

Sexual Violence Policy Involving Students

Definitions:

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.

Sexual Assault:

Means any form of sexual contact without mutual consent. It can include unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature that is imposed by one person onto another without consent.

Sexual Harassment:

Means a course of unwanted remarks, behaviors, or communications of a sexually oriented nature and/or a course of unwanted remarks, behaviors or communications based on gender – where the person responsible for the remarks, behaviors or communications knows or ought reasonably to know that these are unwanted. It includes, but is not limited to:

- Sexual solicitations, advances, remarks, suggestive comments and gestures (including songs and chants);
- The inappropriate display of sexually suggestive pictures, posters, objects or graffiti;
- Non-consensual posting of pictures, aggressive comments and slurs on any form of social media;
- Physical contact of a sexual nature (including Sexual Assault under the Criminal Code);
- Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.

Consent: means an active, direct, voluntary, unimpaired and conscious choice and agreement between adults to engage in sexual activity.

Student: means any person enrolled as a student in any program of Passion Beauty Academy Inc.

Student Group: means a group affiliated with the Passion Beauty Academy Inc. and constituted to promote such things as social, vocational, academic, cultural, and/or political interests of students within its membership.

Survivor: means a person who reports having experienced sexual violence.

No-Contact Undertaking: means an agreement, mutually undertaken by two or more parties, to refrain from contacting one another based on mutually specified conditions.

Notice of Prohibition: means a notice to a particular individual that s/he has been prohibited from all or part of the Passion Beauty Academy Inc. campus.



Passion Beauty Academy Inc.

Purpose/Rationale:

The Passion Beauty Academy Inc. (hereafter referred to as "Passion Beauty Academy Inc." or "the College") are committed to the elimination of sexual assault and sexual violence to all members of the diverse Passion Beauty Academy Inc. community. Passion Beauty Academy Inc. is committed to supporting those affected by sexual assault and sexual violence. All members of the College community have a right to study, work and live in an environment that is free from any form of sexual assault and sexual violence. This policy and related procedures set out the manner in which the College addresses sexual assault and sexual violence. The College has a process of investigation that protects the rights of both the complainant and the respondent/s

Scope of the Policy:

This Policy applies to all members of the Passion Beauty Academy Inc. community including: all students, employees, contractors, suppliers of services, individuals who are connected to any College initiatives, volunteers, and visitors. Whereas, anyone can be the target or perpetrator of sexual assault and sexual violence, Passion Beauty Academy Inc. recognizes that:

- Women and girls, including Trans women and girls, indigenous women, racialized women, women with disabilities, young and senior women are much more likely to be the targets and survivors of sexual assault and sexual violence;
- The impact of sexual assault and sexual violence is experienced differently by different survivors based on their identities and lived experiences; and
- Males are also targets and survivors of sexual violence.

When sexual violence is reported to the college in accordance with this policy, Passion Beauty Academy Inc. will respond promptly, with the aim of:

- Supporting any member of the Passion Beauty Academy Inc. community who reports experiencing sexual violence.
- Assessing the safety of any person who reports experiencing sexual violence or who has reported sexual violence, as well as the safety of the entire campus community;
- Referring anyone who reports experiencing sexual violence to the formal and informal avenues for recourse;
- Engaging appropriate support and response mechanisms; and
- Ensuring that any member of the community against whom an allegation of sexual violence is made receives appropriate support and advice related to all college procedures.

Policy Statement:

Sexual violence is a serious problem in society and on college & university campuses. Through this policy, Passion Beauty Academy Inc. is committed to addressing sexual violence in our community through support, awareness education, training and prevention programs, and appropriate handling of incident reports and complaints.



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Responsibilities:

SEXUAL VIOLENCE AWARENESS, EDUCATION & TRAINING:

The College Campus Director will perform the duties as Sexual Violence Prevention and Response Coordinator along with other staff members, to develop and implement an annual education strategy to address issues of sexual violence, promote a culture of consent, and encourage the accessing of support for survivors. Such ongoing education will include awareness campaigns and educational and training programs for Passion Beauty Academy Inc. community.

The Passion Beauty Academy Inc. will deliver appropriate information related to sexual violence to Passion Beauty Academy Inc. community, including students in all programs, with a focus on incoming students during orientation week. Campus Director and staff will collaborate to lead content and format design, in consultation with students, to ensure the information is tailored to the audience and context. A particular focus will be on promoting a culture of consent, including the following principles:

- Consent is active and not passive or silent;
- It is the responsibility of the person who wants to engage in sexual activity to obtain clear consent from the other person;
- Consent is required at all stages of sexual engagement and that consent to one form of sexual activity does not imply consent to others;
- Consent can be withdrawn at any time;
- Consent is required regardless of the parties' relationship status or sexual history together; and
- Consent cannot be given by someone who is incapacitated by alcohol or drugs, who is unconscious, or who otherwise lacks the capacity to consent.

Commitment to Those Who Have Experienced Sexual Violence

Sexual violence can have serious negative impacts on an individual's physical, mental, emotional, and spiritual health and wellness. Passion Beauty Academy Inc. recognizes the possible traumatic effects of sexual violence and supports the efforts of individuals to seek support and recover.

All persons who report an experience of sexual violence can expect to be:

- treated with compassion, dignity, and respect;
- provided with timely safety planning assistance;
- informed about on- and off-campus support services and resources available to them;
- provided with non-judgmental and sympathetic support;
- provided with academic, recreational and housing accommodations as appropriate to prevent further unwanted contact with the alleged perpetrator if the alleged perpetrator is a member of the campus community;
- integral decision-makers in situations pertaining to themselves;
- allowed to determine whether and to whom they wish to disclose or report their experience, including:
 - whether or not to pursue formal criminal and/or college avenues of redress;
 - whether or not to disclose to a support person and seek out personal counselling

Upon receiving a report of sexual violence, the college will proceed as described below.

A. Support and Initial Assessment

Once the college has received a report of sexual violence, appropriate support and other resources will be offered to the person who has experienced sexual violence, as well as to any person or group against whom an allegation of sexual violence is made.

B. Interim Measures and Notices of Prohibition

The college may impose interim measures as may be appropriate for the individuals and student groups involved in any allegation of sexual violence. Interim measures may include, but are not limited to:

- Separation of the academic situations of any students involved in a report of sexual violence;
- Temporary administrative suspension of a student/staff alleged to have committed sexual violence;
- No-Contact Orders/Undertakings;
- Notice of Prohibition.

The imposition of any interim measure will depend on, and be in accordance with, the relevant policies set out below in the Non-Criminal On-Campus Options.

C. Academic Accommodations

Students requiring academic accommodations (e.g., extensions on assignments, deferrals of exams, dropping classes, continuing studies from home) will be supported by the Sexual Violence Prevention and Response Coordinator, in accordance with the college procedures for requesting and granting accommodations.

REPORTING SEXUAL VIOLENCE

Anyone who has witnessed or experienced sexual violence has options for filing a report or complaint in response to an incident of sexual violence and may choose to pursue formal or informal reporting options. The Sexual Violence Prevention and Response Coordinator is best suited as the first point of contact for all in the campus community seeking information about options for reporting sexual violence or seeking support. The Sexual Violence Prevention and Response Coordinator can provide the information needed to make decisions with respect to reporting options. Anyone who experiences or witness sexual violence may pursue any of the following reporting options:

a) Criminal Reporting Option: Individuals may report their allegations through the criminal justice system by contacting the Peel Police Service. If an individual chooses this route, Sexual Violence Prevention and Response Coordinator (Campus Director) can facilitate making a report to the police.

b) Non-Criminal, On-Campus Reporting Options:

- Reports involving allegations against any member of Passion Beauty Academy Inc. community can be made through the Harassment Complaint Policy and Procedure, using Harassment Complaint Form.

Anyone who has experienced or witnessed sexual violence may pursue more than one reporting option simultaneously.



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Confidentiality

Confidentiality is important to those who have disclosed sexual assault and sexual violence. The confidentiality of all persons involved in a report of sexual assault and sexual violence will be strictly observed, and the College will restrict routine access to information to individuals with a need for such access and will respect the confidentiality of all persons, including the complainant, respondent, and witnesses.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; and/or
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

Effective:

December 6, 2016 Sexual Assault and Sexual Violence Policy in such circumstances, information would only be shared with necessary service areas/departments to prevent harm, and the name of the survivor would not be released to the public.

The nature of complaint investigation precludes anonymity; hence confidentiality has limitations in the investigation processes. However, due diligence shall be exercised to protect the rights of the complainant, respondents and witnesses. Where the College becomes aware of an allegation of sexual assault and sexual violence by a member of the College community against another member of the College community, the College may also be obliged to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, specific College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

Support and Representation

Complainants and respondents may attend meetings with a single (non-participating) support person. The College considers requests to attend meetings with additional support persons and with legal or other representation on a case-by-case basis, with a view to promoting a fair and expeditious process. The College may still question and expect direct answers from an individual who is represented.

Person who is not required to report an incident of, or make a complaint about, sexual violence will obtain the supports and services.

Interim Measures

The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be moved from a complainant's residence, restricted from entering certain parts of campus and restricted from attending class. Such "interim measures" will be imposed only as necessary to meet the needs of complainants and persons who report incidents of sexual assault and sexual violence.

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The College will also take steps to minimize the impact of interim measures on respondents. Interim measures are not punishment and do not represent a finding of misconduct. The College may impose interim measures immediately, without a hearing. Respondents may ask the College to review a decision to impose interim measures, but only to address the impact of the imposed measure and the preference for other alternatives.

Outcomes

The College will determine, based on its investigation and hearing as appropriate, what happened and whether it constitutes sexual assault and sexual violence. If the College finds there has been misconduct, it will determine the appropriate penalty. Students may face discipline, up to and including expulsion. Employees may face penalties, cancellation of contracts and other sanctions. The College may also impose non-punitive measures. The College will inform the complainant and respondent of the results of its investigation as per the applicable procedure.

Effective: December 6, 2016 Sexual Assault and Sexual Violence Policy

Appeals

Appeals of student violations may be pursued based on limited grounds as set out in the Code of Student Conduct Policy. College employees who are members of a union may file a grievance as permitted by the applicable collective agreement. There is no formal appeal process for supplier, volunteer or visitor violations.

Training

The College community shall participate in ongoing education and training on the interruption and prevention of sexual assault and sexual violence.

- Passion Beauty Academy Inc. will provide regular trainings on the Sexual Assault and Sexual Violence policy and applicable procedures to all its constituents.
- Training and information about the Policy is available at

Sexual Violence Prevention and Response Coordinator

Ahmed Rashed;

905-624-8448

ahmed@passionbeautyacademy.com



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Collection and Reporting of Sexual Assault and Sexual Violence Statistics

In accordance with Bill 132, Sexual Violence and Harassment Action Plan Act, 2016, Postsecondary institutions in Ontario are required to report aggregate data to the Ministry of Advanced Education and Skills Development on student disclosures of sexual assault and sexual violence.

MAINTENANCE OF STATISTICS

The Sexual Violence Prevention and Response Coordinator will maintain annual statistics, without Identifying Information, on disclosed and reported incidents of sexual violence on campus, in accordance with legislative requirements. Any external reporting of statistics will be in accordance with provincial regulations.

SPECIAL CIRCUMSTANCES

To prevent delay, when positions authorized to exercise responsibility under this policy are vacant or during the unavailability of persons holding those positions, the College President may designate other persons to exercise their authority under this policy.

**Contact Officer:
Sexual Violence Prevention and Response Coordinator
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APPENDIX (A)

DISPELLING THE MYTHS AND MISCONCEPTIONS ABOUT SEXUAL ASSAULT

Use of the term “Rape” in the context of Sexual Violence

This policy refers to the offence of sexual assault to align with the current offence contained in the Criminal Code. The word “rape” is no longer used in criminal statutes in Canada. The term was replaced many years ago to acknowledge that sexual violence is not about sex but is about acts of psychological and physical violence. The term “sexual assault” provides a much broader definition and criminalizes unwanted behavior such as touching and kissing as well as unwanted oral sex and vaginal and anal intercourse. Although the term no longer has a legal meaning in Canada, the term rape is still commonly used.

MYTHS	FACTS
It wasn't rape, so it wasn't sexual violence	Sexual assault and sexual violence encompasses a broad range of unwanted sexual activity. Any unwanted sexual contact is considered to be sexual violence. A survivor can be severely affected by all forms of sexual violence, including unwanted fondling, rubbing, kissing, or other sexual acts. Many forms of sexual violence involves no physical contact, such as stalking or distributing intimate visual recordings. All of these acts are serious and can be damaging.
Sexual assault can't happen to me or anyone I know.	Sexual assault can and does happen to anyone. People of all socioeconomic and ethnic backgrounds are victims of sexual assault, but the vast majority of sexual assaults happen to women and girls. Young women, Aboriginal women and women with disabilities are at greater risk of experiencing sexual assault.
Sexual assault is most often committed by strangers.	Someone known to the victim, including acquaintances, dating partners, and common-law or married partners, commit approximately 75 per cent of sexual assaults.
Sexual assault is most likely to happen outside in dark, dangerous places.	The majority of sexual assaults happen in private spaces like a residence or private home

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If an individual doesn't report to the police, it wasn't sexual assault	Just because a victim doesn't report the assault doesn't mean it didn't happen. Fewer than one in ten victims report the crime to the police
It's not a big deal to have sex with someone while they are drunk, stoned or passed out	If a person is unconscious or incapable of consenting due to the use of alcohol or drugs, they cannot legally give consent. Without consent, it is sexual assault
If the person chose to drink or use drugs, then it isn't considered sexual assault	This is a prominent misconception about sexual assault. No one can consent while drunk or incapacitated
If the victim didn't scream or fight back, it probably wasn't sexual assault. If the victim does not fight back, the sexual assault is their fault	When an individual is sexually assaulted they may become paralyzed with fear and be unable to fight back. The person may be fearful that if they struggle, the perpetrator will become more violent
If you didn't say no, it must be your fault	People who commit sexual assault/abuse are trying to gain power and control over their victim. They want to make it extremely difficult, if not impossible, for their victim to say no. A person does not need to actually say the word "no" to make it clear that they did not want to participate. The focus in consent is on hearing a "yes"
If a woman isn't crying or visibly upset, it probably wasn't a serious sexual assault	Every woman responds to the trauma of sexual assault differently. She may cry or she may be calm. She may be silent or very angry. Her behavior is not an indicator of her experience. It is important not to judge a woman by how she responds to the assault
If someone does not have obvious physical injuries, like cuts or bruises, they probably were not sexually assaulted	Lack of physical injury does not mean that a person wasn't sexually assaulted. An offender may use threats, weapons, or other coercive actions that do not leave physical marks. The person may have been unconscious or been otherwise incapacitated
If it really happened, the victim would be able to easily recount all the facts in the proper order	Shock, fear, embarrassment and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma. Memory loss is common when alcohol and/or drugs are involved

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Persons with disabilities don't get sexually assaulted	Individuals with disabilities are at a high risk of experiencing sexual violence or assault. Those who live with activity limitations are over two times more likely to be victims of sexual assault than those who are able-bodied
A spouse or significant other cannot sexually assault their partner	Sexual assault can occur in a married or other intimate partner relationship. The truth is, sexual assault occurs ANY TIME there is not consent for sexual activity of any kind. Being in a relationship does not exclude the possibility of, or justify, sexual assault. A person has the right to say "no" at ANY point
People who are sexually assaulted "ask for it" by their provocative behavior or dress	This statement couldn't be more hurtful or wrong. Nobody deserves to be sexually assaulted. Someone has deliberately chosen to be violent toward someone else; to not get consent. Nobody asks to be assaulted. Ever. No mode of dress, no amount of alcohol or drugs ingested, no matter what the relationship is between the survivor and the perpetrator or what the survivor's occupation is, sexual assault is always wrong
Sexual assault only happens to women	Not true. The majority of sexual assaults are committed against women by men, but people of all genders, from all backgrounds have been/can be assaulted.
Sexual abuse of males is rare	According to Statistics Canada, six per cent of males 15 or over reported that they had experienced sexual victimization. Sexual assault/abuse occurs in every economic, ethnic, age and social group
If you got aroused or got an erection or ejaculated you must have enjoyed it	It is normal for your body to react to physical stimulation. Just because you became physically aroused does not mean that you liked it, or wanted it or consented in any way. If you experienced some physical pleasure, this does not take away the fact that sexual abuse happened or the effects or feelings of abuse

APPENDIX (B)
SEXUAL ASSAULT CENTRES (ONTARIO)

Region in Ontario	Sexual Assault Centre	24-hr Crisis Line	Office Phone Number
Algoma (Sault Ste. Marie)	Women In Crisis Algoma	1-877-759-1230	705-759-1230
Belleville-Quinte	Sexual Assault Centre for Quinte & District	1-877-544-6424	613-967-6300
Brant	Sexual Assault Centre of Brant	519-751-3471	519-751-1164
Bruce County	Women's House Serving Bruce and Grey: Sexual Assault Services	1-866-578-5566	519-372-1113
Toronto	Toronto Rape Crisis Centre	416-597-8808	416-597-1171
Halton (Oakville)	Sexual Assault & Violence Intervention Services of Halton	905-875-1555	906-825-3622
Hamilton	Sexual Assault Centre Hamilton & Area (SACHA)	905-525-4162	905-525-4573