action.

#### **Contacts:**

**Raymond St. Jean 519-737-0444 Northstar Truck Driving School Administrator**

**Liz Carreira 519-737-0444 Northstar Truck Driving School Office Administrator**

**Sexual Assault Centre of Essex County, 1770 Langlois Avenue, Windsor, ON 519-253-3100**

**Hiatus House, 250 Louis Avenue, Windsor, ON 519-252-7781**

**Sexual Assault Centre of London Crisis and Support Line: 519-642-3000 or 1-877-529-2272**

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**Revision: July 31, 2024**

**(amendment added)**