

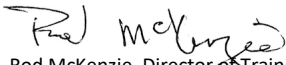


STATEMENT OF POLICY & PROCEDURE			
SUBJECT:	Sexual Violence Policy	IUOE LOCAL 793 P&P No.	HS-8B
DISTRIBUTION:	OETIO Community	DATE OF POLICY:	2022-07-26
REPLACES:	n/a	EFFECTIVE:	2022-07-26
DATED:	n/a	PAGE:	1 of 7
ISSUED BY:	Operating Engineers Training Institute of Ontario (OETIO)		
SIGNING AUTHORITY:	 Rick Kerr, Executive Director	 Jeff Hewitt, Director of Training	 Rod McKenzie, Director of Training
DATE SIGNED:	July 26, 2022	July 26, 2022 (Oakville)	July 26, 2022 (Morrisburg)

1 INTRODUCTION

- 1.01 The Operating Engineers Training Institute of Ontario (OETIO) maintains a “zero tolerance” policy towards sexual violence and sexual harassment during training, training-related activities, or otherwise.
- 1.02 As such, our institution is committed to working collaboratively with students to provide an educational environment free of sexual violence and sexual harassment in which all persons are treated equally with respect and dignity.
- 1.03 OETIO is further committed to combatting broader societal discriminations and negative attitudes surrounding gender, sex and sexuality that work to normalize sexual violence and sexual harassment and thus fundamentally undermine equality. Instead, OETIO actively strives to foster an educational environment that is diverse and equitable, free from systemic oppressions such as sexism, transphobia, homophobia or otherwise.

2 PURPOSE & OBJECTIVES



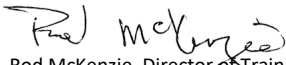
- 2.01 The purpose of this policy is to outline OETIO’s commitment to maintaining a safe, healthy and inclusive educational environment in which all enrolled students are free from sexual violence and sexual harassment.
- 2.02 This policy is also intended to provide information about supports and services available to all students and attendees in the OETIO community who are affected by sexual violence or sexual harassment.
- 2.03 This policy aims to meet and exceed OETIO’s obligations as defined under the Private Career Colleges Act with respect to sexual violence.

3 SCOPE

- 3.01 This policy and procedure applies to all members of the OETIO community, including OETIO staff, students, visitors and/or contractors working, visiting or attending training at or out of any OETIO property and/or location or otherwise interacting through OETIO’s online platforms.

4 DEFINITIONS

- 4.01 “Complainant” any person who makes a complaint under this policy.
- 4.02 “Consent” means an active, direct, voluntary, unimpaired and conscious choice and agreement to engage in sexual activity. Consent cannot be given by a person whose judgement is unconscious, sleeping or impaired by drugs, alcohol or otherwise. Consent can be revoked at any time during sexual activity, cannot be assumed nor implied, cannot be given by silence or the absence of “no”, cannot be obtained via coercion or threats, and cannot be considered given if the person who has engaged in sexual violence has abused a position of trust, power, or authority.
- 4.03 “Disclose” means sharing information pertaining to an incident of sexual violence for the purpose of learning about or receiving support services.
- 4.04 “OETIO” means the Operating Engineers Training Institute of Ontario.

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- 4.05 “OETIO Community” means any person who has a relationship with OETIO including but not limited to students, staff, faculty, contractors, etc.
- 4.06 “Respondent” refers to the person against whom a complaint has been filed under this policy.
- 4.07 “Sexual Assault” means sexual contact or behaviour that occurs without explicit consent, including but not limited to fondling or unwanted sexual touching, sexual acts such as oral sex, intercourse or other forms of penetration of the body also known as rape.
- 4.08 “Sexual Harassment” means engaging in a course of vexatious comments and/or conduct on the basis of sex, sexual orientation, or gender identity or expression, that is known or ought reasonably to be known to be unwelcome.
- 4.09 “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.

5 REFERENCES AND RELATED STATEMENTS of POLICY and PROCEDURE



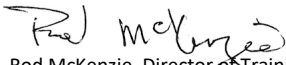
- 5.01 Private Career Colleges Act, 2005.
- 5.02 Workplace Harassment Policy.
- 5.03 Workplace Violence Policy.

6 ROLES & RESPONSIBILITIES

- 6.01 All members of the OETIO community are responsible for reading, understanding, and adhering to the guidelines provided herein.
- 6.02 All campus faculty and staff are responsible for the proactive enforcement of this policy and for fostering an educational environment free from sexual violence and sexual harassment.
- 6.03 All members of the OETIO community are responsible for reporting any instances of sexual violence and/or sexual harassment that may occur or be identified.
- 6.05 The Human Resources Department is responsible for providing advice and assistance in administering and/or interpreting this policy.

7 CAMPUS RELATIONSHIP GUIDELINES & DISCLOSURE

- 7.01 Given the inherent power differential that exist between faculty/staff and enrolled students, any consensual sexual or romantic relationships between these groups are strongly discouraged due to the intrinsic conflict of interest and ambiguous validity of consent that exists within this dynamic. Thus, any such relationships are to be avoided.

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- 7.02 Notwithstanding the above, any/all existing or past relationships must be disclosed timely as they exist between a faculty/staff and any individual over which they are in a position of authority within the OETIO community.
- 7.03 Pursuant to this disclosure requirement, it is the responsibility of the staff/faculty who, within the relationship dynamic is considered to be in the position of authority, to immediately disclose said relationship to both the Executive Director of OETIO as well as the Director of Human Resources.
- 7.04 OETIO will take any action deemed appropriate to ensure no individual is at risk of any form of discrimination, sexual violence or sexual harassment stemming from a disclosed relationship, including but not limited to, at a minimum, removing the faculty/staff in question from any position of authority over the other party.
- 7.05 Failure to appropriately disclose any relationship will be considered unprofessional conduct and may be subject to disciplinary action.

8 SUPPORT SERVICES

- 8.01 Any individual who has experienced sexual violence or sexual harassment may seek help, advice or support at any time from any OETIO faculty or manager with whom they are comfortable.
- 8.02 Any individual who discloses that they have experienced or witnessed sexual violence or sexual harassment will be provided the contact information for appropriate support services and will be treated with respect, dignity, and confidentiality throughout the provision of these support services.
- 8.03 Any person can request the contact information for support services and in so doing is not inherently required to report an incident or make a formal complaint about sexual violence as a prerequisite of obtaining access to said support services.
- 8.04 Support Services Available:

Members Health

24/7 Access to Doctors & Mental Health Professionals

Phone: 1-800-484-0152

www.members-health.com

Sexual Assault Support Services for Women

24/7 Crisis Line: 613-932-1603 (English) / 613-932-1705 (French)

Text: 1-343-304-6272

www.sassforwomen.ca

Morrisburg OPP

General Inquiries: 613-543-2949



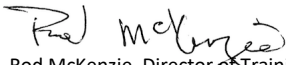
<https://www.opp.ca/index.php?id=115&lng=en&entryid=569e9a668f94accf35758796>

St. Lawrence Medical Clinic

Regular Number: 613-543-2963

After Hours Number: 613-543-4490

www.slmc-med.ca

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9 EMERGENCY AID

9.01 If any individual finds themselves in an emergency situation while on campus at OETIO (e.g., imminent threat of sexual violence or harm) they can make a report or seek immediate help at any time 24/7 by either:

- Calling 9-1-1
- Contacting Morrisburg Campus Security by cell phone: 613-360-5338
- Contacting Morrisburg Campus Security by campus landline: extension 5100
- Contacting Morrisburg Campus Security in person: Main Building Front Desk
- Contacting any Oakville or Morrisburg faculty or manager during school hours.

10 DISCLOSURE & ACCOMMODATIONS

10.01 If any person reports sexual violence or sexual harassment, they will be presented the option to be contacted directed by the OETIO Human Resources Department to offer support and discuss accommodation options available, including but not limited to:

- Discussing the availability of accommodations or other measures to protect the complainant from further sexual violence, sexual harassment, retaliation or the threat of retaliation such as class changes, schedule changes, campus residence changes, contact/communication bans, etc.;
- Mediating a resolution if desired;
- Assisting through the formal complaint process;
- Any other available resources to help resolve the issue.

11 SEXUAL VIOLENCE PREVENTION COMMITTEE



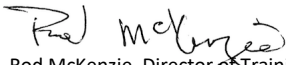
11.01 OETIO shall establish a "Sexual Violence Prevention Committee (SVPC)" focused on proactively preventing sexual violence and sexual harassment within the OETIO community and ensuring appropriate follow-up and review of any incidents that may arise.

11.02 The SVPC shall be comprised of the following members:

- Executive Director of OETIO
- Director of Training (Morrisburg Campus)
- Director of Training & Apprenticeship (Oakville Campus)
- Director of Human Resources
- Director of Marketing & Indigenous Affairs
- Office Manager (Morrisburg)

11.03 All members of the SVPC and all other staff and faculty shall receive the following training:

- Gender and Sexual Diversity Training;
- Workplace Violence & Harassment Training;
- Introduction to Bill 132 Training;
- Responding to Disclosures of Sexual Violence on University/College Campuses in Ontario.

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11.04 The SVPC must ensure that, should an individual experience sexual violence or sexual harassment, they are provided relevant information on both the internal complaint process as well as available external recourses (e.g., criminal and legal proceedings).

11.05 The SVPC must ensure that any accommodations established are implemented and upheld.

11.06 The SVPC must conduct a formal threat assessment for any complaint received.

12 CONFIDENTIALITY

12.01 Any and all reports or complaints of sexual violence or sexual harassment made to OETIO will be handled with utmost confidentiality in accordance with applicable legislation and any changes thereto.

12.02 All members of the OETIO community who either receive a report or complaint surrounding sexual violence or sexual harassment or are involved in investigating such issues must keep the matter confidential.

12.03 Despite OETIO's commitment to maintaining confidentiality, there may be some circumstances in which OETIO is not able to guarantee complete confidentiality due to existing legal obligations, including:

- If an individual is at risk of self-harm;
- If an individual is at risk of harming others;
- If reporting to authorities is required by law.

13 COMPLAINT PROCESS & PROCEDURE

13.01 The following outlines the formal complaints process:



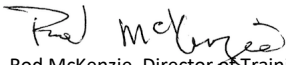
STEP 1 Filing a Formal Complaint

The Executive Director and Director of Human Resources are responsible for receiving formal complaints, in writing, of sexual violence relating to students and the broader OETIO community. A formal complaint can be filed if the Respondent is/was a member of the OETIO community at the time of the incidents alleged. While OETIO does not have jurisdiction to address allegations made against an individual who is not a member of the OETIO community, if such allegations arise, OETIO will provide support to the complainant and may take measures to restrict the respondent's access to OETIO locations.

All formal complaints must be submitted in writing and include the name of the respondent, the nature and details of the circumstances, detailed facts, specific dates, and any names of potential witnesses. Receipt of the formal complaint will be acknowledged and, after review, additional information or clarification may be requested from the complainant before proceeding to step 2.

STEP 2 Sexual Violence Prevention Committee (SVPC) Panel Review

Complaints will be anonymized and presented to the SVPC by the Executive Director and Director of Human Resources in order to facilitate an impartial panel review. This panel review shall assess if the conduct outlined in the complaint is considered sexual violence or sexual harassment as defined in this policy. If the panel determines the complaint is considered sexual violence or sexual harassment as defined herein, an

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investigator shall be designated, and both the complainant and respondent will be informed in writing that an investigation has commenced. If the complaint does not meet the definition of sexual violence or sexual harassment herein, the complainant will be informed of this finding in writing and then has the ability to request a re-review if there is any additional information available that may change the initial finding.

STEP 3 Investigation

If the panel determines the complaint is considered sexual violence or sexual harassment as defined herein, the SVPC shall appoint an investigator who is competent and trained in investigating allegations of sexual violence and sexual harassment. This investigator will explain the formal complaint process to both the complainant and respondent as a first step in conducting the investigation.

The investigator will inform, in writing, both the complainant and respondent that an investigation has commenced, including a summary outline of the allegations made which are to be investigated. While the respondent is entitled to know the allegations made against him or her, as will be outlined in the investigation notice, they are not entitled to receive a copy of the investigation notes or original complaint document submitted by the complainant.

The investigator will interview any named witnesses in a fair, impartial and professional manner. The respondent will be asked to respond to the investigation notice and/or participate in an interview within a set number of days as outlined in the investigation notice. Failure to provide a timely response in accordance with the deadline provided will result in the investigator proceeding and/or concluding the investigation with what information is otherwise available to them.

The investigator shall keep the SVPC apprised of the status of the investigation and any changes thereto.



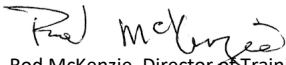
STEP 4 Fact-Finding Report

Upon completion of the investigation, the investigator will provide a confidential final fact-finding report to the Executive Director and Director of Human Resources who will then convene a meeting of the SVPC to confidentially review said report. In reviewing said report, the SVPC shall assess whether the investigation was conducted fairly and impartially and whether the facts presented in the final report support the allegations in question. Based on this assessment, the SVPC shall further determine appropriate consequences or measures as appropriate.

The SVPC will then provide both the complainant and respondent with written letters outlining the investigation outcome and any consequences or measures undertaken as it relates to them individually. Neither the complainant nor the respondent shall receive the confidential fact-finding report. All parties are obligated to keep the information they are provided confidential, and any act of reprisal is strictly prohibited.

Consequences or measures undertaken in response to sexual violence or sexual harassment shall be dependent on the circumstances, the severity of the conduct, and on any other unique relevant factors as identified in the course of the investigation.

- 13.02 Either the respondent or the complainant may attempt to appeal the final outcome of an investigation, should such appeal be justified. An appeal is not an avenue for either party to repeat the same information already presented or provided in the course of the initial investigation. The right to an appeal is not automatic and an appeal will only be considered if it meets all of the following requirements:

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- The appeal is of a final outcome as levied by the SVPC;
- The appeal is submitted by the complainant or the respondent;
- The appeal must be made within five (5) days after the final decision is rendered by the SVPC;
- The appeal is given in writing and outlines the reasons the appeal is justified due to either:
 - A fundamental procedural investigative error that occurred in reaching the final outcome that is supported by detailed factual information, not speculation;
 - There are new facts relevant to the matter at hand and which would influence the final decision/outcome that were not previously available and could not have previously been provided to the investigator.

Any appeals shall be reviewed in tandem by the Business Manager, Assistant Business Manager, Labour Relations Manager/Legal Counsel, and the Director of Human Resources. All decisions of this appeals panel shall be considered final.

- 13.03 A complainant may withdraw their complaint, in writing, at any time. However, even if a complaint is withdrawn, the SVPC may still proceed with an investigation if there is reason to believe a member of the OETIO community may be at risk of harm or if there is a prevailing legal obligation to investigate.

14 POLICY COMPLIANCE

- 14.01 Failure of any member of the OETIO community to comply with this policy has the potential to jeopardize health and safety, thus resulting in harm to either themselves or others.
- 14.02 There will be absolutely no tolerance for any form of sexual violence or sexual harassment on OETIO property or within OETIO training program attendance.
- 14.03 Any person found to have engaged in sexual violence or sexual harassment shall be subject to disciplinary action up to and including termination, expulsion, and/or legal action.

15 ATTACHMENTS

- 15.01 None.