**Universal Care Academy**

**Type:** Sexual Violence and Harassment Policy

**Category:** Administrative

**PolicyNumber:**UCA - 023

**Responsible Authority:** Universal Care Academy

**Approval Authority:**Board of Academy

**Effective**: November 2017

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**Mandatory Revision Date:** July 2024

**1. Definition**

**1.1Consent:**

Consent means the voluntary and explicit agreement to engage in the sexual conduct in question. This means that there must be an understandable exchange of words or actions that indicate a willingness to participate in mutually agreed sexual activity.

* Consent is NOT obtained where a person is incapable of consenting – for example due to intoxication, or where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.
* Consent cannot be given on behalf of another person.
* Silence or non-communication will not be interpreted as consent under this policy.
* Consent given in the past to sexual activity does not mean that consent exists for future sexual activity.
* Consent cannot be obtained by a person in a position of trust, power or authority
* A person can withdraw consent at any time during the course of a sexual encounter.
* A person who has been threatened or coerced into engaging in the sexual activity is not consenting to it.

**1.2 To Report:**

This is to share information about an incident of sexual violence with the institution or respective for the purpose of receiving support, counseling, or other services or to obtain information about how to make a complaint. This formal report of the incident of sexual violence is not necessary to access support, services or accommodations.

**1.3 Complainant:**

 A Member of the Institution who has disclosed or Reported an Incident of Sexual Violence experienced by that individual.

**1.4 Complaint:**

 Sharing information about an incident of sexual violence with the Institution to initiate a formal process by which one or more respondents can be held accountable. This formal complaint of the incident of sexual violence is not necessary to access support, services or accommodations.

**1.5 Respondent:**

 An individual who is the subject of a complaint made under this policy.

**1.6 Disclosure:**

 The sharing of information by an individual with a Member of the Institution regarding an Incident of Sexual Violence experienced by that individual.

**1.7 Sexual Assault:**

Any form of sexual contact without consent. Sexual assault includes unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature.

**1.8 Sexual Harassment:**

Engaging in a course of vexatious comment or conduct against a person because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.

* Includes but is not limited to engaging in a course of vexatious comments or conduct that is known or ought to be known to be unwelcome.
* Sexual Harassment includes workplace sexual harassment. Sexual Harassment includes any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.
* Sexual harassment also includes a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

**1.9 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.

**1.10Member(s) of the Institution:**

Includes students and all employees of the Universal care Academy. For clarity, faculty includes clinical, adjunct, status-only, retired, and visiting faculty.

**2. Purpose of this policy**

 All members of Universal Care Academy have the right to work and study in an environment that is free from any form of sexual violence and harassment.

Sexual Violence is a serious issue that undermines the health, well-being, and security of individuals, communities, and society. Addressing the causes and consequences of Sexual Violence requires the deliberate and collective efforts of governments, institutions, and citizens.

The institution recognizes that Sexual Violence can occur between individuals regardless of sex, sexual orientation, gender, gender identity or expression, or relationship status.

This policy encourages action to prevent sexual violence and harassment and ensures that those affected by sexual violence are believed in seeking support from the Institution and are appropriately accommodated by the Institution.

This establishes a fair process for complaint resolution that protects the rights of individuals against sexual violence.

This also holds individuals who have committed an act of sexual violence accountable and the necessary action to be taken immediately.

**3. Application and scope of this policy**

This Policy applies to all Members of the Universal Care Academy. All Members of the Universal Care Academy will be offered appropriate support with respect to issues of Sexual Violence, regardless of their role in the institution or the role of the person against whom an allegation is made. This Policy is in every enrollment contract with a student.

The Reporting procedure and the processes it initiates apply to all Incidents of Sexual Violence in which both the Complainant and the Respondent are Members of the Universal Care Academy, regardless of whether the event occurred on campus, off campus, or using social media or other electronic media.

**4. Policy**

**4.1 Prohibition:**

Sexual violence and Harassment in any form is not encouraged or accepted and will not be tolerated by Universal Care Academy.

Serious actions will be taken if found guilty.

**4.2 Statement of Commitment:**

4.2.1 All members of the Universal Care Academy should have the ability to study, work, and live in a campus environment free from Sexual Violence, including Sexual Assault and Sexual Harassment.

4.2.2 supporting members who have been affected by sexual violence by providing supports, services and options and by recognizing that such individuals are the final decision-makers about their own best interests

4.2.3 appropriately accommodating the needs of members who have been affected by sexual violence

4.2.4 The institution recognizes that individuals who have experienced Sexual Violence experience a range of effects that can profoundly affect their lives.

4.2.5 responding to (and investigating) reports and complaints of sexual violence appropriately and in accordance with the law

4.2.6 addressing complaints of sexual violence fairly, expeditiously and in a manner that minimizes re-traumatization of individuals who have experienced sexual violence

4.2.7 Collecting data about sexual violence reports and complaints as required by law

4.2.8 The development of the sexual violation and harassment policy considered student input.

4.2.9 The Institution will provide appropriate training or make available training on the sexual violation policy to owners, managers, staff and students.

**4.3 Protection from reprisals and threats:**

No member of the institution shall retaliate or threaten to retaliate against a person for reporting an incident of sexual violence, for filing a complaint under this policy, for cooperating with or participating in a sexual violence investigation or adjudication or for otherwise pursuing their rights under this policy. The institution will take reasonable steps to protect complainants, witnesses and others from retaliation, including by directing individuals in writing to refrain from retaliation and threatening retaliation and sanctioning individuals for breach of this duty.

**5. Support service and accommodation**

5.1 The Institution provides support to Members of the Institution who have experienced Sexual Violence and to those who receive a Disclosure or Report of an Incident of Sexual Violence.

5.2 The Sexual Violence Response Advisor will explain options and facilitate contact with the police if requested.

5.3 The Institution provides Sexual Violence education and prevention education for all Members of the Institution, including training on this Policy and awareness programs about Sexual Violence and personal safety.

5.4 The Institution provides support to Members of the Institution who have had an allegation of Sexual Violence made against them.

5.5 Accommodations such as temporary arrangements will be made for a Student who has experienced Sexual Violence to assist in their recovery. Examples of Accommodations include safety planning, emergency bursaries, change in residence room, housing assistance, class or schedule changes, or other appropriate arrangements at no charge to the student.

5.6 The private career college will provide information to the Superintendent concerning:

1. the number of times supports, services, and accommodation relating to sexual violence are requested and obtained by students ;
2. any initiatives and programs to promote awareness of supports and services available to students;, and,
3. the number of incidents and complaints of sexual violence reported by students, and the implementation and effectiveness of its sexual violence policy.

**6. Incident response and sexual violence reports**

**6.1 Intervention by bystanders:**

 All Institution employees and other representatives shall take reasonable action to prevent sexual violence from occurring, including by contacting the Sexual Violence Response Advisor or the Public Safety and Security office.

Students and others are strongly encouraged to do the same.

**6.2 Witnesses to report incidents:**

All Institution employees and other representatives who witness an incident of sexual violence shall report it to the Sexual Violence Response Advisor.

Students and others are strongly encouraged to do the same.

**6.3 Reports by affected individuals encouraged:**

Individuals who have been affected by sexual violence are encouraged to obtain information and support.

The best person at the Institution to speak with is the Sexual Violence Response Advisor.

**6.4 Employees should listen and refer**:

Institution employees and representatives to whom an individual report an incident of sexual violence should listen, show support and should refer the individual to the Sexual Violence Response Advisor for support.

Institution employees and representatives should refrain from judging the individual and, unless trained in providing support to those who have experienced sexual violence, refrain from providing advice.

**6.5 Employees must report:**

All employees and representatives who are not health care providers shall immediately convey any report of sexual violence to the Sexual Violence Response Advisor.

Institution health care providers shall convey any report of sexual violence to the Public Safety and Security department, the police or other persons as they deem necessary for the purpose of eliminating or reducing a significant risk of serious bodily harm.

**6.6 Institution will assess and respond to all reports:**

Those thinking about making a report should understand that the Institution has a duty to assess and respond appropriately to every report given its duty to maintain a working and learning environment free of sexual violence

**7. Confidentiality**

7.1 The Institution will treat Disclosures and Reports of an Incident of Sexual Violence in a confidential manner and in accordance with the Freedom of Information and Protection of Privacy Act.

7.2 The Institution will limit sharing of information to those within the Institution who need to know the information for the purposes of implementing this Policy, including providing accommodation, interim conditions and interim measures, and the investigation and decision-making processes; and taking corrective action resulting from those processes.

7.3 The information the institution provides to the Superintendent does not include personal information within the meaning of the Freedom of Information and Protection of Privacy Act.

7.4 Confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of Members of the Institution or where the Institution is obliged by law to disclose the information. For example, confidentiality cannot be maintained where:

1. an individual is at risk of imminent and serious harm to themselves or others;
2. Members of the Institution may be at risk of harm; and/or
3. reporting or investigation is required by law (for example, but not limited to, an incident involving a minor, or obligations related to occupational health and safety or to human rights legislation).

**8. Sexual violence complaints**

8.1 Any member of the institution may file a sexual violence complaint.

8.2 A complainant may withdraw a complaint at any time, though the Institution may continue to investigate as appropriate in light of its duty to maintain a working and learning environment free of sexual violence.

8.3 Complainants may report sexual violence to the police before or after filing a complaint with the Institution. In some situations, it may be necessary for the Institution to suspend its complaint process while the police or investigating or after charges are laid.

8.4 The complaint resolution protocol in this policy applies to all incidents of sexual violence in which both the complainant and the respondent are members of the Institution.

8.5 It applies to incidents that occur off Institution premises if the incident has the potential to adversely affect an individual’s study or work performance at the Institution or create a negative study or work environment within the Institution. If a respondent’s relationship with the Institution ends and that person is no longer a member of the Institution, the Institution may choose to suspend the processes under this policy. If the respondent becomes a member of the Institution again, the Institution may reinstate the process after notifying the complainant and respondent.

8.6 The Institution will review and resolve all complaints by individuals who identify themselves and allege sexual violence.

8.7 The Institution will ordinarily treat anonymous complaints as reports

8.8 All complaints that allege sexual violence will be received and addressed under this policy and its complaint resolution protocol, which is meant to minimize the re-traumatization of individuals who have experienced sexual violence and to provide fairness to respondents.

8.9 The Institution may depart from its complaint resolution protocol as it deems appropriate, but will not make a misconduct finding without following a fair procedure.

8.10 Respondents will always receive notice of the allegations and a meaningful opportunity to be heard.

8.11 All decision-making responsibilities under this policy may be delegated in a manner that is fair and appropriate.

8.12 No person affected by sexual violence is required to participate in an investigation or the other aspects of the Institution’s complaint resolution protocol.

8.13 The Institution may informally resolve a complaint at any time after receiving it.

8.14 A decision to affirm a complaint (in whole or in part) may result in a number of possible sanctions, including the imposition of education and training, corrective action such as relocation or change of duties or supervision, change of class or program, reprimand, suspension, termination or expulsion

8.15 Vexatious complaints are prohibited: No complaint shall be filed to purposely annoy, embarrass or harm a respondent. Individuals who file such complaints may be subject to discipline.

**9. Protocol for complaint resolution**

9.1 The affected individual can lodge a complaint to the respective Sexual Violence Response Advisor or the Public Safety and Security office.

9.2 Action/ Investigation will be taken from 1 – 3 days after the complaint is received.

9.3 The respective may decide not to initiate an investigation

9.3.1 (a) if the complaint does not name a respondent who is a current member of the College community or

9.3.2 (b) The allegations, if proven to be true, would not constitute sexual violence.

9.4 Once the investigation is initiated, decision will be made as to what interim measures are to be taken.

9.5 Respective will then notify the complainant and respondent or respondents in writing of the investigation and any interim measures. The notice will include a summary of all the allegations made and will describe the interim measures to be implemented. The notice will also advise complainants and respondents

9.5.1 (a) of potential sources of support and

9.5.2 (b) that any concerns about the appropriateness of the interim measures may be raised

9.6 Respective will then conduct an investigation or direct an internal or external investigator to conduct an investigation

9.7 Internal and external investigators will ordinarily be directed to:

9.7.1 start the investigation by obtaining a written response and all documents upon which the respondent relies

9.7.2 interview the complainant, respondent and witnesses

9.7.3 record all interviews in writing (i.e., produce witness statements)

9.7.4 gather additional relevant documents and physical evidence

9.7.5 produce a confidential written investigation report

9.8 The time required to commence and complete an investigation may vary, but investigations should ordinarily start and finish within 30 days after the investigation is initiated.

9.9 Post investigation will depend on whether the respondent is an employee or a student.

9.9.1**If employee:**

* + - When the respondent is an employee, the respondent’s supervisor decides how the complaint should be resolved with support from human resources.
		- The decision of the respondent’s supervisor will be conveyed in writing to the respondent.
		- The respondent may ask the College manager who directly supervises the respondent’s supervisor to reconsider the decision. Any such requests shall be made by writing the manager within two calendar days of receiving the decision.
		- The manager shall consider the written request and decide whether to affirm the decision or remit the matter back to the respondent’s supervisor with feedback.
		- Complainants will be advised of the results of the investigation and of any corrective action that has been taken or will be taken as a result of the investigation.
		- Other measures that may be taken if found guilty would include, warning, black mark on the employers profile, suspension or dismiss of employment.

9.9.2**If student:**

* The respective authority member will decide if the complaint should be dismissed or moved forward for a hearing.
* Respective will then notify the complainant and respondent or respondents in writing of the investigation and any interim measures
* Both the complainant and respondent will be called for a hearing (unless the complainant remains anonymous)
* A decision will be made as to what is to be done with the student and what measures are to be taken
* The measures that may be taken if found guilty would include, warning, black mark on the student profile, suspension or dismiss from institution.

9.10 A respondent may file a written appeal to the head of the institution within ten days of receiving the final decision. After the period, the decision taken would be final.

9.11 If the complaint that the complainant has made is not legitimate and false then severe action would be taken against the complainant.

**10. Review**

The policy is subject to respective andwill be reviewed once every three years to amend it as appropriate.