

Canadian Music and Arts College Sexual Violence Policy

Purpose:

Every student and staff of the Canadian Music and Arts College (CMAC) has a right to study or work in a safe environment that is free from any type of sexual violence. Any form of sexual violence is unacceptable and will not be tolerated. CMAC has adopted a sexual violence policy that:

- 1: Protects the rights of the individual who experience any form of sexual violence; and
- 2: Holds those who have committed an act of sexual violence accountable; and
- 3: Assist any student/staff who has experienced sexual violence in obtaining counselling and medical care and provide him/her with information about sexual violence supports and services available in the community as set out at the end of this document; and
- 4: Defines sexual violence and outlines its training, reporting, investigation, and disciplinary responses to complaints of sexual violence made by its members that have occurred on its campus, or at one of its events and involve its members.

CMAC is committed to providing to those who have experienced sexual violence or sexual harassment with appropriate academic and other accommodations. It should be noted that CMAC students/staff members are not required to file a formal complaint to access supports and services related to sexual violence.

Definitions of CMAC members:

Any student registered in a CMAC program, any individual who works for CMAC in any type of contract (full-time/part-time/contractor) is considered a CMAC member. Any individual who volunteers for any CMAC event or on CMAC premises is considered a CMAC member during the period of volunteering.

Application of this policy:

This policy applies to all members of the CMAC community, whether the individual is on campus or off campus.

This policy applies to complaints of sexual violence or sexual harassment that have occurred on CMAC premises or at a CMAC event and involve any member of the CMAC community as defined in the previous paragraph.

Complainant & Respondent:

Complainant: the person making the allegation

Respondent: the person accused of engaging in sexual violence

Definition of Sexual Violence

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 but not limiting to:

1. ***Sexual Assault:*** any type of an unwanted sex act done by one person to another, without that person's consent, that violates the sexual integrity of an individual ranging from unwanted touching to penetration
2. ***Sexual Harassment:*** Any type of vexing comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome includes but not limited to
 - a) Make suggestive or offensive jokes/comments/remarks of a sexual nature
 - b) Display, whether online or in-person, pornographic/ sexist pictures/ materials
 - c) Make remarks/ jokes/insinuations/judgments/ taunting about a person's body, attire, sex, or sexual orientation
 - d) Make inappropriate staring/gazing or voyeurism
 - e) Brag about sexual prowess
 - f) Make any physical contact such as patting/touching/ pinching with an underlying sexual connotation
 - g) Commit sexual solicitation/ advance by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance
3. ***Stalk*** someone
4. ***Commit indecent exposure***
5. ***Commit sexual exploitation***
6. ***Degrade sexual imagery***
7. ***Distribution of sexual images/ video*** of any individual without his/her consent
8. ***Online harassment/ stalking*** of a sexual nature

Prevention by Education/Training:

A copy of this policy, either in hard copy or pdf file downloaded from CMAC website, will be made available to:

1. All students upon signing the student contract. Students would be informed

and instructed to read this policy. Negligence of this policy would not be granted as a legitimate reason for committing sexual violence.

2. All CMAC staff members and volunteers. It is most likely that volunteers and some workers would be given the pdf file of this policy instead of a hard copy. This is a little step for CMAC to take to participate in making a greener environment.

Reporting

1. If any CMAC member has been subject to or has witnessed or has knowledge of sexual violence involving any other member in the CMAC community or has reasons to believe that sexual violence has occurred or may occur involving any other member of CMAC community, he/she should report the incident immediately. There are informal and formal ways to report the incident:

Informal Procedure

- Confront the accused personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or
- Discuss the situation with the CMAC Director/Administrator/Instructor in person, according to the Complainant's own judgement.

Formal Procedure

–The complainant may write a complaint addressed to the CMAC Administrator.

The written complaint should include:

- I. The approximate date and time of the incident(s) the Complainant wish to report.
- II. Name(s) of the Respondent(s).
- III. Name(s) of the witness for the reported incident(s).
- IV. Full description of what occurred in the incident(s).

If the Administrator deems the situation urgent and the Complainant needs immediate assistance, the Director should be notified immediately and take charge of the matter.

2. CMAC will respond to any complaints promptly and provide reasonable updates to the complainant and the respondent about the status of the investigation.
3. If a student, in good faith, reports an incident of, or make a complaint about sexual violence, he/she will not be subject to any disciplinary actions for

violations of CMAC policy in relation to drug/alcohol abuse at the time of the alleged sexual violence occurred.

4. A student who discloses his/her experience of sexual violence through reporting an incident, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by CMAC's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.
5. CMAC realizes the right of the Complainant how to deal with his/her complaint about sexual violence and decided not to report an incident or not to make a complaint about sexual violence or not to request an investigation and not to participate in any investigation that may occur.
6. Howbeit, as noted (4) above, in certain circumstances, CMAC 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 any other CMAC member is at risk.
7. To the extent it is possible, CMAC will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk.
8. CMAC will keep all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and ensuring that the documentation is kept in a separate file from that of the Complainant/Student or the Respondent.

Investigation:

Upon a complaint of alleged sexual violence being made, CMAC will initiate an investigation. During the investigation, the Complainant and the Respondent will be allowed to ask another individual to be present throughout the investigation.

The investigation involves the followings:

- a. Determine whether the incident should be referred immediately to the police, and;
- b. Determine what interim measures, if any, need to be taken during the investigation; and
- c. Meet with the Complainant for a complete understanding of the allegations. If necessary, inquire again 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; and

- d. Interview any identified witnesses, or any individual who may know about incidents related to the Complainant or any other similar incidents; and
- e. Inform the Respondent of the complaint, provided details of the allegations and allowed the Respondent an opportunity to respond to those allegations; and
- f. Provide reasonable updates to the Complainant and the Respondent about the status of the investigation; and
- g. Determine what disciplinary action, if any, should be taken.

Making False Accusations:

It is considered a strong violation of this policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint. This policy must never be used for malicious complaints. It is important to realize that unfounded or frivolous allegations of personal harassment may cause the accused Respondent significant damages. Individuals who violate this policy by making false accusations are subject to disciplinary and/or corrective action mentioned in the section of “Disciplinary Actions” of this policy.

Disciplinary Actions

If CMAC determines that a member of the CMAC community has been involved in sexual violence against another member of the CMAC community, immediate disciplinary/corrective action will be taken up to and including

1. Termination of employment of the staff or,
2. Expulsion of a student or,
3. Placement of certain restrictions on the Respondent’s ability to access certain premises or facilities during the appointed time and/or,
4. Any other actions that may be appropriate in the circumstances (verbal warning, suspensions, etc.)

In cases where criminal proceedings are initiated, CMAC will assist law or police agencies, insurance companies, and courts to the fullest extent. Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence, CMAC may also conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

Appeal

Should the Complainant or the Respondent not agree with the decision resulting from



the investigation, he/she may appeal the decision to the director or the owner of CMAC within 5 business days by submitting a letter (hand delivered or by registered mail) addressed to the Owner at Canadian Music and Arts College, 3420 Pharmacy Ave., Toronto, ON, M1W 2P7 advising of the person's intent to appeal the decision.

Retaliation:

It is a violation of this policy to retaliate or threaten to retaliate against a complainant who has

1. Brought forward a complaint of sexual violence,
2. Provided information related to a complaint, or
3. Been involved in the complaint investigation process.

Should any individual be found violating this policy by retaliation (or threaten to retaliate) to the 3 groups written in the above paragraph, CMAC will take necessary corresponding legal action to protect the witness and the complainant.

Review:

This policy is subject to review and to update annually as required or as necessary.

Collection of Student Data

CMAC shall collect and be prepared to provide upon request by the Superintendent of Career Colleges such data and information as required according to Subsections 32.1 (8), (9), (10), and (11) of Schedule 5 of the *Ontario Career Colleges Act, 2005* as amended.

The following represents Provincial Rape Crisis Centres for those living in Toronto region that could be provided as resources:

Canadian Association of Sexual Assault Centres Ontario

English

Assaulted Women's Helpline Toll-Free: 1-866-863-0511

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

TTY: 416-364-8762 (website: www.awhl.org)

French (Français)

Fem'aide

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

ATS: 1-866-860-7082 (website: www.femaide.ca)

Canadian Music and Arts College

Unit 1, 3420 Pharmacy Avenue, Toronto,
Ontario, M1W 2P7

Toronto

For English-speaking service:

Toronto Rape Crisis Centre:

Multicultural Women Against Rape Crisis: 416-597-8808

Office: 416-597-1171 (quick escape)

E-mail: info@trccmwar.ca

E-mail: crisis@trccmwar.ca

Website: www.trccmwar.ca

For French (Français) speaking services:

Oasis Centre des Femmes Téléphone: 416-591-6565

Courriel: services@oasisfemmes.org

Website: <http://oasisfemmes.org/>