

# Sexual Violence Policy

## Intent and Application of the Policy

Sexual Violence is a spectrum on non-consensual sexual contact and behaviour which includes sexual assault, sexual harassment, stalking, sexual exploitation, indecent exposure and voyeurism. Sexual assault is criminal offense under the Criminal Code of Canada. Cappa School of Hairstyling and Aesthetics (the college) recognizes that Sexual Violence is a serious and complex issue that can adversely affect members of the college. The college unequivocally prohibits and will not condone, tolerate, or ignore any form of Sexual Violence that affects the work and learning environment at the College.

All students, staff and volunteers should be able to work without fear of violence or harassment in workplace/or college. This policy applies to all staff and students, visitors and volunteers that are directly connected to the college and within the colleges jurisdiction.

Cappa School of Hairstyling and Aesthetics (the college) has developed this policy that includes measures and procedures to protect students, staff, volunteers and visitors from sexual violence and harassment, a means of summoning immediate assistance and a process for reporting incidents and/or raising concerns. Everyone is expected to follow and work in compliance with this policy. Reporting is encouraged, but not required.

Students affected by sexual violence may benefit from services available in the community and are encouraged to utilize these services whenever necessary. (These services are not provided by the college or affiliated with the college in any way.) Cappa will at no cost appropriately accommodate the needs of students who are affected by sexual violence, whether or not they access these community services. There are a broad range of accommodations available and those affected by sexual violence are encouraged to reach out to the Campus Administrator to discuss specific accommodations they may require.

The supports and services available in the community for students affected by sexual violence are outlined in the following table. Note that a formal report of an incident of sexual violence is not necessary to access any of these supports, services, or to receive accommodations from the college.

### **Provincial Rape Crisis Centres:**

Canadian Association of Sexual Assault Centres Ontario - Provincial  
Assaulted Women's Helpline (English)

Toll Free: 1-866-863-0511

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

TTY: 416-364-8762

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

Fem'aide (Français)

Telephone Toll-Free: 1-877-336-2433

ATS: 1 866 860-7082

[www.femaide.ca](http://www.femaide.ca)

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## Community Supports and Services

Resources	Contact	Website
Assaulted Women's Helpline (200 + languages) - 24/7	1-866-863-0511 TTY: 1-866-863-7868	awhl.org
COAST Niagara - 24/7	1-866-550-5205	cmhaniagara.ca
Fem'aide - 24/7 (crisis support services in French)	1-877-336-2433 TTY: 1-866-860-7082	femaide.ca
Gillian's Place - 24/7	905-684-8331 (call or text)	gilliansplace.com
Good2Talk - 24/7	1-866-925-5454	good2talk.ca
Legal Aid Ontario 8:00am to 5:00pm Monday to Friday	1-800-668-8258	legalaid.on.ca
LGBT Youth Line 4:00pm to 9:30pm Sunday to Friday	1-800-268-9688 or text 647- 6944275	youthline.ca
Niagara Regional Police - 24/7	Emergency: Call 911 Non-Emergency: 905-688-4111	niagarapolice.ca
Niagara Sexual Assault Centre - 24/7	905-682-4584	niagarasexualassaultcentre.com
St. Catharines General Hospital Sexual Assault Domestic Violence Treatment Program - 24/7	905-3784647 ext. 45300	niagarahealth.on.ca
Support Services for Male Survivors of Sexual Abuse - 24/7	1-866-887-0015	www.attorneygeneral.jus.gov.on.ca/english/ovss/
Talk4Healing Helpline (Culturally grounded for Indigenous women in 14 languages) - 24/7	1-855-554-4325	talk4healing.com
Trans Lifeline Hotline - 24/7	1-877-330-6366	translifeline.org
Victim Services Niagara - 24/7	905-682-2626	victimservicesniagara.on.ca
Victim Support Line - 24-7	1-888-579-2888	www.attorneygeneral.ius.gov.on.ca English/ovss
Women's Place - 24/7	905-788-0113 or 905-356-5800	womensplacesn.org

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## Definitions and Background:

**Accommodations** - measures that are appropriate, reasonable, and necessary to allow those affected by sexual violence to participate fully in the classes, programs and services available at the college. Examples include: academic and workplace accommodations, academic and workplace support, training, adjusting class schedules or working situation of the individual.

**Behaviour** – any conduct, comment, gesture, or contact whether verbal, visual or physical.

**Coercion** – 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.

**College** – Cappa School of Hairstyling and Aesthetics

**College Jurisdiction** - the college exercises jurisdiction over conduct that occurs: on college –owned or leased premises; on college-sanctioned online websites and social media; and where a member is conducting College business or attending a college-sanctioned event.

**Complainant** – member affected by sexual violence who submits a Formal Report to the Campus Administrator

**Consent** – the voluntary agreement to engage in the sexual activity in question. It is the act in willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose with a yes or no. This means that there must be an understandable exchange of words which indicate a willingness to participate in mutually agreed upon sexual activity. There is no consent when:

- a) The member expresses, by words, conduct, or any other means a lack of agreement to engage in the activity or to continue to engage in the activity;
- b) The agreement to sexual activity is obtained through pressure, coercion, fraud, the exercise of authority, force or threats of force;
- c) the alleged offender implicitly or explicitly induces the member to engage in the activity by using a position of trust, power, or authority;
- d) The member is incapable of consenting to the activity because they are asleep, unconscious, or unable to understand the fact, nature, or extent of the sexual activity due to disability, mental or physical incapacity, the influence of drugs or alcohol, or any other form of impairment; or,
- e) The agreement to sexual activity is expressed, by words, conduct, or any other means, by a person other than the member.

**Formal Report** - when a member affected by sexual violence submits a written statement to the Campus Administrator that alleges they have experienced an incident of sexual violence within the college’s jurisdiction or that affects the work and learning environment at the college.

**Harassment/Sexual Harassment** – any behaviour that is unsolicited, unwelcome, disrespectful, or offensive and has an underlying connotation that is gender biased, sexual, age related, bigoted, religious, ethnic, or racial.

**Indecent Exposure** – the exposure of the private or intimate parts of the body in a lewd manner when the perpetrator may be readily observed.

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**Interim Measures** - measures carried out by the College, pending results of an investigation that are not intended to be disciplinary, and are reasonable and necessary to: help the complainant feel safe; or protect the parties, other members, or the integrity of the procedures and due process. Examples of interim measures include limiting access to campus and college sanctioned events; paid leave of absence for employees; prohibiting contact between the complainant and the respondent; and adjusting class schedules or working situations of the complainant or respondent.

**Member** - any staff and students, visitors and volunteers that are directly connected to the college.

**Respondent** - member named as an alleged offender in a Formal Report of sexual violence.

**Sexual Violence** – any sexual act or act targeting a person 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 consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

**Sexual Assault** – any type of unwanted sexual act done by one person to another that violates the sexual integrity of the person 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 the other person feel uncomfortable, distressed, frightened, threatened or is carried out in any circumstance in which the person has not freely agreed or consented to, or which the person is incapable of consenting.

**Sexual Exploitation** – when a perpetrator takes non-consensual or abusive sexual advantage of another for their own advantage anyone other than the one being exploited.

**Stalking** – Involves behaviours that occur on more than one occasion. Stalking instills fear, threatens, targets the persons safety and/or mental health. Stalking can include threats of harm to the person, the persons family or friends. The behaviour includes 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.

**Violence** – the exercise or attempt of exercise, or a statement or behaviour that is reasonable for members of the college to interpret as a threat of physical force by a person against another person that causes or could cause physical injury.

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## Sexual Violence Policy and Procedures

Sexual violence in all its forms is unacceptable and will not be tolerated at Cappa School of Hairstyling & Aesthetics. All members of the college have the right to work and study in an environment that is safe and free from sexual violence. Cappa will ensure that those affected by sexual violence are believed and appropriately accommodated at no cost.

The policies intent is to make the individual feel comfortable and safe in making a report about the sexual violence that they have experienced or witnessed. All staff, students and volunteers are encouraged to raise concerns and to report any incidents of sexual violence however, no complainant is required to do so or to participate in any investigation undertaken by the college relating to sexual violence.

Complainants who do decide to participate in an investigation or decision-making process has the right to have a person present with him or her at every stage of the process.

The college will respect an individual's decision on how to proceed and will attempt to follow their wishes whenever possible. However, all reported incidents of sexual violence may be investigated to the best of the college's ability and in a manner that ensures due process and protects the rights of all individuals involved. The College may seek external advice regarding any sexual violence or sexual harassment claims. 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.

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 career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

### **Sexual Violence Policy Training:**

Training will provided or made available on this Sexual Violence policy to all members including owners, managers, staff, and students. This policy will also be published on the college website.

### **Reporting Procedure:**

Member of the college that have been affected by sexual violence are encouraged to come forward as soon as they are able to and report incidents of sexual violence they witness or have knowledge of.

Incidents should be reported directly to:

Campus Administrator – Pina Mucciarelli

[pina.mucciarelli@cappahairstyling.com](mailto:pina.mucciarelli@cappahairstyling.com)

905-688-1175

The college shall take all reasonable steps to ensure the safety of the college community recognizing that there are limitations to the colleges power to deal with a complaint and legally obliged actions the college must take. The college will review and resolve all complaints by individuals who identify themselves and allege sexual violence. Anonymous complaints will be treated as a report.

Any college member may file a complaint. A complaint may be withdrawn at anytime, though the college may continue to investigate to ensure and maintain a working and learning environment free of sexual violence. The college may informally resolve complaints. The College will cooperate with the police when there is an ongoing criminal investigation regarding Sexual Violence involving college members.

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## Complaint Investigation Process:

The college's process for investigating and resolving complaints involves the following steps:

- 1.) Intaking the information – Sexual violence complaints are made by completing and submitting a Sexual Violence Reporting Form and submitting it to the Campus Administrator.

The Campus Administrator act as quickly as reasonably possible to assess the information, identify and implement any necessary Interim Measures. A decision to investigate will be made within 10 business days of receiving the complaint by the Campus Administrator.

The College will cooperate with the police when there is an ongoing criminal investigation regarding Sexual Violence involving college members. The College may seek external advice regarding any sexual violence or sexual harassment claims brought forward.

- 2.) Investigation – after the decision to investigate has been made both the complainant and respondents will be notified in writing and the respondent of the investigation will be sent a copy of the Formal Report. The Campus Administrator will select an investigator who will investigate the complaint for any breach(s) of the requirements set out under this policy.

The notice will include a summary of all the allegations made and will describe the interim measures that will be implemented. The investigation should be completed as soon as reasonably practical. If the investigation is expected to take more than sixty (60) business days, written notice will be given to the complainant and the respondent.

The investigation should include an interview with the complainant and the respondent. The investigator shall provide the respondent with the Formal Report and provide the respondent an opportunity to respond.

The investigator will determine which witnesses will be interviewed. Disclosure of personal information to witnesses shall be limited to what is reasonably necessary to conduct a fair investigation.

At the completion of the investigation, the investigator will prepare and investigation report that includes the Formal Report; statements, responses, and documentation from the complainant, responded, and witnesses; findings of fact; recommendations for disciplinary sanctions and non-disciplinary measures, and any other information, documentation or evidence that the investigator deems relevant.

The investigation report shall be given to the Campus Administrator and it will only be disclosed as necessary for a Procedure under this Policy or to comply with legal obligations.

- 3.) Post-Investigation – The Campus Administrator will review the investigation report and, if he/she deems necessary, may meet with any individual who may have relevant information to determine wither there are reasonable grounds to believe the policy has been breached. The Campus Administrator will either:
  - i. Make a finding that that the policy has been breached, and recommend disciplinary sanctions to be imposed;
  - ii. Make a finding the policy has not been breached, and recommend that the matter be closed; or,
  - iii. Make a finding that the policy has not been breached, but recommend that non-disciplinary measures be implemented to promote a safe and inclusive environment that is free of Sexual Violence.

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The Campus Administrator shall notify the complainant and respondent of its findings and recommendations within 15 business days of the receipt of the investigation report or as soon as reasonably practicable.

- 4.) Disciplinary proceedings - advisement of any decisions made regarding the allegations, written responses and all relevant documents that have been produced in the course of the investigation. Scheduling and notice of any future meetings required for both parties.
  - i. Disciplinary sanctions for employees may range from a note to the employee's file up to and including termination of employment for cause and without pay in lieu of notice.
  - ii. Disciplinary sanctions for students may range from sensitivity training, short-term suspension, up to an including expulsion.
  - iii. Where no breach of this Policy was found but a decision is made to implement non-disciplinary measures, non-disciplinary measures may include Sexual Violence awareness education.
  - iv. If the complainant is an employee of the college, and has allegedly experienced Sexual Violence, they will be informed of the results of the investigation and of any disciplinary sanctions that have been taken against the respondent, as required by law.
- 5.) Appeal Process – An appeal will not reopen or re-investigate the matter. A written appeal may be written and submitted to the President of the college within 10 days of receiving the final decision from the Campus Administrator. The appeal must be in writing and must include the grounds for the appeal, the reasons why the appeal should be granted, and the outcome sought.

The college is not required to discuss the appeal before any decision has been made.

The President shall notify the complainant and respondent of its decision whether to allow the appeal within fifteen (15) business days of receipt of the request for an appeal or as soon as reasonably practicable.

If the request for an appeal is granted, an oral hearing(s) will occur before the President or an external adjudicator as required to make a decision.

The President shall notify the complainant and respondent of its final decision within fifteen (60) business days of receipt of the oral hearing or as soon as reasonably practicable.

## Ensuring Continued Relevancy of the Policy

This policy will be reviewed and amended at least once every 3 years to make necessary changes and adjustment.

## Sexual Violence Reporting Form

Your Name: \_\_\_\_\_

Your Position: \_\_\_\_\_ (student, staff member, visitor, or volunteer)

Date and time of incident:

Date and time of incident reported:

Location of incident:

Was the incident reported to police: Yes \_\_\_ (report no \_\_\_ ) or No \_\_\_

Describe the incident including persons involved:

What events lead up to the incident?



## Sexual Violence Reporting Form

Witness(es) Provide name and contact information:

1.)

2.)

3.)

4.)

Other information (add anything else that may be relevant to the incident)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Campus Administrator indicating receipt of report: \_\_\_\_\_

Date: \_\_\_\_\_