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## **Shallow Creek Academy of Hair Design Sexual Harassment Policy**

**Date:** July 1<sup>st</sup>, 2023

### **1. Sexual Violence Policy**

a) We are committed to providing employees with a safe workplace environment, and students with a safe learning environment free from sexual violence.

Employees or students who report incidents of sexual violence will be treated with dignity and respect.

b) Shallow Creek Academy will investigate and report any complaints of sexual violence occurring on campus or at any school sponsored event.

c) The person accused of engaging in sexual violence, will be referred to as “respondent” person making the allegation “Complainant”.

### **2. Definition of Sexual Violence**

Sexual violence means any sexual act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature. Any threat or attempt against a person without consent, including, sexual assault, sexual solicitation, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

### 3. Training, Reporting and responding to Sexual Violence

a) Shallow Creek Academy of Hair Design will include a copy of the sexual violence policy in every contract made between it, its students, and its employees.

All director, shareholders and staff will be provided with the process of reporting, investigating and responding to any complaints of sexual violence incidents occurring on the premises or affiliated school function.

Ontario Human Rights and Occupational Health and Safety Act will be available to students should they encounter sexual violence in their workplace (apprenticeship placements).

b) Sexual Violence Policies will be posted in a conspicuous location on the campus.

c) Instructors or staff will report any incidents or complaints of sexual violence to **Susan deJong** (director) upon becoming aware of them.

d) Students and staff affected may contact **Susan deJong** (director) if they need information about support services.

e) Shallow Creek will attempt to keep all personal information private. Unless, circumstance would leave us to believe any individual would be at risk of harm from self or others.

- information on the need to know basis.
- all documents will be stored in separate file.  
(complainant and Respondent)

f) Shallow Creek Academy will respect the rights of the complainant not to report an incident, or to participate in any investigations that may occur.

g) Shallow Creek Academy may be required, by law, to initiate an investigation and/or inform the police without the complaint's consent.

If it is believed, that the safety of members of its campus or broader community is at risk, Shallow Creek will notify the appropriate authorities.

h) Shallow Creek Academy will assist students or staff who experience sexual violence in obtaining counselling or medical help.

Shallow Creek Academy will provide them with information about support and services available in the community.

(This does not require any formal complaints to be filed)

#### 4 . **Investigating Reports of Sexual Violence**

a) Any student or staff of Shallow Creek Academy may file an incident or complaint (in writing) to **Susan deJong**

Parties involved could include staff, students or share holders.

b) Upon receiving any said complaint, Shallow Creek will promptly:

- determine if further investigation is required.
- determine who should conduct investigation, the seriousness of the allegation, and parties involved.
- determine if police need to become involved. Shallow Creek Academy may conduct its own independent investigation
- determine what measures will be in place during investigation.

c) Once investigation begins

- Complainant and Respondent will be advised that they may ask another person to be present.
- Complainant will be interviewed to ensure full understanding of allegation, and gather additional information (date, time, people involved, and witnesses statements)
- Respondent will be supplied details of the allegations and be given the opportunity to respond. They may provide any witnesses essential to the investigation.
- Any witness or any person involved or who may have knowledge of will be interviewed.
- Both parties will be provided updates on the status of the investigation.

d) Following the investigation, the director will:

- a) Review evidence
- b) Determine if sexual violence occurred
- c) Determine what disciplinary action (if any) should be taken

## 5. **Disciplinary Measures**

a) If it is determined by Shallow Creek Academy of Hair Design that the Respondent did engage in a sexual violence act, immediate disciplinary or corrective action will be taken, such as:

- Disciplinary action up to, and including, termination of employment of instructors or any staff
- Expulsion of students
- Restrictions may be placed on Respondent's ability to access the premises
- Any other actions that may be appropriate in the circumstances.

## 6. **Appeal**

- a) Should either party not agree with the decision made, they have the right to appeal within 5 business days.
- b) Intent to appeal the decision will be made in writing to **Susan deJong** (director) or **Bert deJong** ( chairman of the board)

## 7. **Making False Statements**

- a) It would be in violation of the Sexual Violence Policy to knowingly make or give a false complaint, or provide false information
- b) Individuals that violate this policy are also subject to disciplinary or corrective action. Including termination of employment of instructor or staff or expulsion of a student.

## **8. Reprisal**

a) It is a violation of this sexual violence policy to retaliate or threaten to retaliate against the Complainant.

No information may be shared about the investigation.

b) Individuals who violate this policy are subject to disciplinary or corrective actions.

## **9. Review**

a) Shallow Creek Academy of Hair Design will ensure that students' input be considered with the development of the Sexual Violence Policy.

b) Shallow Creek Academy will review its policies and amend it every 3 years.

## **10. Collection of Student Data,**

a) Shallow Creek Academy of Hair Design will collect and be prepared to provide any such data upon request from the superintendent of Private Career Colleges.

## **Effective March 1 2022- Amendment**

### **Amendment to .Reg 415/06 (General) under the Private Career Colleges Act, 2005 related to sexual violence policies**

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.

## **Effective July 1 2023- Amendment**

### **Amendments to the Ministry of Training, Colleges and Universities Act. (Act) Bill 26 requires a new section to the Act titled "Sexual abuse by employees."**

#### **1) Sexual Abuse by Employees Towards Students**

Sexual abuse, in relation to a student of an institution, is defined as:

- (a) physical sexual relations with the student, touching of a sexual nature of the student, or behaviour or remarks of a sexual nature toward the student by an employee of the institution where,
  - (i) the act constitutes an offence under the Criminal Code (Canada),
  - (ii) the act infringes the right of the student under clause 7 (3) (a) of the Human Rights Code to be free from a sexual solicitation or advance, or

(iii) the act constitutes sexual abuse as defined in Shallow Creek Academy of Hair Design's employee sexual misconduct policy or contravenes any policy, rule, or other requirement of the institution respecting sexual relations between employees and students, or

(b) any conduct by an employee of the institution that infringes the right of the student under clause 7 (3) (b) of the Human Rights Code to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.

## **2) Disciplinary Action**

In the event that an employee is accused by a student of committing an act of sexual abuse, they are subject to the same investigation and disciplinary measures as outlined previously.

a) The discharge or discipline would be deemed to be for just cause for all purposes, and the employee would not be entitled to notice of termination, termination pay, or any other compensation or restitution as a result of the discharge or disciplinary measure. The penalty could not be substituted by a labour arbitrator, arbitration board or other adjudicator, notwithstanding the Labour Relations Act, 1995 (s. 48(17)), the Colleges Collective Bargaining Act, 2008 (s. 14(17)) or any provision of a collective agreement or employment contract.

b) An employee could not be reemployed by an institution which has discharged the employee, or where they have resigned, as a result of committing an act of sexual abuse against a student.