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MELLOHAWK Logistics International Sexual Violence Policy

On September 16, 2021, the ministry announced regulatory changes to support post-secondary students reporting sexual violence or harassment. As a result, Subsection 36.0.2 of Ontario Regulation 415/06 (General) under the Ontario Career Colleges Act, 2005 has been amended. The following regulation amendment came into effect on March 1, 2022:

1. 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.
2. 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. O. Reg. 132/16, s. 3; O. Reg. 647/21, s. 1 (2).

1. Policy Application

The Policy applies to all career college students of MELLOHAWK Logistics International Training Center.

2. The Scope

The Policy applies to complaints of sexual violence that have occurred on MELLOHAWK Logistics International Training Center campus or at a one of our events and involve our students.

3. Purpose and Intent

All the MELLOHAWK Logistics International Training Center students have a right to study in an environment free of sexual violence. This document sets out our policy on sexual violence involving our students, defines the prohibited behaviours, and outlines our investigative processes for sexual violence.

4. Policy Objectives

MELLOHAWK Logistics International Training Center 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.

To that end MELLOHAWK Logistics International Training Center will provide a copy of the policy to our students, and educate them together with our career college management, employees and contractors about this Policy and how to identify situations that involve, or could progress into sexual violence against our students and how to reduce it.

Where a complaint has been made, under this Policy, of sexual violence MELLOHAWK Logistics International Training Center will take all reasonable steps to investigate it, including as follows:

- (a) Providing on-campus investigation procedures to students for sexual violence complaints;
- (b) Responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- (c) Assisting students who have experienced sexual violence in obtaining counselling and medical care;
- (d) Providing students who have experienced sexual violence with appropriate academic and other accommodation; and
- (e) Providing students who have experienced sexual violence with information about reporting options as set out in Appendix 1.

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5. Definition of Sexual Violence

This Policy prohibits sexual violence which 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.

6. Reporting and Responding to Sexual Violence

Students, faculty and staff of MELLOHAWK Logistics International Training Center will take all reasonable steps to prevent sexual violence involving our students on our career college campus or events by reporting immediately to the Director if our students have been subject to, or they have witnessed or have knowledge of sexual violence involving our students, or have reason to believe that sexual violence has occurred or may occur which involves our students. Students and staff will all watch the online webinar by OHRC on sexual harassment at work <https://www.ohrc.on.ca/en/ohrc-and-hrpa-webinar-preventing-sexual-harassment-work>

Subject to paragraph 7 below, to the extent it is possible, the Director 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.

MELLOHAWK Logistics International Training Center recognizes the right of the complainant to determine how her, or his complaint will be dealt with. However, in certain circumstances, MELLOHAWK Logistics International Training Center 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. The victim may choose not to request an investigation, and, has the right not to participate in any investigation that may occur.

A complainant seeking accommodation should contact the Director.

7. Investigating Reports of Sexual Violence

A complaint of sexual violence may be filed under this Policy, by any student at our career college, to the Director in writing.

A complainant may ask another person to be present during the investigation. The other person is welcome at all stages of the investigation.

Upon a complaint of alleged sexual violence being made the Director will initiate an investigation, including as follows:

- (a) Determining whether the incident should be referred immediately to police.
- (b) Determining what interim measures, if any, need to be taken during the investigation.
- (c) 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.
- (d) Interviewing the complainant, any person involved in the incident and any identified witnesses.
- (e) Interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents.
- (f) Informing the respondent of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations. The respondent will be asked to work and study remotely while the investigation is undertaken.
- (g) Providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- (h) Determining what disciplinary action, if any, should be taken.

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8. Disciplinary Measures

If it is determined by MELLOHAWK Logistics International Training Center that a student at our career college has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of instructors or staff or expulsion of a student.

In cases where criminal proceedings are initiated, MELLOHAWK Logistics International Training Center will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence MELLOHAWK Logistics International Training Center may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

9. 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.

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. Review

This policy will be reviewed within at least 3 years after it is first implemented.

12. Collection of Student Data

MELLOHAWK Logistics International Training Center shall collect and be prepared to provide upon request by the Superintendent of Career Colleges such data and information as required according to Subsections 32. 3 (8), (9) and (10) of Schedule 5 of the Ontario Career Colleges Act, 2005 as amended.

13. Resources

A list of provincial rape crisis centers which could be provided as resources is below. Students do NOT need to make a complaint in order to be referred to the services below. MELLOHAWK Logistics International Training Center does NOT charge for these referrals, services, supports or accommodations to victims of sexual violence.

Canadian Association of Sexual Assault Centres
Ontario -Provincial

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English

Assaulted Women's Helpline
Toll Free: 1-866-863-0511
#SAFE (#7233) on Bell, Rogers, Fido or TELUS mobile
TTY: 416-364-8762
www.awhl.org

Français

Fem'aide
Telephone toll-free: 1-877-336-2433
ATS: 1 866 860-7082
www.femaide.ca

Sexual Assault/Domestic Violence Emergency Numbers

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.
Trillium Assaulted Women's Helpline at 1-866-863-0511. This is a 24-hour crisis line.
Peel Region's Hope 24 7 (24-hour sexual assault crisis line) at 1-800-810-0180.
Toronto Rape Crisis Centre 24/7 crisis line: 416-597-8808

Local Treatment Centres

Medical Services 905-848-7580 ext. 2548

Clients may access our 24-hour, 7-days-a-week service through **Mississauga Hospital's Emergency Department** located at the southwest corner of The Queensway West and Hurontario Street. Clients are taken to a safe, private, secure unit called Chantel's Place. Language interpreters are available, if required. A specially-trained nurse provides one-to-one care, which may include:

- assessment
- treatment
- documentation of injuries (with an option of photographing injuries)
- safety planning
- emotional support
- information concerning medical, legal and counseling

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Halton region (Milton)

Sexual Assault and Violence Intervention Services of Halton
905-875-1555
Administration # 905-825-3622
<http://www.savisofhalton.org/>

Halton Women's Place

North Halton
Shelter 905-878-8970
Crisis # 905-878-8555

South Halton

Shelter 905-332-1593
Crisis # 905-332-7892
<http://haltonwomensplace.com/>

Hamilton

Sexual Assault Centre (Hamilton and Area)
Crisis: (905) 525-4162
Office (905) 525-4573
TTY: 905-525-4592
www.sacha.ca

Kitchener-Waterloo

Sexual Assault Support Centre of Waterloo Region
Crisis: 519.741.8633
Office: 519.571.0121
info@sascwr.org
www.kwsasc.org

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14. Applicable LEGISLATION for Accommodation re sexual violence

36.0.1

- (1) A private career college shall appropriately accommodate the needs of students who are affected by sexual violence. O. Reg. 132/16, s. 3.
- (2) No private career college shall charge a fee for the provision of supports, services or accommodation to students who are affected by sexual violence, or for referring a student to any such supports or services that are available off-campus. O. Reg. 132/16, s. 3.

Sexual violence policy

36.0.2

(1) A private career college shall ensure that its sexual violence policy,

- (a) provides information about the supports and services available at the private career college or through its agent for students who are affected by sexual violence, and identifies the specific official, office or department at the private 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 private 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 private 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 private 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 private 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).

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

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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 private career college.
4. The statement that a victim may choose not to request an investigation by the private career college and has the right not to participate in any investigation that may occur.
5. The investigation and decision-making processes at the private 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 private 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 private 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).

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

(4) A private 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 private career college, and their agents.
2. Instructors, staff and other employees and contractors of the private career college.
3. Students enrolled at the private career college. O. Reg. 132/16, s. 3.

(5) The training shall include training on the private 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.

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