

Bullying, Harassment and Sexual Violence Policy

Effective Date: January 06, 2025

If you are in imminent danger, call 9-1-1 immediately.

Background and Scope

The Bullying, Harassment and Sexual Violence Policy at Toronto School of Management (TSOM) is designed to support an environment where all individuals feel safe, respected, and supported. This policy not only serves as a framework for responding to incidents but also as a proactive measure to educate and prevent such behaviors, fostering a culture of respect and dignity within the college community.

The scope of this policy encompasses all members of the college community, including students, faculty, staff, and across all college-related activities and events. It defines unacceptable behaviors, outlines reporting procedures, and details the support mechanisms available to those affected.

TSOM has zero tolerance for bullying, harassment, and violence of any sort and it is committed to the elimination of discrimination on the grounds of age, disability, ethnic/national origins, faith/religion, marital status, nationality, race, sex, and sexual orientation.

All persons who disclose or file a report regarding an experience of Sexual Violence and Misconduct can expect from TSOM:

- a) to be treated with compassion, dignity, and respect;
- b) to be respected in their choice as to whether they wish to Disclose or file a Report regarding their experience; (c) timely assistance with safety planning;
- c) timely information about available support services and resources;
- d) discussion of appropriate academic or other accommodations

This policy has been created as per the regulations set under the Ontario Career Colleges Act, 2005, u/s 36.0.2, which are as follows:

A career college shall ensure that its sexual violence policy,

- a) provides information about the supports and services available at the career college or through its agent for students who are affected by sexual violence, and identifies the specific official, office or department at the career college that should be contacted to obtain such supports and services;

- b) provides information about the supports and services available in the community for students who are affected by sexual violence;
- c) informs students that the career college will appropriately accommodate the needs of students who are affected by sexual violence, and identifies the specific official, office or department at the career college that should be contacted to obtain such accommodations;
- d) informs students that they are not required to report an incident of, or make a complaint about, sexual violence under the process referred to in paragraph 1 of subsection (2) in order to obtain the supports and services referred to in clause (a) or the accommodation referred to in clause (c);
 - d.1- informs students that if they, 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 career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred; and
- e) includes the information set out in subsection (2) respecting the career college's process for responding to and addressing incidents and complaints of sexual violence, as required by clause 32.1 (2) (b) of the Act. O. Reg. 132/16, s. 3; O. Reg. 647/21, s. 1 (1); O. Reg. 353/23, s. 22.

(2) For the purposes of clause (1) (e), a sexual violence policy shall include the following information:

- 1) The process to be followed by persons who wish to report an incident of, or make a complaint about, sexual violence including the specific official, office or department to whom the incident should be reported or the complaint should be made.
- 2) Examples of the measures that may be implemented for the purpose of protecting a person reporting an incident of, or making a complaint about, sexual violence from retaliation and the threat of retaliation.
- 3) The process for deciding whether an incident or complaint of sexual violence will be investigated by the career college.
- 4) The statement that a victim may choose not to request an investigation by the career college, and has the right not to participate in any investigation that may occur.
- 5) The investigation and decision-making processes at the career college that will take place if an incident or complaint of sexual violence is investigated.
- 6) The specific officials, offices or departments that will be involved in each stage of the investigation and decision-making processes.
- 7) A description of the elements of procedural fairness that will be part of the investigation and decision-making processes.
- 8) The statement that a party to an investigation or decision-making process has the right to have a person present with him or her at every stage of the process.
- 9) Examples of the interim measures that may be implemented while an incident or complaint is being investigated or a decision is being made regarding the incident or complaint.

- 10) Examples of the decisions that may be made and measures that may be imposed after an incident or complaint is investigated.
- 11) The measures that will be implemented to protect and keep confidential the personal information of the persons involved in the investigation of an incident or complaint.
- 12) A description of the appeal processes that may be available related to decisions resulting from the investigation process.
- 13) The roles and responsibilities of the corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the affairs of the career college, agents, students, instructors and other employees upon becoming aware of incidents or complaints of sexual violence.
- 14) A statement that 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 career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history. O. Reg. 132/16, s. 3; O. Reg. 647/21, s. 1 (2); O. Reg. 353/23, s. 22.

(3) The sexual violence policy shall be published on the career college's website or, where the career college does not have a website, posted in a conspicuous location at each of its campuses. O. Reg. 132/16, s. 3; O. Reg. 353/23, s. 22.

(4) A career college shall provide or make available training on its sexual violence policy to the following persons:

- 1) Corporate directors, controlling shareholders, owners, partners and other persons who manage or direct the affairs of the career college, and their agents.
- 2) Instructors, staff and other employees and contractors of the career college.
- 3) Students enrolled at the career college. O. Reg. 132/16, s. 3; O. Reg. 353/23, s. 22.

(5) The training shall include training on the career college's process for responding to and addressing incidents and complaints of sexual violence, including the elements set out in subsection (2). O. Reg. 132/16, s. 3; O. Reg. 353/23, s. 22.

(6) If a career college's sexual violence policy conflicts with its expulsion policy, the sexual violence policy prevails. O. Reg. 132/16, s. 3; O. Reg. 353/23, s. 22.

Purpose of the Policy

This policy prohibits bullying, harassment, and sexual violence. The purpose of this policy is to define bullying, harassment, and sexual violence and to outline TSOM's training, reporting, and investigative and disciplinary procedures pertaining to complaints that have occurred on any of TSOM's properties or events that involve students.

Definitions

Bullying: “aggressive behaviour that is typically repeated over time, It is meant to cause harm, fear, distress[,] or create a negative environment for another person.” – *taken from the Ontario Government website on education and training.*

Complainant: the person making an allegation of sexual harassment and/or sexual violence.

Consent: a freely given voluntary agreement to engage or continue to engage in the sexual activity in question which must be affirmatively communicated through words or actively expressed through conduct. For the purposes of this Policy, Consent

- a) is never assumed or implied,
- b) is not silence, inaction or the absence of “no”,
- c) cannot be given if the individual is incapacitated by alcohol or drugs, or is unconscious,
- d) can never be obtained through threats or coercion,
- e) can be withdrawn at any time, (f) cannot be obtained if a party induces another to engage in sexual activity by abusing a position of trust, power or authority,
- f) given for one kind or instance of sexual activity does not mean that consent is given for any other sexual activity or instance, and
- g) cannot be expressed by the words of conduct of a third party,
- h) may not be implied from the relationship status of the parties nor from past consent to sexual activity.
- i) is not considered given if it involves a person in a power relationship with an employee or Ontario Institute of Health and Innovation institutions’ student (line manager/employee).
- j) may not be proved by evidence of a person’s sexual reputation or history of sexual activity

Respondent: the person accused of engaging in sexual harassment and/or sexual violence.

Gender-based Harassment: a form/type of sexual harassment that is “any behaviour that polices and reinforces traditional heterosexual gender norms.”

Harassment: any comment or conduct “that is known, or ought [to be] reasonably known to be unwelcome”.

Sexual Harassment: a comment, act or representation of a sexual nature, including sexual advances, requests for sexual favours, suggestive comments or gestures, or physical contact by a person who knows, or ought reasonably to know, that the conduct or comment is unwanted or unwelcome. The behavior interferes with another person’s participation in a Company-related activity; or leads to or implies employment or academically-related consequences for the person harassed; or creates an intimidating, humiliating or hostile environment. Examples of sexual harassment include, but are not limited to the following acts:

- a) Demanding a hug, date or sexual contact.

- b) Unwanted touching.
- c) Use of derogatory language, sex-and/or gender-specific derogatory names, and/or comments related to a person's sexual appearance, characteristics, or behavior.
- d) Sexual jokes, including sexual jokes or offensive sexual material circulated by email.
- e) Spreading sexual rumours.
- f) Bragging about sexual prowess.
- g) Distributing and/or displaying sexually explicit images of self or others to a person who has not consented to being a recipient of the images.
- h) Unwanted questions about sexual history.

Sexual Violence and Misconduct: any sexual act, or act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without the person's Consent, including but not limited to:

- a) sexual assault;
- b) sexual exploitation;
- c) sexual harassment;
- d) stalking;
- e) cyber-harassment or cyber-stalking;
- f) stealthing
- g) indecent exposure;
- h) voyeurism;
- i) the distribution of an image, photograph, or video of a person of a sexual nature without the consent of that person;
- j) the attempt to commit an act of Sexual Violence and Misconduct; or (k) the threat to commit an act of Sexual Violence and Misconduct.

Policy Statements

1. Overview

- I. No bullying, harassment, or violence of any sort will be tolerated. When a complaint is made, TSOM will take all reasonable steps to investigate including the provision of on-campus investigation procedures to students for complaints, responding promptly, and providing reasonable updates to the complainant and to the respondent about the status of the investigation.

- II. It is the responsibility of all employees and students to refrain from bullying, harassment, and sexual violence against other employees, students, and other individuals with whom they have contact.
- III. Employees and students will be given specific methods of redress to follow in the event they are subject to bullying, harassment, and/or sexual violence.
- IV. It is the responsibility of staff members (at all levels) to be sensitive to the possible existence of bullying, harassment, and sexual violence and to act quickly and appropriately to put an end to it.
- V. Employees and students who have engaged in bullying, harassment, and/or sexual violence will be subject to appropriate disciplinary action, including (and up to) dismissal and expulsion.
- VI. Students who have experienced bullying, harassment, and/or sexual violence will be assisted in obtaining counselling and medical care, provided with appropriate academic accommodations, and informed about reporting options as indicated in the Appendix.
- VII. Complainants are not to make any information about their ordeal(s) public knowledge for confidentiality purposes.

2. Forms of Bullying and Harassment

Bullying can occur in several forms, some of which are obvious and others may be subtle/difficult to detect. According to the Ontario Government's education and training page on bullying, "bullying can happen when there is a real or perceived power imbalance". Regardless of the type of bullying, they are also types of harassment – none of which are tolerated at TSOM.

They include:

- I. Physical (towards people and/or property);
- II. Verbal, such as "name calling, mocking, making sexist, racist or homophobic comments";
- III. Social, such as "spreading gossip, rumours or excluding others";
- IV. Written, such as "notes and signs that are hurtful or insulting"; and
- V. Electronic/cyberbullying, such as "spreading rumours or hurtful comments using email, text messages[,] and social media".

3. Forms of Sexual Harassment and Violence

According to the Ontario Human Rights Commission, sexual violence and harassment can take many forms, including but not limited to:

- I. Making unnecessary physical contact, including unwanted touching;
- II. Unwelcome remarks, jokes, innuendos, or disrespectful comments about a person's body, clothing, age, marital status, ethnic background, or religious beliefs;

- III. Showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including online);
- IV. Unwelcome invitations or requests;
- V. Making threats to penalize or otherwise punish a person who refuses to comply with sexual advances;
- VI. Making suggestive or offensive comments/hints about members of a specific gender; and
- VII. Asking questions or talking about sexual activities.

4. Training

- I. TSOM includes a copy of the Bullying, Harassment, and Sexual Violence Policy with every contract made with students and new employees. A copy is also provided to employees (including faculty and management), agents, and contractors. Training may be provided about the policy and the processes of reporting, investigating, and responding to complaints.

*Any company participating in offering students internships/co-op opportunities on their premises must provide an undertaking in writing that is in compliance with all applicable legislation, including the Ontario Human Rights Code and Occupational Health and Safety Act. They will also provide students with access to those policies should they encounter issues related to sexual harassment and/or sexual violence in the workplace.

- II. ii) All TSOM staff members must complete online training modules on bullying/harassment in the workplace as well as on sexual violence and harassment. They assist in learning what behaviours are unacceptable, how to make complaints, and to better respond to disclosures.
- III. iii) Sexual violence and harassment workshops are sometimes scheduled to provide TSOM employees with more in-depth training.

5. Reporting and Responding to Bullying, Harassment, and Sexual Violence

- I. Students, faculty, staff, and contractors of TSOM will take all reasonable steps to prevent sexual violence involving our students on TSOM properties and at TSOM events by reporting immediately to the Student Services Manager in person or to StudentComplaint@TorontoSoM.ca if any TSOM student has been subject to, or has witnessed or has knowledge of, bullying, harassment, and/or sexual violence involving a TSOM student, or has reason to believe that any has occurred (or may occur).
- II. Students who have been affected by bullying, harassment, and sexual violence, or who need accommodation and/or information about support services, should contact Student Services Office. TSOM will assist students in obtaining counselling and medical care and provide them with information about support and services in the community as set out in the Appendix.
- III. Staff members that have been affected by bullying, harassment, and sexual violence, or who need accommodation and/or information about support services, should contact the TSOM People and Culture Team.

- IV. Students are not required to report an incident of, or make a complaint about, bullying, harassment, or sexual violence in order to obtain support, services, and accommodations.
- V. Victims have the right to choose not to request an investigation by TSOM.
- VI. Victims also have the right to choose not to participate in any investigation that may occur.
- VII. Subject to Section 7 of the Policy Statement, Disciplinary Measures, TSOM will keep all disclosed information confidential unless it is believed that an individual is at imminent risk of self-harm/harming another, or if there is reason to believe that others on TSOM properties, at TSOM events, or in the broader community are at risk.
- VIII. TSOM recognizes the right of the complainant to determine how his/her complaint will be handled. However, in certain circumstances, TSOM may be required by law or its internal policies to initiate an internal investigation and/or to inform police without the complainant's consent, such as if it is believed that the safety of TSOM stakeholders and/or the broader community are at risk.
- IX. The complainants are not to make any details public for confidentiality purposes.

6. Investigating Reports

6.1 A complaint of bullying, harassment, or sexual violence/harassment may be filed under this policy by any TSOM student to Student Services in person or in writing to StudentComplaint@TorontoSoM.ca. The officials, offices, or departments that could be involved in the investigation (other than Student Services) are Academics, Career Services, Compliance, Human Resources, Leadership, and Security.

Any party to an investigation or decision-making process has the right to have another person to be present at every stage.

In cases where criminal proceedings are initiated, TSOM will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

All interviews will be audio or video recorded for accuracy and quality assurance purposes unless the interviewee denies consent.

6.2 Upon receiving a complaint of bullying, harassment, or sexual violence, the Student Services Manager in conjunction with the Director of Campus Operations and Student Affairs will respond promptly with the following steps:

- I. Determining whether an investigation should be conducted and whether to contact the police by meeting the complainant to confirm the date, location, and time of the incident(s), the people involved, the identity of any witnesses, and a complete description of what had occurred;
- II. TSOM will investigate if either the complainant or the accused is a stakeholder, if any incidents occur on any of TSOM's properties or at TSOM events, and if the incident(s) occurred within the past 20 days.
- III. If the Director of Campus Operations and Student Affairs decides to conduct an investigation, he/she will determine who will be involved (with consideration of the

seriousness of the allegation and the parties involved) and if the complainant wishes to participate;

- IV. Determine whether the incident should be reported to the police immediately and if so, TSOM may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures;
- V. Determine what interim measures, if any, need to be taken pending the investigation process, such as removal of the accused or seeking alternate methods of providing educational content;
- VI. Interview the accused (if he/she is a TSOM stakeholder), all others involved, and all witnesses;
- VII. Interview anyone who may have knowledge of incidents related to the complaint or any similar incidents;
- VIII. Inform the accused of the complaint with details of the allegation and providing an opportunity to respond;
- IX. Provide updates to the complainant and to the respondent pertaining to the status of the investigation; and
- X. Determine what disciplinary action, of any, will be taken.

6.3 Once an investigation is initiated, the following will occur:

- I. All security footage will be reviewed;
- II. The complainant and the respondent will be advised that they may have another person present throughout the investigation;
- III. The complainant will be informed that he/she has the right to choose not to participate in the investigation;
- IV. The complainant will be interviewed to ensure a complete understanding of the allegation and to obtain any additional information that may have not been included in the report and/or written complaint;

Students who disclose their experience of sexual harassment/violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual harassment/violence will not be asked irrelevant questions by TSOM staff or investigators, such as the complainant's sexual expression or sexual history.

- V. If the accused is a stakeholder, he/she will be informed of the complaint/report and be interviewed, during which details will be provided and the accused will have an opportunity to respond and to provide witnesses they feel are essential to the investigation;
- VI. Everyone who was involved and who may have knowledge of it and/or any witnesses will be interviewed; and
- VII. Reasonable updates will be provided to both the complainant and the respondent about the status of the investigation.

6.4 Following the investigation, the Director of Campus Operations and Student Affairs and all who are involved in conducting the investigation will:

- I. Review all the evidence collected;
- II. Determine whether bullying/harassment/sexual violence occurred; and
- III. If so, determine what disciplinary action should be taken (as set out in Section 7).

7. Disciplinary Measures

7.1 If it is determined that the accused did engage in bullying, harassment, and/or sexual violence, immediate disciplinary or corrective action will be taken. This includes (but is not limited to) the following:

- I. Disciplinary action up to and including termination of employment of instructors and staff; or
- II. Expulsion of a student; and/or
- III. Placement of restrictions on the respondent's ability to access certain TSOM properties/facilities; and/or
- IV. Any other action(s) deemed appropriate given the circumstances; such as making arrangements to prevent the complainant(s) and the respondent(s) from crossing paths.

7.2 In cases where criminal proceedings are initiated, TSOM will assist all police agencies, lawyers, insurance companies, and courts to the fullest extent.

7.3 If students, in good faith, report an incident of/make a complaint about sexual harassment or sexual violence, they will not be subject to discipline or sanctions for violations of TSOM's policies related to drug or alcohol use at the time of the incident.

8. Appeals

8.1 If the complainant or respondent wishes to appeal the decision resulting from TSOM's investigation, they may request a review of all evidence to reconsider the decision.

8.2 If dissatisfaction remains after the review, the complainant or respondent may escalate the matter to the Director of Campus Operations and Student Affairs by submitting a written appeal.

8.3 The Director of Campus Operations and Student Affairs will review the appeal and determine whether the original decision was fair or if an alternative outcome is warranted.

8.4 The decision made by the Director of Campus Operations and Student Affairs following this review will be final and enforced by TSOM.

9. Making a False Statement

It is a violation for anyone to knowingly make a false complaint or knowingly provide false details about a bullying, harassment, or sexual violence complaint.

Anyone who violates this policy is subject to disciplinary/corrective action up to and including termination of employment (for staff/faculty) and expulsion (for students).

10. Reprisal

It is a violation of this 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.

11. Collection of Student Data

TSOM shall collect and be prepared to provide (upon request by the Superintendent of Ontario Career Colleges) such data and information as required according to sections **36.1 and 36.2 of the Ontario Career Colleges Act, 2005**, as amended on January 1, 2024.

Related Legislation

- Ontario Career Colleges Act, 2005
- Ontario Human Rights Code

Appendix A - Support Resources

Provincial

1. Assaulted Women's Helpline www.awhl.org

Emergency help line for women that have been assaulted. Anonymous, accessible 24 hours a day in over 200 languages.

Toll Free: 1-866-863-0511

#SAFE (#7233) on Bell, Rogers, Fido, or Telus Mobile

TTY: 416-364-8762; call-in only

2. Canadian Association of Sexual Assault Centres (CASAC) casac.ca

3. Crisis Text Line

Text HOME to 741741 to connect with a volunteer Crisis Counselor

Free 24/7

4. Fem'aide (Français) <http://www.femaide.ca>

Toll-free: 1-877-336-2433 ATS: 1-866-860-7082

5. Male Survivors of Sexual Violence

1-866-877-0015

6. Ontario Coalition of Rape Crisis Centres <http://www.sexualassaultsupport.ca/>

7. Peer Listening

Peer listening hotline for those under the age of 25

1-800-399-PEER

8. Sexual Assault/Domestic Violence Treatment Centres

Hospital-based centres that provide 24/7 emergency care to women. To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, follow:

<https://www.sadvtreatmentcentres.ca/find-a-centre/>

Toronto Area

1. Barbra Schlifer Commemorative Clinic

Telephone: 416-323-9149

489 College Street, Suite 503, Toronto, ON, M6G 1A5

Free counselling, legal, interpretation, information and referral service for women who are survivors of violence. Mon.-Fri., 9am-5pm. More information at <http://www.schliferclinic.com>.

2. Oasis Centre des Femmes <http://oasisfemmes.org/>

Téléphone: 416-591-6565

Courriel: services@oasisfemmes.org

3. Sexual Assault & Domestic Violence Care Centre at the Women's College Hospital Telephone: 416-323-6040

76 Grenville St., Toronto, Ontario, M5S 1B2

24-hour medical care center for adults who have been victims of sexual assault, offering emergency and follow-up care. More information, including hours, at

<https://www.womenscollegehospital.ca/care-programs/sexual-assault-domestic-violence%20care-centre/>

4. Toronto Rape Crisis Centre: Multicultural Women Against Rape

Crisis: 416-597-8808

Office: 416-597-1171

info@trccmwar.ca; crisis@trccmwar.ca

<http://www.trccmwar.ca>