

Sexual Violence Policy - EC Toronto

Policy statement

EC Toronto is dedicated to fostering an educational environment free from sexual violence. We believe in the inherent dignity and worth of every individual and are committed to providing a safe and supportive space for all members of our community.

Our Sexual Violence policy reflects our unwavering commitment to:

1. All members of the EC Toronto community having the ability to study and work in a campus environment free from sexual violence and harassment.
2. Ensuring access to information about available supports and services within our institution and the broader community for those affected by sexual violence.
3. Appropriately accommodating the needs of students impacted by sexual violence, with clear points of contact for seeking assistance.
4. Respecting the confidentiality of victims and affirming that reporting incidents or making complaints is not a requirement to access essential services.
5. Implementing a thorough process for responding to and addressing incidents and complaints of sexual violence, emphasizing fairness, protection from retaliation, and the right to choose the level of involvement in the investigative process.
6. Regularly publishing and disseminating this policy to all stakeholders, accompanied by comprehensive training programs to ensure awareness and understanding.
7. Upholding the consistency and superiority of this policy over conflicting institutional policies.

At EC Toronto we celebrate diversity, inclusivity, and mutual respect. This policy applies to all members of the EC Toronto community and is a testament to our ongoing dedication to maintaining an environment where everyone can thrive, free from the impacts of sexual violence.

It is the responsibility of all directors, controlling shareholders, owners, partners, other persons who manage or direct the affairs of EC Toronto, agents, students, instructors and other employees upon becoming aware of incidents or complaints of sexual violence to understand and apply this policy.

What is Sexual Violence and Sexual Harassment?

Sexual Violence is 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, gender-based



harassment or violence, cyber sexual violence, and sexual exploitation. Cyber sexual violence includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity

Sexual harassment 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. For the purpose of this policy, 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. Sexual harassment includes cyber sexual harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour.

Supports and Services

EC Toronto provides support and services for students and employees who are affected by sexual violence and sexual harassment through its Human Resources department and the Centre Director. These supports and services include:

1. A procedure for reporting sexual violence and harassment;
2. A procedure for dispute resolution, subject to the parties' willingness to participate; and
3. A procedure for investigation of allegations of sexual violence and harassment.

EC Toronto does not have the jurisdiction to address allegations made against a person who is not a member of the EC Toronto community. However, EC Toronto encourages students and employees impacted by sexual violence to contact the following community resources:

Anova: A Future Without Violence

255 Horton Street E.

London, Ontario, N6B 1L1

General Contact: 519-642-3003

24-Hour Crisis and Support Line: 1-800-265-1576

<https://www.anovafuture.org/contact/>



www.ecenglish.com

St. Joseph's Health Care - Sexual Assault and Domestic Violence Treatment Program

268 Grosvenor St
London, ON
N6A 4V2

General Contract: 519 646-6100 ext. 64224

<https://www.sjhc.london.on.ca/areas-of-care/sexual-assault-and-domestic-violence-treatment-program>

London Police Service Crisis Intervention/Victim Support Unit

601 Dundas Street
London, Ontario N6B 1X1

General Contract: 519 661-5636

<https://www.speak-out.ca/home>

Students and employees are not required to report an incident of sexual violence or harassment to receive support. EC Toronto encourages members of its community to reach out to either the Centre Director, Human Resources or community resources for support regardless of whether they choose to file a report of sexual violence and harassment.

Reporting and Addressing Sexual Violence

Employees and students who witness or experience sexual violence or sexual harassment are encouraged to promptly report any instance of sexual violence or harassment either verbally or in writing. Individuals who believe they have been subjected to sexual violence or sexual harassment may, if they feel safe and comfortable, approach the involved party to express that the behaviour is unwanted, unacceptable, and will not be tolerated.

When an instance of sexual violence or sexual harassment is reported, EC Toronto is committed to making every reasonable effort to ensure the steps provided for under this policy are completed as expediently as possible. EC Toronto acknowledges, however, that time frames will vary depending on the circumstances involved.

To ensure swift and thorough investigations, all complaints of sexual violence should be reported as soon as possible after experiencing or witnessing an incident. When reporting, individuals are encouraged to provide detailed information, including the names of those involved, witnesses, locations, and timelines. If available, relevant supporting documents or physical evidence.

The first point of contact for reporting incidents or bringing a complaint of sexual violence or sexual harassment is the Centre Director. Reporting can be initiated in person, by phone, or by email. The Centre Director can be contacted as follows:

Jon Chodarczewicz, 124 Eglinton Ave W #200, Toronto, jonchodarczewicz@ecenglish.com and 416-488-2200

In cases where it is not appropriate to report to the Centre Director, individuals, whether employees or students, should submit their report directly to Human Resources. Human Resources can be contacted as follows:

Claire Mangion, Language House, Marguerite Mangion Street, St Julian's, Malta, clairemangion@ecenglish.com and 0035623790816.

All individuals that, in good faith, report an incident or make a complaint about sexual violence, will not face discipline or sanctions for violations of EC Toronto's policies related to drug or alcohol use at the time of the alleged sexual violence.

When a complaint is made, the Centre Director or Human Resources will provide assistance to the complainant and will discuss the potential available options and outline information about available support and services, including information about accommodations, interim conditions and interim measures that may be available to address the immediate situation.

Responding to reports of sexual violence

Mediation Process: In addressing complaints, the parties are eligible to engage in a mediation process, facilitated by the Centre Director or Human Resources, if circumstances and the consent of both parties allow. This collaborative effort aims to find a mutually acceptable solution for all parties involved. The mediation process may or may not involve direct contact between the parties and will be conducted with the goal of achieving an agreeable resolution.

If the parties and the Centre Director and/or Human Resources are satisfied with a resolution achieved through mediation, a confidential written record of the agreement will be documented and maintained by the Centre Director and/or Human Resources. It's important to note that resolving a complaint through mediation does not preclude EC Toronto from taking appropriate disciplinary or remedial action, which may include academic suspension or the termination of employment without notice, pay-in-lieu of notice, or severance pay.

Parties to the mediation have the right to have a support person present with them during the mediation process.

Investigation Process: For complaints that are not resolved through mediation, where mediation is inappropriate, or where the parties are not comfortable participating in a mediation, the Centre Director will conduct a comprehensive investigation of the



complaint. When appropriate or necessary, an external investigator may be engaged to ensure an unbiased and thorough examination.

A victim of sexual violence or harassment may choose not to request an investigation and has the right not to participate in any investigation that may occur. If a complainant requests that EC Toronto not investigate or act on their disclosure or report of an incident of sexual violence or sexual harassment, EC Toronto will consider the request but may decide to proceed with an investigation, having regard to the health and safety of members of the EC Community and its obligations and responsibilities.

In such cases, the complainant has a right to choose not to participate but is entitled to receive supports outlined in this policy. The complainant will also still be entitled to be made aware of the outcome of an investigation, and subject to any applicable legal obligations and access to information and privacy legislation, may be made aware what corrective actions have been taken (if any).

The investigation will be completed in a timely manner, taking into consideration the circumstances of the particular matter including its complexity and the requirements of fairness and due process.

EC Toronto and the Centre Director are committed to providing a procedurally fair and unbiased investigation. The investigation process will:

- Be prompt, expedient, and thorough, considering the circumstances.
- Be fair, impartial, and focused on gathering facts and evidence.
- Be inclusive of reviewing all relevant evidence and conducting interviews with the parties involved and any witnesses.
- Not ask questions that are irrelevant to the investigation or the specific incident reported, including questions concerning the employee or student's sexual expression or past sexual history.
- Not require parties be asked to repeat their accounts more than is necessary for the implementation of this policy.
- Be sensitive to the interests of all parties and maintain confidentiality to the extent possible.
- Be adaptive to any specific needs or requests from parties during the investigation.

Parties to the investigation have the right to have a support person present with them during the investigation process.

The investigator will provide a respondent to a complaint with a reasonable opportunity to respond in writing or orally to allegations made against them. If the response is oral, the investigator should attempt to confirm the content of the response with the respondent in writing. If the respondent does not respond within a reasonable timeframe set by the



investigator, or chooses not to participate in the investigation, the investigator may proceed in the absence of their response.

The investigator will provide the written particulars of the response from the respondent, if received, to the complainant. The complainant may submit a reply to the response within a reasonable timeframe set by the investigator. If no written reply is received within the time requested, the investigator can proceed in the absence of a reply. The investigator will provide the written particulars of the reply from the complainant, if received, to the respondent.

The complainant and respondent may choose to submit any additional information to the investigator, including the names of any potential witnesses.

The investigator may choose to conduct interviews with either or all parties at any time during the investigative process at the investigator's discretion or at the request of a party.

If the parties involved reach an agreement on the facts, the institution may forego further investigation and determine appropriate corrective action, if necessary. This commitment aligns with EC Toronto's dedication to responding effectively and justly to reports of sexual violence and sexual harassment.

During the investigation, EC Toronto and the Centre Director may enact interim measures to ensure the trust and safety of the parties to the investigation. These include but are not limited to:

1. Suspending an employee with pay until the conclusion of the investigation;
2. Suspending a student until the conclusion of the investigation;
3. Ensuring, to the extent possible, there is no contact between the parties during the investigation;
4. Providing academic accommodation to a student;

Upon the completion of the investigation, the investigator will produce a comprehensive report. This report will include a summary of the information gathered during the investigation and the findings of fact made based on the balance of probabilities and conclusions regarding whether the evidence supports or refutes the allegations of sexual violence, discrimination, bullying, or harassment. Where applicable, the investigator will provide recommendations for appropriate remedies to address the situation. The findings of the report will be shared with the complainant and the respondent to an investigation.



Appeal

Once the findings of an investigation have been released to the parties, a party may request an appeal of the decision of the investigator. The request for an appeal shall be made to the Centre Director or Human Resources.

Roles and Responsibilities

All parties involved in a complaint, including both employees and students, are encouraged to actively cooperate in any investigation conducted under this policy. Individuals are encouraged to provide details of incidents they have experienced or witnessed to the designated investigator. The cooperation of the parties ensures a thorough examination of the matter. EC Toronto, including its managers, Centre Director, and Human Resources will oversee and guarantee adherence to the procedures outlined in this policy.

For unionized employees, the institution is committed to strictly adhering to the terms outlined in the respective collective agreement. This includes, but is not limited to, recognizing the right to union representation and involvement in all aspects of this policy. This commitment ensures that the rights and privileges of unionized workers are upheld throughout the investigation and resolution process.

Remedies and Outcomes

Upon the completion of the investigation and a finding of sexual violence or sexual harassment, the Centre Director or Human Resources will promptly address the matter. Remedial actions may include:

- Transfer of the affected individual to an alternate role or department.
- Mandating training for the individual responsible for the misconduct.
- Disciplinary measures, including termination or expulsion, where appropriate.
- Temporary academic suspension.
- Any other action to mitigate the harmful effects.

The institution will inform the complainant of the and actions taken, maintaining confidentiality to the extent possible and in accordance with *the Freedom of Information and Protection of Privacy Act*. Workplace and investigation procedures as set out in this policy will be reviewed and revised, as needed, to prevent future incidents, with outcomes filed in the employee or student's record only if sexual violence or sexual harassment is found.



Accommodation

EC Toronto is committed to providing all students and employees with necessary accommodation to facilitate the reporting, mediation or investigation processes described above. If any student or employee requires accommodation to assist in the reporting, mediation or investigation process they should advise either the Centre Director or Human Resources pursuant to the above contact information.

Records and Privacy

EC Toronto will limit sharing of information to those who need to know the information for the purposes of implementing this policy and/or other EC Toronto policies, including providing accommodation, interim conditions and interim measures, the investigation and decision-making processes and taking corrective action resulting from those processes.

Human Resources shall maintain and have access to notes and records kept in relation to all matters under this policy and will maintain the confidentiality of those notes and records to the extent reasonably practicable and appropriate in the circumstances and will not disclose those notes except in accordance with this policy or as required by applicable law and in accordance with the *Freedom of Information and Protection of Privacy Act*.

Confidentiality cannot be maintained in exceptional circumstances, such as when information needs to be disclosed in order to address a risk to the health and safety of members of the EC Toronto community, or where EC Toronto is obliged by law to disclose the information. For example, confidentiality cannot be maintained where:

- an individual is at risk of imminent and serious harm to themselves or others;
- members of the EC Toronto community may be at risk of harm; and/or
- 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).

Retaliation

EC Toronto is unwavering in its commitment to preventing retaliation against employees and students who, in good faith, file a complaint, support a fellow employee or student in lodging a complaint, or participate in an investigation. Any individual engaging in retaliatory behaviour may face disciplinary measures, including but not limited to expulsion, termination of employment or academic status, with or without notice, pay-in-lieu of notice, or severance pay.



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Refusal to cooperate with an investigation or intentionally filing a false report or providing inaccurate information is considered grounds for disciplinary action, reinforcing EC Toronto's commitment to maintaining a safe and respectful environment for all members of our community.

No student or employee who reports an incident of sexual violence or harassment, or makes a complaint on their own behalf, will be subject to discipline or sanctions relating to EC Toronto's drug or alcohol use policies at time the sexual violence or harassment occurred.

Training

Training on the implementation and application of the herein policy is available from Human Resources to:

1. Corporate directors, controlling shareholders, owners, partners and other persons who manage or direct the affairs of EC Toronto, and their agents.
2. Instructors, staff and other employees and contractors of EC Toronto.
3. Students enrolled at EC Toronto.

Closing statement

This policy reinforces EC Toronto's collective commitment to cultivating a safe and secure environment. By adhering to these guidelines, we actively contribute to a community that rejects sexual violence and sexual harassment, supports survivors, and fosters an atmosphere of trust and respect.

Your dedication to upholding these principles not only ensures compliance but actively shapes an atmosphere where everyone can learn, work, and thrive free from the impact of sexual violence and sexual harassment. Thank you for joining us in building a community that prioritizes safety, respect, and the well-being of every individual.