



## INSTITUTE OF MACHINE TOOL TECHNOLOGY

### SEXUAL VIOLENCE POLICY

Type: Administrative

Responsibility: Controller and Administration Office

Policy Update Effective Date: August 8, 2024

Review Date: August 8, 2024

This Policy applies to: All members of the College community including executives, governors, administrators, faculty, staff, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors.

#### 1. Scope

The Policy applies to incidents and complaints of sexual misconduct, sexual violence, or sexual harassment that have occurred on Institute of Machine Tool Technology (IMTT) campus or at a IMTT's career college event and involve members of IMTT community.

#### 2. Purpose and Intent

All members of Institute of Machine Tool Technology (IMTT) community have a right to 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 Availability and Training

IMTT will post its Sexual Violence Policy on its website and include it in the student enrollment documents.

Policy and the training on the process to responding and addressing incidents and complaints of sexual violence will be provided to all instructors and other employees of IMTT.

#### 4. Definitions

**Complainant:** An individual who brings forward a Complaint that alleges that an incident of Sexual Violence has taken place, pursuant to this Policy.

**Complaint:** The sharing of information about an incident or pattern of incidents or behaviour that is believed by the Complainant to contravene this Policy, which information is shared for the purpose of initiating an Investigation process under this policy that could result in corrective action.

**Respondent:** An individual against whom a Complaint has been made, pursuant to the Policy.

**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.

**Sexual violence:** 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.

**Consent:** The voluntary 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 she/he is 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 she/he is 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 to 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.

Note: It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.

For information purpose only, Consent as defined in the Criminal Code:

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:** Includes partner, friend, date, peer, colleague or anyone already known to the person. Sexual gender-based violence is most often perpetrated by an acquaintance. The term "date rape" is interchangeable with "acquaintance sexual assault."

**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:** A survivor is anyone who has experienced sexual assault. Individuals might be more familiar with the term "victim". We use the term survivor because having experienced sexual assault means you've survived something — not that you've been victimized by it.

**Sexual Harassment:** A broad range of actions not including assault as it is described in the Criminal Code, but it can include sexual assault (unwanted physical acts). Sexual harassment refers to one or a

series of comments or behaviours related to gender, or of a sexual nature that is known or ought to reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate. Harassment and Bullying are both covered under Ontario's Health and Safety Act. The definition of workplace harassment in the Ontario Health and Safety Act includes harassment which is prohibited under the Ontario Human Rights Code as well as what is often called psychological harassment or personal harassment. Specifically, the Ontario Health and Safety Act have workplace violence and workplace harassment policies.

**Gender-based harassment:** Gender-based harassment is one type of sexual harassment. Gender-based harassment is "any behaviour that polices and reinforces traditional heterosexual gender norms. In some cases, gender-based harassment may look the same as harassment based on sexual orientation, or homophobic bullying, and trans homophobia.

**Gender-based violence:** Any form of behaviour, including psychological, physical, and sexual behaviour that is based on an individual's gender and is intended to control, humiliate, or harm the individual. The form of violence is generally directed at women and girls. It reflects an attitude or prejudice at the individual or institutional level that aims to subordinate an individual or group on the basis of sex and/or gender identity, gender queer/gender variant and transgender queer.

**Bystander:** For the purposes of sexual violence prevention, a bystander is anyone who is neither a victim nor an offender, but who could potentially get involved to make a difference. It refers to anyone who is in a position to intervene before, during or after the sexual act.

**Cyber bullying and harassment:** Often used interchangeably, cyber harassment and cyber bullying are defined as repeated, unsolicited, reasonably known to be unwelcome, by a person or group using cell phone or Internet technology with the intent to bully, harass, and intimidate a victim. The harassment can take place in any electronic environment where communication with others is possible, as on social networking sites, on message boards, in chat rooms, through text messages or through email.

**Member of the College Community:** Includes but is not limited to all employees, governors, students, contractors, suppliers of service, individuals who are directly connected to college initiatives, volunteers and visitors.

**Up-stander:** For the purposes of sexual violence prevention, an up-stander is anyone who is neither a victim nor an offender, but who gets involved to make a difference. It refers to anyone who intervenes before, during or after the sexual act.

## 5. Policy Statement

Sexual assault and sexual violence in all its forms are unacceptable and will not be tolerated at IMIT. The College is expected to be a safe and positive space where members of 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 administration's ability and in a manner that ensures due process. No individual should feel uncomfortable about making a report in good faith about sexual violence that he or she has 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:

- Assisting those who have experienced sexual violence by providing detailed information and support, including provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation;
- 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;
- Treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests;
- Ensuring that on-campus (internal) investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police;
- Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies and standards, and that ensure fairness and due process;
- Ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus;
- Engaging in public education and prevention activities;
- Providing information to the College community about sexual violence on campus;
- Providing appropriate education and training to the College community about responding to the disclosure of sexual violence;
- Contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and,
- Monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

## 6. Reporting and Responding to Sexual Violence

- Members of the College community should immediately report incidents where they are subject to, witness or have knowledge of sexual violence, or have reason to believe that sexual violence has occurred or may occur.
- Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or prevent sexual violence from occurring.
- 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 members of the College community, the College shall take all reasonable steps to ensure the safety of the College community.

- Students that report an incident of, or make a complaint about, sexual misconduct, sexual violence, or sexual harassment, in good faith, will not be subject to discipline or sanctions for violations of the IMTT's policies relating to drug or alcohol use at the time the alleged sexual misconduct, sexual violence, or sexual harassment occurrence.
- Individuals who disclose their experience of sexual misconduct, sexual violence, or sexual harassment, through reporting an incident of, making a complaint about, or accessing supports and services for sexual misconduct, sexual violence, or sexual harassment, will not be asked irrelevant questions during the investigation process by IMTT's staff or investigators, including irrelevant questions relating to the individual's sexual expression or past sexual history.

## 7. 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. It is intended that accused individuals be given reasonable notice, with full detail of the allegations and provided with an opportunity to answer to the allegations made against them.

IMTT's students, instructors, other employees and contractors should report incidents of or complaints of sexual violence to Marta Giedronowicz, Controller, by email: [marta@imttcanada.com](mailto:marta@imttcanada.com) or phone: 905 908-2355 and/or Rawle Boodoo, Campus Director, by email: [rawle@imttcanada.com](mailto:rawle@imttcanada.com) or phone: 905 908-2355.

Persons affected by sexual violence who would like to learn about/ receive support services should contact Marta Giedronowicz, Controller, as well as check Appendix 2 for the list of support services centres available in Ontario

### 7.1. 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.

### 7.2. Not reporting an incident

A Complainant is not required to report an incident or make a complaint in order to obtain the supports, services and accommodations referred to in this policy. The Complainant will notify the following persons:

Campus Director, Rawle Boodoo tel. 905 908-2355, cell 416 918-6244, email: [rawle@imttcanada.com](mailto:rawle@imttcanada.com)

And/ or

Controller, Marta Giedronowicz at 905 908-2355, email: [marta@imttcanada.com](mailto:marta@imttcanada.com)

if they wish not to pursue a formal complaint under this policy.

### 7.3. 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; or
- having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.

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

### 7.4. Unsubstantiated 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 and no record of it will be placed in the complainant's or respondent's file. However, disclosures or complaints that are made to purposely annoy, embarrass or harm the respondent are considered frivolous, vexatious, or bad faith complaints and may result in sanctions against the complainant and/or discipline.

## 8. 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 circumstances:

- 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 victim 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.

## 9. Sexual Violence Protocol

### 9.1. If You Have Experienced Sexual Violence

If you have experienced Sexual Violence, go to a safe place where you can find physical safety and support.

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 by contacting your local Police service and/or the following specialized resources. They will assist you by providing available support and resources, including how to access medical attention:

Peel:

Hope 24/7 1.800.810.0180, <http://hope247.ca>

Peel Regional Police 905.453.3311 ext. 3460 or 911 for emergency assistance

If you are not within the Peel region but within Ontario please contact the:

Assaulted Women's Helpline:

Telephone toll-free: 1.866.863.0511

Or dial #SAFE (#7233) on your Bell, Rogers, Fido or Telus mobile phone

TTY for individuals who are deaf and/or hard of hearing: 1.866.863.7868

Website: [www.awhl.org](http://www.awhl.org)

Individuals who have experienced Sexual Violence outside of these areas are encouraged to contact local authorities for assistance.

If you want to speak to someone directly, after having experienced Sexual Violence, and need support on campus during business hours, please call 905-908-2355, or go directly to our Controller and Administration Office, to Marta Giedronowicz, Controller or Rawle Boodoo, Principal/ Campus Director and we will assist you by providing all the resources and support you need.

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.

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 report to campus security and/or local police,



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

## 9.2. If You Would like to File a Formal Complaint,

IMTT's Controller and Administration Office, listed above can 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.

Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code. The Controller's Office can also assist you with contacting the local Police.

## 9.3. What to Do if You Witnessed Sexual Violence

If you witness sexual violence, please contact IMTT's Controller and Administration Office at: 905-908-2355, and we will assist you by providing all the resources and necessary support to report the incident. If you want to speak to someone directly, please go to Marta Giedronowicz, Controller or Rawle Boodoo, Principal/ Campus Director.

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 IMTT's Controller and Administration Office immediately.

## 9.4. 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, Campus Director, or other staff member. 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 victim;
- 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 or other authorities (see Appendix 2);
- 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 IMIT's Controller and Administration Office, and work with them to ensure that the student receives all necessary academic and other accommodations.

As indicated above, if 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 Controller and Administration Office immediately.

### 9.5. Communicating with Individuals who have Experienced Sexual Violence

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

- Ensure that designated staff members in the Controller and Administration Office who are knowledgeable about sexual violence, are responsible for advocacy on campus on behalf of staff, students or any other member of the College community who have experienced sexual violence;
- Ensure designated staff members respond in a prompt, compassionate, and personalized fashion;
- Ensure that the victim is provided with reasonable updates about the status of the College's investigation of the incident when such investigations are undertaken.
- 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 private 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 private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

### 9.6. Roles and Responsibilities of the College Community

While everyone on campus has a role to play in responding to incidents of sexual violence, some campus members will have specific responsibilities which include:

- Faculty, staff and administrators to facilitate academic accommodations and other academic needs of those who have experience sexual violence;
- Human Resources to assist with any incidents relating to staff; and
- Staff to assist with investigations and gathering evidence, to implement measures to reduce sexual violence on campus, and to collaborate with local police where appropriate.

Information about these resources is available below.

### 9.7. 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 been the victims of 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.

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 community or in circumstances where the College is unable to initiate an internal investigation under this Policy.

#### 9.8. Where the Respondent is a Student

Sexual violence is a violation of Institute of Machine Tool Technology's Sexual Assault and Sexual Violence Policy and Protocol. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences.

#### 9.9. Where the Respondent is a member of Faculty or Staff

Sexual violence is a violation of IMIT's Workplace Violence Policy and Workplace Harassment Policy. Allegations against faculty and staff will be addressed in accordance with the procedures set out in these Policies, and in any applicable collective agreement, and/or other College policies. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

#### 9.10. Where the Respondent is not a Student, Faculty or Staff

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.

All contractual relationships entered into by the College 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.

#### 9.11. Multiple Proceedings

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

#### 9.12 Actions to be implemented

Under this Sexual Violence Policy, any student of IMTT may file a report of an incident or a complaint to IMTT in writing and submit an email to Marta Giedronowicz, Controller, [marta@imttcanada.com](mailto:marta@imttcanada.com) and/ or Rawle Boodoo, Campus Director, [rawle@imttcanada.com](mailto:rawle@imttcanada.com) or a hard copy to Institute of Machine Tool Technology, 3687 Nashua Dr., B/C Mississauga, ON, L4V 1V5, Attn: Marta Giedronowicz and/ or Rawle Boodoo.

Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, IMTT will respond promptly and

- Determine whether the complaint falls within the scope and jurisdiction of the policy. If it does IMTT will appoint an Investigator to investigate the complaint. The Investigator may be internal or external to IMTT. The external Investigator will have training or expertise in gender-based violence and Sexual Assault law.
- Determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, IMTT may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and
- Determine what interim measures need to be put in place pending the investigation process such as seeking alternate methods of providing necessary course studies. Interim Measures may be requested by a Complainant or imposed by IMTT at any time following a formal complaint.

Once an investigation is initiated, the following will occur:

- The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
- Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the person involved, the names of any person who witnessed the incident and a complete description of what occurred;
- Informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondents an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;
- Interviewing any person involved or who has, or who may have, knowledge of the incident and any identified witnesses;
- Providing reasonable updates to the Complainant and the Respondent about the status of the investigation;

Following the investigation, IMTT's investigator will:

- Review all of the evidence collected during the investigation,
- Determine whether sexual violence occurred; and if so
- Determine what disciplinary action should be taken as set out in Section below.

**Disciplinary Measures:**

If it is determined by IMTT that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

- Disciplinary action up to and including termination of employment of instructors or staff; or
- Expulsion of a student; and / or
- The placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and / or
- Any other actions that may be appropriate in the circumstances

### 9.13. Appeal

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to Campus Director within 5 days by submitting a letter addressed to:

Institute of Machine Tool Technology, 3687 Nashua Dr., B/C Mississauga, ON, L4V 1V5, ATTN: Rawle Boodoo, Campus Director advising of the person's intent to appeal the decision.

### 9.14. Making False Statements

It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

### 9.15. Reprisal

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

### 9.16 Review

IMTT shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.

IMTT shall review its Sexual Violence Policy and amend it where appropriate.

Reviewed August 8, 2024.

## APPENDIX 1, Other resources

### Use of the term "Rape" in the context of Sexual Violence

This policy refers to the offence of sexual assault to align with the current offence contained in the Criminal Code. The word "rape" is no longer used in criminal statutes in Canada. The term was replaced many years ago to acknowledge that sexual violence is not about sex but is about acts of psychological and physical violence. The term "sexual assault" provides a much broader definition and criminalizes unwanted behaviour such as touching and kissing as well as unwanted oral sex and vaginal and anal intercourse. Although the term no longer has a legal meaning in Canada, the term rape is still commonly used.

### DISPELLING THE MYTHS AND MISCONCEPTIONS ABOUT SEXUAL ASSAULT

Myth	Fact
It wasn't rape, so it wasn't sexual violence.	As outlined above, sexual assault and sexual violence encompasses a broad range of unwanted touching. Any unwanted sexual contact is considered to be sexual violence. A survivor can be severely affected by all forms of sexual violence, including unwanted fondling, rubbing, kissing, or other sexual acts. Many forms of sexual violence involve no physical contact, such as stalking or distributing intimate visual recordings. All of these acts are serious and can be damaging.
Sexual assault can't happen to me or anyone I know.	Sexual assault can and does happen to anyone. People of all socioeconomic and ethnic backgrounds are victims of sexual assault. Young women, Aboriginal women and women with disabilities are at greater risk of experiencing sexual assault.
Sexual assault is most often committed by strangers.	Someone known to the victim, including acquaintances, dating partners, and common-law or married partners, commit approximately 82 per cent of sexual assaults
Sexual assault is most likely to happen outside in dark, dangerous places.	The majority of sexual assaults happen in private spaces like a residence or private home.
If an individual doesn't report to the police, it wasn't sexual assault.	Just because a victim doesn't report the assault doesn't mean it didn't happen. Fewer than one in ten victims report the crime to the police.
It's not a big deal to have sex with someone while he/she is drunk, stoned or passed out.	If a person is unconscious or incapable of consenting due to the use of alcohol or drugs,

	he/she cannot legally give consent. Without consent, it is sexual assault.
If the person chose to drink or use drugs, then it isn't considered sexual assault.	This is a prominent misconception about sexual assault. No one can consent while drunk. Some people drink to lose their inhibitions. If you're going to be drinking with a sweetheart and maybe hooking up later while drunk, discuss boundaries ahead of time, but know that consent can't truly be given in advance.
If the victim didn't scream or fight back, it probably wasn't sexual assault.	When an individual is sexually assaulted, he/she may become paralyzed with fear and be unable to fight back. The person may be fearful that if he/she struggles, the perpetrator will become more violent. If the person is under the influence of alcohol or drugs, he/she may be incapacitated or unable to resist.
If you didn't say no, it must be your fault.	People who commit sexual assault/abuse are trying to gain power and control over their victim. They want to make it extremely difficult, if not impossible, for their victim to say no. A person does not need to actually say the word "no" to make it clear that he/she did not want to participate.
If a woman isn't crying or visibly upset, it probably wasn't a serious sexual assault.	Every woman responds to the trauma of sexual assault differently. She may cry or she may be calm. She may be silent or very angry. Her behaviour is not an indicator of her experience. It is important not to judge a woman by how she responds to the assault.
If someone does not have obvious physical injuries, like cuts or bruises, he/she probably was not sexually assaulted.	Lack of physical injury does not mean that a person wasn't sexually assaulted. An offender may use threats, weapons, or other coercive actions that do not leave physical marks. The person may have been unconscious or been otherwise incapacitated
If it really happened, the victim would be able to easily recount all the facts in the proper order.	Shock, fear, embarrassment and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma. Memory loss is common when alcohol and/or drugs are involved.
Individuals lie and make up stories about being sexually assaulted; and most reports of sexual assault turn out to be false.	According to Statistics Canada, fewer than one in 10 sexual assault victims report the crime to the police. Less than 2% of sexual assault reports are false, the same false reporting rate as for all other major crimes. The number of false reports for sexual assault is very low, consistent with the number of false reports for other crimes in

	Canada. Sexual assault carries such a stigma that many people prefer not to report
Persons with disabilities don't get sexually assaulted.	Individuals with disabilities are at a high risk of experiencing sexual violence or assault. Those who live with activity limitations are over two times more likely to be victims of sexual assault than those who are able bodied
A spouse or significant other cannot sexually assault their partner.	Sexual assault can occur in a married or other intimate partner relationship. The truth is, sexual assault occurs ANY TIME there is not consent for sexual activity of any kind. Being in a relationship does not exclude the possibility of, or justify, sexual assault. A person has the right to say "no" at ANY point.
People who are sexually assaulted "ask for it" by their provocative behaviour or dress.	This statement couldn't be more hurtful or wrong. Nobody deserves to be sexually assaulted. Someone has deliberately chosen to be violent toward someone else; to not get consent. Nobody asks to be assaulted. Ever. No mode of dress, no amount of alcohol or drugs ingested, no matter what the relationship is between the survivor and the perpetrator or what the survivor's occupation is, sexual assault is always wrong
Sexual assault only happens to women.	Not true. The majority of sexual assaults are committed against women by men, but people of all genders, from all backgrounds have been/can be assaulted
Sexual abuse of males is rare.	Estimates show that 1 in 8 men will experience some form of sexual violence during their lifetime. Sexual assault/abuse occurs in every economic, ethic, age and social group.
If you got aroused or got an erection or ejaculated, you must have enjoyed it.	It is normal for your body to react to physical stimulation. Just because you became physically aroused does not mean that you liked it or wanted it or consented in any way. If you experienced some physical pleasure, this does not take away the fact that sexual abuse happened or the effects or feelings of abuse.



APPENDIX 2, Sexual Assault Centres (Ontario)

<u>Region in Ontario</u>	<u>Sexual Assault Centre</u>	<u>24-hr Crisis Line</u>	<u>Office Phone</u>
Algoma (Sault Ste. Marie)	Women In Crisis Algoma	1-877-759-1230	705-759-1230
Belleville-Quinte	Sexual Assault Centre for Quinte & District	1-877-544-6424	613-967-6300
Brant	Sexual Assault Centre of Brant	519-751-3471	519-751-1164
Bruce County	Women's House Serving Bruce and Grey: Sexual Assault Services	1-866-578-5566	519-372-1113
Chatham-Kent	Chatham-Kent Sexual Assault Crisis Centre	519-354-8688	519-354-8908
Cornwall	Sexual Assault Support Services for Women, Cornwall	English: 613-932-1603 French: 613-932-1705	613-932-1755
East Algoma (Elliot Lake)	Counselling Centre of East Algoma	1-800-721-0077	705-848-2585
Guelph-Wellington	Guelph-Wellington Women in Crisis	519-836-5710 1-800-265-7233	519-836-1110
Halton (Oakville)	Sexual Assault & Violence Intervention Services of Halton	905-875-1555	905-825-3622
Hamilton	Sexual Assault Centre Hamilton & Area (SACHA)	905-525-4162	905-525-4573
Kawartha(Peterborough & Area)	Kawartha Sexual Assault Centre	705-741-0260	705-748-5901

<u>Region in Ontario</u>	<u>Sexual Assault Centre</u>	<u>24-hr Crisis Line</u>	<u>Office Phone</u>
Kenora	Kenora Sexual Assault Centre	807-468-7233 1-800-565-6161	807-468-7958
Kingston	Sexual Assault Centre Kingston	613-544-6424 1-877-544-6424	613-545-0762
Waterloo	Sexual Assault Support Centre of Waterloo Region	519-741-8633	519-571-0121
London-Middlesex	Sexual Assault Centre London	519-438-2272 1-877-529-2272	519-439-0844
Muskoka	Athena's Sexual Assault Counselling & Advocacy Centre	705-737-2008 1-800-987-0799	705-737-2884
Niagara Nipissing	Niagara Region Sexual Assault Centre Amelia Rising Sexual Assault Centre of Nipissing	905-682-4584 705-476-3355 705-840-2403	905-682-7258
Oshawa-Durham	Oshawa-Durham Rape Crisis Centre	905-668-9200	905-444-9672
Ottawa SASC	Sexual Assault Support Centre of Ottawa	613-234-2266	613-725-2160
Ottawa RCC	Ottawa Rape Crisis Centre	613-562-2333	613-562-2334
Peel	Hope 24/7: Sexual Assault Centre of Peel	1-800-810-0180	905-792-0821
Renfrew	Women's Sexual Assault Centre of Renfrew County	1-800-663-3060	613-735 - 5551

<u>Region in Ontario</u>	<u>Sexual Assault Centre</u>	<u>24-hr Crisis Line</u>	<u>Office Phone</u>
Sarnia-Lambton	Sexual Assault Survivors' Centre Sarnia Lambton	519-337-3320	519-337-3154
Sudbury	Voices for Women Sudbury		705-523-7100 ext. 2647
Thunder Bay	Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre		
Timmins	Timmins and Area Women in Crisis	807-344-4502 1-877-268-8380	807-345-0894 705-268-8381
Toronto	Multicultural Women Against Rape/Toronto Rape Crisis Centre		
Windsor-Essex	Sexual Assault Crisis Centre of Essex County	416 597-8808	416-597-1171
York	Women's Support Network of York Region	519-253-9667 1-800-263-6734 905-895-3646	519-253-3100 905-895-7313