

World Wide Truck Driving & Forklift School

Sexual Violence and Sexual Harassment Policy

I. Definitions:

Sexual Violence: *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: *any type of sexual activity or contact that you do not consent to.*

Sexual Activity(s): *Activities associated with sexual intercourse or any other intimate act associated with sex.*

Sexual Harassment: *unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when either.*

Acquaintance Sexual Assault: *"A form of sexual violence that includes forced, manipulated, or coerced sexual contact by a friend or person already known by the person being assaulted."*

II. Policy Application

The Policy applies to all career college students of World Wide Truck Driving & Forklift School. Note: Career college students do not need to report an incident in order to receive supports and services; please refer to pg.7, on this policy for further information.

III. Policy Scope:

The Policy applies to complaints of sexual violence that have occurred on World Wide Truck Driving & Forklift School campus or during the In-Vehicle part of the training and involve our students.

IV. Purpose and Intent:

All of World Wide Truck Driving & Forklift School students have a right to study in an environment free of sexual violence.

This document sets out World Wide Truck Driving & Forklift's Policy on sexual violence involving our students, defines the prohibited behaviors, and outlines our investigative processes for sexual violence.

V. Policy Objectives:

World Wide Truck Driving & Forklift School is committed to providing our students with an educational, environment free from sexual violence and treating those students who report incidents of sexual violence with dignity and respect.

World Wide Truck Driving & Forklift School will provide a copy of this Policy to our students at the time of the student's enrolment. World Wide Truck Driving & Forklift School will educate our career college management, employees, contractors and students about this Policy and how to identify situations that involve or could progress into sexual violence against our students and how to reduce it.

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World Wide is committed to:

- Assisting those who have been affected by sexual violence and sexual assault, by providing choices.
- Ensuring those who disclose that they have been sexually assaulted with dignity and respect and are supportive throughout the process of disclosure.
- Ensuring the coordination confidential communication among the various departments who are most likely to be involved.
- Providing information to the person involved with or has experienced sexual violence/assault about sexual assault/violence policies and protocols.

VI. Disclosures and Reporting of Sexual Assault/Violence:

Students, faculty and staff of the World Wide Truck Driving & Forklift are to take all reasonable steps to prevent sexual violence and/or sexual assault involving our students on our career college campus or events. All complaints of sexual violence and/or sexual assault will be taken seriously with a view to procedural fairness. All responses to complaints made regarding sexual violence and/or sexual assault will be dealt with a non-judgmental, supportive and empathetic manner.

In case of actual or perceived information that a student, faculty or staff member has been subject to, or they have witnessed or have knowledge of sexual violence and/or sexual assault involving our students, faculty or staff, or have reason to believe that sexual violence has occurred or may occur involving our students, faculty or staff, all students, faculty or staff are requested to submit a formal complaint in writing to the General Manager of World Wide Truck Driving & Forklift.

In the instance of a suspected act of sexual violence and/or sexual assault has occurred, students, faculty and staff with knowledge of the act are expected to report to the General Manager within a reasonable amount of time thereafter to allow for a thorough and complete investigation.

After receiving a complaint of an act of sexual violence and/or sexual assault, the General Manager will review the information received and speak with any and all persons, in confidence, on a without prejudice basis about the complaint in order to gather all necessary information possible. After receiving all information necessary from the individual or individuals involved in the alleged incident, the General Manager will confer with the office administrator, Ms. Sarabjit Mithon, who will jointly decide whether World Wide Truck Driving & Forklift will open a formal investigation.

Other than the General Manager, no other member of World Wide Truck Driving & Forklift will have an active part in the complaint process, other than on a consultative basis for specific purposes to be determined by the General Manager after the filing of a complaint.

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In limited circumstances, World Wide Truck Driving & Forklift School may be required by law to inform the police without the complainant's consent, if it believes the safety of members of its campus or the broader community is at risk.

A complainant seeking any form of accommodation pursuant to an alleged or actual incident of sexual violence and/or sexual assault should contact Ms. Sarabjit Mithon at the World Wide Truck Driving & Forklift School as soon as reasonably possible after an incident.

VII. Investigating Reports of Sexual Violence:

Upon a complaint of alleged sexual violence being made and after concluding that an investigation is necessary, the General Manager, together with Ms. Sarabjit Mithon of World Wide Truck Driving & Forklift School, will initiate an investigation, which will include the following steps:

- (a) Determining whether the incident should be referred immediately to police;
- (b) Informing all parties involved of the on-campus investigation procedures;
- (c) Determining what interim measures, if any, need to be taken during the investigation;
- (d) Meeting with the complainant to determine the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
- (e) Interviewing the complainant, any person involved in the incident and any identified witnesses;
- (f) Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- (g) Informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- (h) Providing reasonable updates to the complainant and the respondent about the status of the investigation;
- (i) Issuing a formal decision in writing to the complainant and the respondent, with the decision to be filed with World Wide Truck Driving & Forklift for a period not less than seven (7) years; and
- (j) Determining what disciplinary action, if any, should be taken.

With regard to subparagraph (b) above, interim measures may include, but are not limited to, the following:

- a. Physical separation of the alleged complainant and the accused;

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- b. Removing one of the parties from a class or instructional session;
- c. Temporary suspension of one or both parties from the activities of World Wide Truck Driving & Forklift School;
- d. Prohibition of one or both parties from being on the premises of World Wide Truck Driving & Forklift School; and
- e. Any other interim measures that the General Manager and/or other similarly situated faculty and/or staff members of World Wide Truck Driving & Forklift may deem just and necessary.

At all material times, 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.

An alleged victim of the incident of sexual violence and/or sexual assault may choose not to request an investigation by World Wide Truck Driving & Forklift School and has the right not to participate in any investigation that may inevitably occur.

VIII. Investigation Process:

At all material times during an investigation, the General Manager of World Wide Truck Driving & Forklift School will:

- (a) Respond promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- (b) assist students who have experienced sexual violence in obtaining counselling and medical care;
- (c) Providing students who have experienced sexual violence with appropriate academic and/or other accommodation; and
- (d) Providing students who have experienced sexual violence with information about.

A complainant may withdraw a complaint at any time after filing it and before a decision concerning the complaint has been rendered by the General Manager of World Wide Truck Driving & Forklift.

IX. Disciplinary Measures

If it is determined by the World Wide Truck Driving & Forklift School that a student, faculty or staff member has engaged in an act or acts of sexual violence and/or sexual assault, World Wide Truck Driving & Forklift will:

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- take immediate disciplinary or corrective action up to and including termination of employment of instructors or staff or expulsion of a student;
- in cases where criminal proceedings are initiated, the World Wide Truck Driving & Forklift School will assist police agencies, lawyers, insurance companies, and courts to the fullest extent possible as allowed by law; and
- where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence World Wide Truck may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures
- 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.

X. Appeal Procedure

Following the investigation of an act or acts of sexual violence and/or sexual, if a decision is rendered by the General Manager and/or any other members of World Wide Truck Driving & Forklift, all parties involved in the complaint have a right to appeal the decision resulting from the investigation.

All parties have a period of no longer than thirty (30) days in order to file an appeal with World Wide Truck Driving & Forklift.

The contact information for the person to whom to submit an appeal will be included in the written decision rendered pursuant to an investigation.

The person to whom the appeal is submitted will be different from the person who rendered a decision pursuant to the investigation.

After an appeal is submitted, a member of World Wide Truck Driving & Forklift will consider the grounds stated in the appeal and render a decision on the appeal no later than sixty (60) after the appeal is received.

After an appeal is received, World Wide Truck Driving & Forklift will allow thirty (30) for the responding party to submit a response to the appeal.

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XI. Procedural Fairness

At all times during the complaint process, World Wide Truck Driving & Forklift will implement principles of procedural fairness as those principles have been enunciated by the courts and administrative tribunals of Ontario. In particular, World Wide Truck Driving & Forklift will do the following:

- provide reasonable notice to all parties involved when necessary of an action or request to be taken;
- communicate with all parties in writing;
- communicate with all parties at one time rather than separately if a matter affects all parties involved;
- only communicate with a specific party if matters of confidentiality and disclosure arise;
- communicate openly about its complaints and investigation procedure;

XII. Confidentiality:

Subject to the paragraph below, to the extent it is possible, the World Wide Truck Driving & Forklift School will attempt to keep all information disclosed confidential except in those circumstances 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 our campus or the broader community are at risk.

All information concerning a complaint, whether kept in physical or electronic form by World Wide Truck Driving & Forklift, will be kept with the highest security possible and only be accessible by specific high ranking members of World Wide Truck Driving & Forklift.

XIII. Making False Statements

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint. Individuals who violate this 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.

XIV. 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 been involved in the complaint investigation process.

XV. Review

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This policy will be reviewed three (3) years after it is first implemented.

XVI. Collection of Student Data

The Ontario Safety League shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Subsections 32.3 (8), (9) and (10) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

XVII. Resources

Experienced sexual violence?

Go to a safe place:

- Call 311 or 1-877-338-3398 for shelters and safe housing
- Call a friend or someone that you trust

Medical Attention:

- Chantel's Place (Trillium Health Centre, 100 Queensway West, Mississauga), via Trillium Hospital Emergency Department: 905-848-7580 ext. 2548
- The Sexual Assault/Domestic Violence Care Centre at Women's College Hospital: 416-323-6040

Tell Someone:

Community resources:

- Assaulted Women's Helpline: 1-866-863-0511
- Toronto Rape Crisis Centre/Multicultural Women Against Rape: 416-597-8808

More Resources:

- Sexual Assault Centre (Hamilton and Area)
Crisis: (905) 525-4162
Office (905) 525-4573
TTY: 905-525-4592
www.sacha.ca
- Sexual Assault & Violence Intervention Services of Halton
Crisis: 905-875-1555 or 1-877-268-8416
Office: 905-825-3622
www.savisofhalton.org