

SEXUAL HARRASSMENT POLICY

It is the policy of **Challenger Transportation Training Academy (CTTA)** that all employees and students are entitled to pursue their duties and studies in a work environment free from harassment by the employer, an agent of the employer, or other employees and students. Individuals who engage in harassment shall be subject to discipline up to and including dismissal.

For the purpose of this policy, Sexual Harassment and Harassment is defined as follows:

Harassment of a sexual nature is comprised of sexual comments, gestures, or physical contact that the individual knows or ought reasonably to know, to be unwelcome, objectionable, or offensive. The behavior may be on a one-time basis or a series of incidents, however minor. Harassment of a sexual nature is unsolicited, one - sided and/or coercive. Both males and females may be victims of it.

Harassment based on race, religion, religious creed, sex, marital status, physical or mental disability, political opinion, color or ethnic, national or social origin, is any behavior that is directed at, or is offensive to, an employee or student, or endangers an employee's job, undermines performance, or threatens the economic livelihood of the employee or student.

Reporting Process

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 CTTA will take all reasonable steps to prevent sexual violence involving our students on our campuses by reporting immediately. 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.

CTTA recognizes that sexual violence can occur between individuals regardless of sexual orientation, gender and gender identity or relationship status as outlines 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. Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still harassment, and it is still against the law. The sexual violence and harassment policy should be consulted whenever there are concerns about sexual violence and/or harassment.

Reports or Complaints Reporting options include:

- a. Reporting to Police - Reports or complaints can be made to the police in order to pursue criminal charges under the Criminal Code of Canada. This, or some other legal action, is the only option for pursuing an adjudication process or redress for sexual violence perpetrated by someone who is not part of the school. If this is the case, survivors can still access support through the school which could, put restrictions on the accuser's ability to access the school.
- b. Reporting to CTTA - Reports or complaints can be made under this policy when a CTTA student is accused of an incident of sexual violence. Making a Report or Complaint under this Policy It is important that a person who reports an incident of sexual violence perpetrated by another CTTA student is heard and has access to appropriate support and resources.

To make a report or complaint of sexual violence: the complainant should contact the school administrator at: Brett Nymeyer Phone Number: 519-653-9770 ext. 2415 Address: 300 Maple Grove Rd, ON N3E 1B7 email: brettn@challenger.com The complainant may file a report or complaint in writing via e-mail or letter or may request an in- person meeting to make their report or complaint. The role of the person taking the report or complaint is to listen, clarify details and assess appropriate next steps. Withdrawal of a Complaint At any time throughout the process, before a decision is rendered, a complainant may choose to withdraw their complaint. They should communicate, in writing, their decision to withdraw their complaint to the school Administrator. In some circumstances, the school may still pursue the complaint.

Transparency of the process:

- a. Parties will be advised of their rights and responsibilities related to the process.
- b. Parties will know what to expect.
- c. Parties will be kept informed about the process and outcome.
- d. Parties will receive regular updates on the progress of their case, estimated timeframes and any delays related to the resolution of their case (types and frequency of these updates will be determined through discussion with each complainant)
- e. Reasons will be provided for any decision made throughout the process.

The school will make every reasonable effort to balance confidentiality with its legal responsibility to provide an environment free from sexual violence. The school protects personal information and handles records in accordance with its policies, the Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act. The general practice of the school is to keep all information confidential except as outlined in this policy, for example where employees require information to carry out their authorized duties under the policy, e.g., conduct investigation, make or implement a decision or interim measures, etc. Complainants, respondents and witnesses are expected to keep the details of any case confidential, outside their circle of support, in order to ensure the integrity of the investigation and decision-making process. Notwithstanding the above, there are additional circumstances where a staff member may be required to disclose information within or outside the school in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. These additional circumstances might include, for example: • An individual is at risk of life-threatening self-harm; 5 • An individual is at risk of harming others; • There is risk to the safety of the school and/or broader community; • Disclosure is required by law; for instance, under the Child and Family Services Act, reporting is legally required if an incident involves a child 16 or under; or, to comply with the Occupational Health and Safety Act or with human rights legislation; and/or • Evidence of the disclosed incident of sexual violence is available in the public realm (e.g. video shared publicly on social media). These above circumstances represent exceptions, not the rule, and are necessary to ensure the school is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported at every step of the process.

Investigation Process will include:

- I. Determining whether a report or complaint has been made through any other internal or external process as well as through this policy.
- II. Determining whether the sexual violence policy is relevant to the complaint and/or if the complaint should be referred for review under a different policy.
- III. Determining whether the complainant is interested in an alternative resolution, as opposed to the completion of an investigation and decision-making process. Circumstances where the school may Proceed without a Complaint In some cases the school may be required to or choose to investigate an incident of sexual violence even though the complainant has chosen not to file a report or complaint. Examples of such circumstances could include but are not limited to: • Where there is risk to the safety of individuals and/or the broader community; for example, where repeated allegations have been made about the conduct of the same individual. • Where required by law, such as under the Occupational Health and Safety Act. • Where there is evidence of sexual violence in the public realm (such as a video posted on social media).

Students who disclose their experience of sexual violence through reporting 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 student's sexual expression or past sexual history.

Students that in good faith report an incident of, or make a complaint about, sexual violence, 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.

If such a situation applies to the survivor, information and support will be made available at every step of the process, even if they choose not to participate. Initial Meeting with the Administrator After the Administrator has indicated that an investigation will be conducted, the Administrator or designate will meet separately with the complainant and respondent. In these meetings, the Administrator will:

- i. Explain to each party their rights in the investigation and decision-making processes.
- ii. Go over the process and answer any questions about what will happen.
- iii. Discuss details of interim measures, if applicable
- iv. Determine the outcome that the complainant is seeking Interim Measures during Investigation and Decision-Making Process In some instances it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community, during the investigation and decision-making process. Such measures are without prejudice to the ultimate outcome of the investigation.

Consequences for violating interim measures will be clearly communicated to the respondent at the time they are applied. Examples of interim measures that might be considered include: • Restrictions to access the school or parts of the school • No contact/communication orders • Employment/workplace restrictions • Changes to class and/or section enrolments Where the respondent is an employee and any interim measures implemented by the school affect the respondent's terms and conditions of employment, the normal procedures of any employment contract will apply to the implementation of the interim measures.

Appeal Process When the Individual Appealing is a CTTA Employee

i. An appeal can be made to the Administrator in writing When the Individual Appealing is a CTTA Student. Who Reviews and Decides Appeals Findings, measures, remedies and sanctions may be appealed to the Administrator of the school. Appeals in cases where the respondent is a student will normally be decided on by the Administrator. Submission of an Appeal 10 A complainant or respondent wishing to appeal a finding or a remedy/sanction in a case shall submit to the Administrator a written request for appeal and an explanation of the basis for the request, within 5 days of communication of the original decision.

ii. Grounds for Appeal The owner will consider appeals based on the following grounds: a.) Whether there was a substantial procedural error in the application of the policy b.) Whether there is new evidence that could not have reasonably been presented earlier c. Whether the Administrator's finding is consistent with the evidenced. Whether the remedy/sanction are reasonable in the circumstances iv. Appeal Review Process If an appeal is filed by one party, other parties to the case will be notified that an appeal has been submitted. They will also be invited to make a written submission for consideration in the review of the appeal. In deciding on the appeal, the Administrator will review the investigation file, the original findings and remedies/sanctions determined by the decision maker and any other relevant documents or information. The owner may also interview the parties. The Administrator will communicate the findings of their review in writing to all parties, normally within 5 days of commencement of the review. A decision of the owner is final with respect to the options available within the school. Where applicable, any party not satisfied with the decision may pursue external avenues for redress.

Protection from Reprisals and Retaliation

CTTA strictly prohibits retaliation, reprisals, intimidation, threats, coercion, or any adverse treatment against any individual who, in good faith: Reports or discloses an incident of sexual violence or sexual harassment; Makes a complaint under this policy; Participates in an investigation, resolution process, or hearing; Acts as a witness or provides information related to a report or complaint; or Accesses support services related to sexual violence or sexual harassment. No student, employee, contractor, or other member of the CTTA community shall be penalized, disciplined, discriminated against, threatened, or otherwise disadvantaged for exercising their rights under this policy in good faith. Any individual found to have engaged in retaliation, reprisals, or interference with an investigation or complaint process will be subject to disciplinary action, up to and including termination of employment, expulsion, removal from campus, or other appropriate sanctions. CTTA will take reasonable steps to protect complainants, respondents, witnesses, and participants from retaliation throughout and following the resolution of a matter reported under this policy.

Support & Services available to victims:

Women's Crisis Services of Waterloo Region at www.wcswr.org, Victim Services of Waterloo Region at www.vswr.ca, Kitchener - Sexual Assault Support Center at www.sascwr.org

Students are not required to report an incident of or make a complaint about sexual violence to obtain the support and services listed in the above paragraph.

Victims who wish to make formal complaints are encouraged to report to Management. Every endeavor should be made to solve all complaints internally first. When a harassment charge is supported, Management will take prompt and appropriate action to discipline the offender.

A victim may also choose NOT to request an investigation by CTTA and has the right not to participate in any investigation that may occur.

The victim also has the right to have a person present with him/her at every stage of the process if he/she so desires. All information/ actions implemented to protect the victim will be kept confidential.

Accommodation:

Management will also appropriately accommodate the needs of any student affected by sexual violence or sexual harassment.

Definitions

Sexual Violence:

Sexual violence is defined as a sexual act committed against someone without that person's freely given consent. It is 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. Acts of sexual violence include unwanted sexual comments or advances; coercion of another person's sexuality by physical or psychological intimidation and/or the denial of another person's sexual decision-making rights. Sexual violence is divided into the following types: Completed or attempted forced penetration of a victim. Completed or attempted drug/alcohol facilitated penetration of a victim. Sexual violence can profoundly impact physical and mental well-being of individuals and communities.

Sexual Harassment:

Sexual Harassment is prohibited by Ontario Human Rights Code and may be based on gender, including transgendered persons, or may involve the use of overt sexual language or sexual innuendo which makes an

individual feel uncomfortable. Sexual harassment is different from flirting, playing around or other types of behavior that you enjoy or welcome.

Sexual harassment can be

requests for sexual favors or unwelcome sexual behavior that is bad enough or happens often enough to make you feel uncomfortable, scared or confused and that interferes with your schoolwork or your ability to participate in extracurricular activities or attend classes. Sexual harassment can be verbal comments about your body, spreading sexual rumors, sexual remarks or accusations, dirty jokes or stories. Sexual harassment can be physical, grabbing, rubbing, touching, flashing or mooning, pinching in a sexual way and sexual assault. Sexual harassment can be visual; a display of naked pictures or sex-related objects and obscene gestures. Sexual harassment can happen to girls and boys.

Sexual harassers can be fellow students, teachers, instructors, principals, janitors, coaches and other school officials.

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