

STATEMENT FROM THE PRESIDENT

Canadian Welding Skills Inc. values respect for all individuals, civility, diversity, dignity, equality and freedom. Canadian Welding Skills is committed to maintaining a healthy and safe learning environment. We are committed to making this environment free of discrimination and harassment and strive to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender roles. Canadian Welding Skills will not tolerate behaviour that contributes to a hostile and inequitable learning environment. We take seriously our commitment to supporting those who experience sexual violence and we work diligently to provide information and resources to ensure that our college remains free from sexual violence.

SEXUAL ASSAULT AND SEXUAL VIOLENCE ACTION POLICY

Definitions

The amended PCC Act defines sexual violence as:

“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 and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is 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 they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
 - The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.



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- A person can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach.
- Consent cannot be given on behalf of another person.

If You Have Experienced Sexual Violence:

If you have experienced sexual violence, please call Olga Palatics at: (705) 292-0494, and she will assist you by providing the resources and support you need. If you want to speak to someone directly, please go to the Administration office. 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.

Please note that survivors do not need to make a complaint or report to access services or accommodations.

Services and accommodations are available to you at any time regardless of the location and date of the occurrence.

A number of resources are available to you, including:

**Kawartha Sexual Assault Centre
411 Water Street, Suite 102, Peterborough, ON, K9H 3L9
705-748-5901 / Email: ksac@nexicom.net
Monday – Friday 9:30am – 4:30pm
24 HOUR CRISIS LINE
1-866-298-7778**

**Women's Health Care Centre
Peterborough Regional Health Centre
Emergency Department
1 Hospital Drive, Peterborough
705-743-4132 or 1-800-419-3111**

**Peterborough Police Service
500 Water Street, Peterborough, ON
705-876-1122**

Anyone who has experienced sexual violence has the right to:

- be treated with dignity and respect,
- be believed,
- be informed about 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 local police,
- have an on-campus investigation with the institution's full cooperation,
- have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

If You Would Like to File a Formal Complaint:

Olga Palatics 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. Olga Palatics can also assist you with contacting the local Police.

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.

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.

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.

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 any other legislative process;
- having participated or co-operated in an investigation under this Policy or any other legislative process; or
- having been associated with someone who has pursued rights under this Policy or any other legislative process.

The College takes reasonable steps to protect persons from reprisals, retaliation and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing a reprisal and sanctioning individuals for a breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

6. How will the College Respond to a Report of Sexual Violence?

The College understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the police and/or the College. 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 students are at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

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

Sexual violence is a violation of Canadian Welding Skills Sexual Assault and Sexual Violence Action Policy and Code of Conduct. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences and follow the response protocol of the Canadian Welding Skills Complaint Procedure (Appendix A). Please see Canadian Welding Skills Code of Conduct and Expulsion Policy for more details on the disciplinary process in addition to this Policy (Appendixes B & C).

In summary, decisions regarding complaints will be rendered in 2 days. A statement in writing will be issued outlining the reasons from which the decision was made to both the compliant and the respondent.

Respondents

Respondents will be given reasonable notice, with full details of the allegations and provided with an opportunity to answer to the allegations made against them. A respondent has the right to have a person present with him or her at every stage of the investigation and/or decision making process.



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The College will ensure that the respondent is provided with reasonable updates about the status of the College's investigation of the incident when such investigations are undertaken.

The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be restricted from entering certain parts of campus and restricted from attending class.

APPENDIXES

A) CANADIAN WELDING SKILLS COMPLAINT PROCEDURE

B) CANADIAN WELDING SKILLS CODE OF CONDUCT

C) CANADIAN WELDING SKILLS EXPULSION POLICY