

**Updated June 2018**



## **Sexual Violence Policy**

Donato Academy of Hairstyling & Aesthetics is committed to providing its students with an educational environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect. Donato Academy of Hairstyling & Aesthetics has adopted this Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involves its students. The person accused of engaging in sexual violence will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

## **Definition of Sexual Violence**

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.

Sexual assault is 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.

## Consent

The voluntary and explicit agreement to engage in the sexual activity in question. Consent 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.
- 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, an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person. It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

## **Training, Reporting and Responding to Sexual Violence**

(a) Donato Academy of Hairstyling & Aesthetics shall provide access to the Sexual Violence Policy on the College's website, citing the link in the Enrolment Agreement made between it and its students, and provide a link on the web site for the Sexual Violence Policy to career college management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the career college's affairs, and their agents), instructors, staff, other employees and contractors and train them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence involving its students. \*Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.

(b) The Sexual Violence Policy shall be published on its website (or where the Career College does not have a website in a conspicuous location on each of its campuses).

(c) Private Career College management, instructors, staff, other employees and contractors of Donato Academy of Hairstyling & Aesthetics will report incidents of or complaints of sexual violence to the Donato Academy of Hairstyling & Aesthetics Designate upon becoming aware of them.

(d) Students who have been affected by sexual violence or who need information about support services should contact the Donato Academy of Hairstyling & Aesthetics Designate.

(e) Subject to Section 5 below, to the extent it is possible, Donato Academy of Hairstyling & Aesthetics will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk.

**(f) This will be done by:**

- i. Ensuring that all complaints/reports and information gathered as a result of the

complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and

ii. Ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

(g) Donato Academy of Hairstyling & Aesthetics recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not to request an investigation and not to participate in any investigation that may occur.

(h) Notwithstanding (f), in certain circumstances, Donato Academy of Hairstyling & Aesthetics may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

(i) In all cases, including (f) above, Donato Academy of Hairstyling & Aesthetics will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact Donato Academy of Hairstyling & Aesthetics Designate.

In this regard, Donato Academy of Hairstyling & Aesthetics will assist students who have experienced sexual violence in obtaining counselling and medical care, and provide them with information about sexual violence supports and services available in the community as set out in Appendix 1 attached hereto. Students are not required to file a formal complaint in order to access supports and services.

## **Investigating Reports of Sexual Violence**

(a) Under this Sexual Violence Policy, any student of Donato Academy of Hairstyling & Aesthetics may file a report of an incident or a complaint to the Donato Academy of Hairstyling & Aesthetics in writing and submitting an email to [hr@donatoacademy.com](mailto:hr@donatoacademy.com) or a hard copy to Donato Academy of Hairstyling & Aesthetics, 2-709 100 City Centre Drive, Mississauga, ON L5B 2C9, Attn: HR.

At least one College Administrative staff member and the Campus Director will be involved in the investigation.

(b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, Donato Academy of Hairstyling & Aesthetics will respond promptly and;

- i. Determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation
- ii. Determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
- iii. 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, Donato Academy of Hairstyling & Aesthetics may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and
- iv. Determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.

(c) Once an investigation is initiated, the following will occur:

- i. The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
- ii. 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;
- iii. 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;
- iv. Interviewing any person involved or who has, or who may have, knowledge of the incident and any identified witnesses;
- v. Providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
- vi. Following the investigation, the Donato Academy of Hairstyling & Aesthetics designate will:
  - Review all of the evidence collected during the investigation

- Determine whether sexual violence occurred; and if so
- Determine what disciplinary action, if any, should be taken as set out in Section 6 below.

## **Disciplinary Measures**

(a) If it is determined by Donato Academy of Hairstyling & Aesthetics that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

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

## **Appeal**

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

Donato Academy of Hairstyling & Aesthetics, 2-709 100 City Centre Drive, Mississauga, ON L5B 2C9

ATTN: President Advising of the person's intent to appeal the decision.

## **Making False Statements**

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

(b) Individuals who violate this Sexual Violence Policy are subject to disciplinary and / or corrective action up to and including termination of employment of instructors or staff or expulsion of a student.

## **Reprisal**

(a) 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.

(b) Individuals who violate the Sexual Violence Policy are subject to disciplinary and / or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

### Review

(a) Donato Academy of Hairstyling & Aesthetics shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.

(b) Donato Academy of Hairstyling & Aesthetics shall review its Sexual Violence Policy every year after it is first implemented and amend it where appropriate. This date is January 1, 2019.

## **Collection of Student Data**

(a) Donato Academy of Hairstyling & Aesthetics shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such as data and information as required according to Subsection 32.3 (8), (9) and (10) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

## **Appendix 1**

### **Sexual Assault & Domestic Violence Agencies**

Safe Centre of Peel contact: 905-450-4650

The Transitional Housing and Support Program contact: 905-676-0257.

Peel Regional Police - Special Victims' Unit contact: 905-453-3311 ext. 3460.

Peel Regional Police - Domestic/Family Violence Bureau contact: 905-453-3311 ext. 3614.

Peel Children's Centre provides treatment for children who have been sexually abused. Referrals to the Sexual Abuse Treatment Program can be made through Centralized Intake 905-451-4655.