

Part 9. Student Sexual Violence Policy

1. Sexual Violence Policy

- (a) *Metrocare Health Academy* 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) *Metrocare Health Academy* 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”.

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

3. Training, Reporting and Responding to Sexual Violence

- (a) *Metrocare Health Academy* 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 career college management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the career college’s affairs, and their agents), 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.
- (b) The Sexual Violence Policy shall be published on its website
- (c) Career college management, instructors, staff, other employees and contractors of *Metrocare Health Academy* will report incidents of or complaints of sexual violence to the *Metrocare Health Academy Administrator - Levi Frias or Registrar - Andrew Frias* upon becoming aware of them.
- (d) Students who have been affected by sexual violence or who need information about support services should contact the MHA Registrar - Andrew Frias.
- (e) Subject to Section 4 below, to the extent it is possible, *Metrocare Health Academy* 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) *Metrocare Health Academy* recognizes the right of the Complainant not to report an incident 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, *Metrocare Health Academy* 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, *Metrocare Health Academy* will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact *Metrocare Health Academy Registrar - Andrew Frias*.

In this regard, *Metrocare Health Academy* will assist students who have experienced sexual violence in obtaining counselling 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.

4. Investigating Reports of Sexual Violence

- (a) Under this Sexual Violence Policy, any student of *Metrocare Health Academy* college may file a report of an incident or a complaint to *Metrocare Health Academy Registrar - Andrew Frias* in writing. The other officials, offices or departments that will be involved in the investigation are:
- (i) Administrator - Levi Frias
 - (ii) Office of the Registrar - Andrew Frias
 - (iii) Students Services - Rose Bacod
- (b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, *Metrocare Health Academy Registrar - Andrew Frias* 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, *Metrocare Health Academy* 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.
- (c) 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 *Metrocare Health Academy Registrar - Andrew Frias* 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 5 below.

5. Disciplinary Measures

- (a) If it is determined by *Metrocare Health Academy* 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.

6. Appeal

- (a) Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to *Metrocare Health Academy Administrator - Levi Frias* within 15 days by submitting a letter addressed to *Levi Frias* advising of the person's intent to appeal the decision.

7. 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.

8. 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.

9. Review

- (a) *Metrocare Health Academy* shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.
- (b) *Metrocare Health Academy* shall review its Sexual Violence Policy 3 years after it is first implemented and amend it where appropriate. This date is (June 2020).

10. Collection of Student Data

- (a) *Metrocare Health Academy* 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 32.1 (8), (9), (10) and (11) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.