



TORONTO MONTESSORI  
INSTITUTE

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# Sexual Violence Policy

Toronto Montessori Institute

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## **A. Introduction**

Every Toronto Montessori Institute student who experiences sexual violence or harassment has the right to be treated with dignity, compassion, and respect. In addition, every student has the right to choose among any available options for addressing incidents of sexual violence or harassment, whether these options are provided on campus or off. Except in extreme situations, where there is an imminent threat to the campus or broader community, the choice of options (including the choice not to exercise any option) always remains with you, the student.

## **B. Purpose**

The purpose of this policy is to state Toronto Montessori Institute's (TMI's) commitment to providing a consistent and supportive response to members of its community, who disclose experiences of sexual violence, through awareness, education, training and prevention programs, survivor support, services and resources available on and off site.

## **C. Sexual Violence Policy**

- (a) TMI is committed to providing its students with an educational environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect.
  
- (b) TMI has adopted this Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involve its students.
  
- (c) The person accused of engaging in sexual violence will be referred to as the "Respondent" and the person making the allegation as the "Complainant".

## **D. Definitions**

**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 sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

**Consent:** Consent is the voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to

participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

- a) Consent cannot be implied or assumed.
- b) Consent cannot be given by someone who is incapacitated, unconscious, intoxicated, or otherwise incapable of consenting;
- c) Consent can be withdrawn anytime;
- d) Consent cannot be obtained through threats, coercion, or other forms of control and intimidation, which includes coercion through abuse of a position of trust, power, or authority and;
- e) It is the responsibility of the person who wishes to initiate sexual activity to obtain consent from the other person(s) involved.
- f) The definition of consent does not vary based on a person's sex, sexual orientation, gender identity or gender expression.
- g) Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- h) A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- i) A person who is drugged is unable to consent.
- j) A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- k) A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- l) The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- m) A person can withdraw consent at any time during the course of a sexual encounter.
- n) A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position.
- o) Consent cannot be given on behalf of another person.
- p) It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

#### **E. Training, Reporting and Responding to Sexual Violence**

- a) TMI shall include a copy of the Sexual Violence Policy in every contract made between it and its students, and provide a copy of the Sexual Violence Policy to TMS management , instructors, staff, other employees and contractors and train them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence

involving its students. \*Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.

- b) The Sexual Violence Policy shall be published on the TMI website ([www.tmi.edu](http://www.tmi.edu)).
- c) Career college management, instructors, staff, other employees and contractors of TMI will report incidents of or complaints of sexual violence to the TMI Director upon becoming aware of them.
- d) Students who have been affected by sexual violence or who need information about support services should contact the TMI Director, TMI Registrar and/or the TMS nurse.
- e) Subject to Section F below, to the extent it is possible, TMI 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 of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. This will be done by:
  - i. ensuring that 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
  - ii. ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.
- f) TMI recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur.
- g) Notwithstanding (f), in certain circumstances, TMI 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.

- h) In all cases, including (f) above, TMI will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact the TMI Director.
- i) In this regard, TMI will assist students who have experienced sexual violence in obtaining counseling and medical care, and provide them with information about sexual violence supports and services available in the community as set out in Appendix 1 attached hereto. Students are not required to file a formal complaint in order to access supports and services.

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

- a) Under this Sexual Violence Policy, any TMI student may file a report of an incident or a complaint to the TMI Director in writing. The other officials, offices or departments that will be involved in the investigation will depend on the specifics of the incident but may include the TMI Registrar, TMS Human Resources, the TMS nurse, TMS Executive Management, and TMS legal counsel.

Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, the TMI Director will respond promptly and:

- i. determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;
  - ii. determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
  - iii. determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, TMI may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and
  - iv. determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.
- b) Once an investigation is initiated, the following will occur:
    - i. the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
    - ii. interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as 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;
- iii. informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;
  - iv. interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;
  - v. providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
  - vi. following the investigation, the TMI Director, in conjunction with TMS Executive Management will:
    - (a) review all of the evidence collected during the investigation;
    - (b) determine whether sexual violence occurred; and if so
    - (c) determine what disciplinary action, if any, should be taken as set out in Section G below.

#### **G. Disciplinary Measures**

- a) If it is determined by TMI that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:
  - i. disciplinary action up to and including termination of employment of instructors or staff; or
  - ii. expulsion of a student; and /or
  - iii. the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
  - iv. any other actions that may be appropriate in the circumstances.

#### **H. Appeal**

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the TMS Board within 15 days by submitting a letter addressed to the TMS Board Chair advising of the person's intent to appeal the decision.

#### **I. Making False Statements**

- a) It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

- b) Individuals who violate this Sexual Violence 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.

**J. Reprisal**

- a) It is a violation of this Sexual Violence 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.
- b) Individuals who violate the Sexual Violence 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.

**K. Review**

- a) TMI shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.
- b) TMI shall review its Sexual Violence Policy 3 years after it is first implemented and amend it where appropriate. This date is December 1, 2019.

**L. Collection of Student Data**

- a) TMI 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.

## Appendix 1

The following represents a list of Provincial Rape Crisis Centres that could be provided as resources:

### **Canadian Association of Sexual Assault Centres**

#### **Ontario**

Provincial

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](http://www.awhl.org)

Français

Fem'aide

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

ATS: 1 866 860-7082

[www.femaide.ca](http://www.femaide.ca)

### **Toronto Rape Crisis Centre/Multicultural Women Against Rape (TRCC/MWAR)**

Crisis Line: 416-597-8808

Email: [crisis@trccmwar.ca](mailto:crisis@trccmwar.ca)

Website: <http://trccmwar.ca/>

### **Assaulted Women's Helpline**

GTA: 416-863-0511

GTA TTY: 416-364-8762

Toll-Free: 1-866-863-0511

Toll-Free TTY: 1-866-863-7868

### **Good2Talk**

Telephone: 1-866-925-5454

Email: [info@good2talk.ca](mailto:info@good2talk.ca)

Website: [HTTP:WWW.GOOD2TALK.CA/](http://WWW.GOOD2TALK.CA/)

### **Mackenzie Health – Domestic Abuse and Sexual Assault Care Centre (DASA)**

Telephone: 905-883-1212 ext. 0 and ask for the DASA nurse on call. Or you can go to the Emergency Department at Mackenzie Health and tell the nurse at the front desk you would like to see the DASA nurse on call.

### **York Region Police Services**

Telephone: 1-866-876-5423

Website: <https://www.yrp.ca/en/index.asp>

### **Toronto Police Services**

Telephone: 416-808-2222

Website: <http://www.torontopolice.on.ca/>

### **Sexual Assault/Domestic Violence Treatment Centres**

35 hospital-based centres that provide 24/7 emergency care to women. To locate the Sexual Assault/Domestic Violence Treatment Centre nearest you, follow this link.

Local

Alliston, Barrie, Collingwood, Midland and Orillia

Huronian Transition Homes operates La Maison Rosewood Shelter (Midland) & Athena's Sexual Assault Counselling and Advocacy Centre 24-Hour Crisis Line:

Barrie: 705-737-2008 or 1-800-987-0799

Midland: 705-526-4211 or 1-800-461-175

Office: 705-526-3221

[www.huroniatransitionhomes.ca](http://www.huroniatransitionhomes.ca)

Belleville

Sexual Assault Centre for Quinte and District

Toll-Free: 1-877-544-6424

Office: 613-967-6300

[www.sacqd.com](http://www.sacqd.com)

Bracebridge

Muskoka/Parry Sound Sexual Assault Services

Parry Sound District Office

Office: (705) 774-9083 or 1-877-851-6662

[www.daphnewymn.com](http://www.daphnewymn.com)

Muskoka District Office

Office: (705) 646-2122 or 1-877-406-1268

[www.daphnewymn.com](http://www.daphnewymn.com)

Brantford

Sexual Assault Centre of Brantford

Crisis: 519-751-3471

Office: 519-751-1164

[sexualassaultcentre@sacbrant.ca](mailto:sexualassaultcentre@sacbrant.ca)

<http://sacbrant.ca/>

Brockville

Assault Response & Care Centre

Office: (613) 345-3881 or 1-800-567-7415

[arcc@bgh-on.ca](mailto:arcc@bgh-on.ca)

[www.arc-c.ca](http://www.arc-c.ca)

#### Chatham

Chatham-Kent Sexual Assault Crisis Centre

24-Hour Crisis Line: 519-354-8688

Office/TTY: 519-354-8908

<http://cksacc.org/>

#### Cornwall

Sexual Assault Support Services for Women

Office: 613-932-1755

<http://sassforwomen.ca/>

Iethinisten:ha Women's Shelter

Akwesasne Family Violence Program

24-Hour Crisis: 1-800-480-4208

Phone: 613-937-4322

[www.akwesasne.ca/iethinistenha-women's-shelter](http://www.akwesasne.ca/iethinistenha-women's-shelter)

#### Durham Region

Durham Rape Crisis Centre

Crisis: 905-668-9200

Office: 905-444-9672

[info@drcc.ca](mailto:info@drcc.ca)

[www.drcc.ca](http://www.drcc.ca)

#### Eganville

Women's Sexual Assault Centre of Renfrew County

24-Hour Crisis: 1-800-663-3060

Office: 613-735-5551

[www.wsac.ca](http://www.wsac.ca)

#### Guelph

Guelph-Wellington Women in Crisis

Crisis: 519-836-5710

1-800-265-7233

Office: 519-823-5806

[www.gwwomenincrisis.org](http://www.gwwomenincrisis.org)

#### Hamilton

Sexual Assault Centre (Hamilton and Area)

Crisis: (905) 525-4162

Office (905) 525-4573

TTY: 905-525-4592

[www.sacha.ca](http://www.sacha.ca)

#### Kenora

Kenora Sexual Assault Centre

Crisis: (807) 468-7233 or 1-800-565-6161

Office: (807) 468-7958

[www.kenoralsexualassaultcentre.com](http://www.kenoralsexualassaultcentre.com)

#### Kingston

Sexual Assault Centre Kingston

Crisis: 613-544-6424 or 1-877-544-6424

Office: 613-545-0762

[sack@sackington.com](mailto:sack@sackington.com)

[www.sackington.com](http://www.sackington.com)

#### Kitchener-Waterloo

Sexual Assault Support Centre of Waterloo Region

Crisis: 519.741.8633

Office: 519.571.0121

[info@sascwr.org](mailto:info@sascwr.org)

[www.kwsasc.org](http://www.kwsasc.org)

#### London

Sexual Assault Centre London

Crisis: 519-438-2272

Office 519-439-0844

TTY: 519-439-0690

[sacl@sacl.ca](mailto:sacl@sacl.ca)

[www.sacl.ca](http://www.sacl.ca)

London Abused Women's Centre

Office: 519-432-2204

E-Mail: [info@lawc.on.ca](mailto:info@lawc.on.ca)

<http://lawc.on.ca/>

#### Peel Region

Hope 24/7 (formerly the Sexual Assault/Rape Crisis Centre of Peel)

Crisis: 1-800-810-0180

Office: (905) 792-0821

<http://hope247.ca/>

#### Newmarket

Women's Support Network of York Region

Crisis: 1-800-263-6734 or 905-895-6734

Office: (905) 895-3646

[www.womenssupportnetwork.ca](http://www.womenssupportnetwork.ca)

#### North Bay

Amelia Rising Women's Sexual Assault Centre of Nipissing/centre d'agressions sexuelles de Nipissing

Crisis: 705-476-3355

Office: 705-840-2403

TTY: (705) 840-5877

info@ameliarising.ca

[www.ameliarising.ca](http://www.ameliarising.ca)

#### Oakville

Sexual Assault & Violence Intervention Services of Halton

Crisis: 905-875-1555 or 1-877-268-8416

Office: 905-825-3622

[www.savisofhalton.org](http://www.savisofhalton.org)

#### Orangeville

Family Transition Place

Crisis: 1-800-265-9178

Office: 519-942-4122

[www.familytransitionplace.ca](http://www.familytransitionplace.ca)

#### Ottawa

Sexual Assault Support Centre

Crisis: 613-234-2266

Phone: 613-725-2160

TTY: 613-725-1657

info@sascottawa.com

<http://sascottawa.com>

#### Ottawa Rape Crisis Centre

Crisis: 613-562-2333

Office: 613-562-2334

<http://orcc.net/>

#### Peterborough & Kawarthas

Kawartha Sexual Assault Centre

Crisis: (705) 741- 0260 or 1-866-298-7778

Office/TTY: (705) 741-0260

[www.kawarthasexualassaultcentre.com](http://www.kawarthasexualassaultcentre.com)

YWCA Peterborough Haliburton

Crisis: 1-800-461-7656

Office: 705.743.3526 x 130

[www.ywcapeterborough.org](http://www.ywcapeterborough.org)

Sault Ste Marie  
Women in Crisis (Algoma) Inc.  
Crisis: 705-759-1230 or 1-877-759-1230  
[www.womenincrisis.ca](http://www.womenincrisis.ca)

Sarnia-Lambton  
Sexual Assault Survivors Centre Sarnia-Lambton  
Crisis: 519 337-3320 or 1-888-231-0536  
Office: (519) 337-3154  
[www.sexualassaultsarnia.on.ca](http://www.sexualassaultsarnia.on.ca)

Simcoe  
Haldimand & Norfolk Women's Service  
Crisis: 1-800-265-8076  
TTY: 1-800-815-6419  
Office: 519-426-8048  
hnws@hnws.on.ca  
[www.hnws.on.ca](http://www.hnws.on.ca)

St. Catherines  
Niagara Region Sexual Assault Centre  
Crisis: (905) 682-4584  
Office: (905) 682-7258  
carsa@sexualassaultniagara.org  
<http://sexualassaultniagara.org/>

Thunder Bay  
Thunder Bay Sexual Assault and Sexual Abuse Crisis and Counselling Centre  
Office: (807) 345-0894 or 1-866-311-5927  
tbcounselling@tbsasa.org  
[www.tbsasa.org](http://www.tbsasa.org)

Timmins  
Timmins and Area Women in Crisis  
Crisis: 1-877-268-8380 (sexual assault)  
Crisis: 1-855-827-7233 (shelter)  
Office: (705) 268-8381  
info@tawc.ca  
<http://www.tawc.ca/>

Windsor  
Sexual Assault Crisis Centre of Essex County  
Crisis: 519-253-9667  
[www.saccwindsor.net](http://www.saccwindsor.net)

Woodstock  
Domestic Abuse Services Oxford  
Crisis: 519 539-4811 or 1-800-265-1938  
[info@daso.ca](mailto:info@daso.ca)  
[www.daso.ca](http://www.daso.ca)