

# Metro Truck Driving School

## Sexual Violence Policy

### Purpose

Metro Truck Driving School is committed to combating sexual violence in all forms in its community. Sexual violence is unacceptable and will not be tolerated. Individuals and groups who commit or attempt to commit acts of sexual violence will be held accountable through a process that ensures procedural fairness. This policy makes clear this commitment to addressing sexual violence and rape culture through survivor support, awareness, education, training and prevention programs, the appropriate handling of reports or complaints of sexual violence incidents, and to fostering and promoting a culture of consent.

### Policy

#### **Parameters of Consent**

What does consent mean:

- a. Consent is active, not passive or silent; it must be affirmative and ongoing.
- b. Consent cannot be coerced through harassment, manipulation, threats or abuse of power.
- c. It is the responsibility of the person who wants to engage in physical contact or sexual activity to make sure that they have consent from the other person(s) involved.
- d. Consent to one sexual act does not constitute or imply consent to a different sexual act.
- e. Consent is required regardless of the parties' relationship status or sexual history together.
- f. Consent cannot be given by a person who is incapacitated by alcohol or drugs or who is unconscious or otherwise lacks the capacity to give consent.
- g. Impaired judgment on the part of the person accused that leads them to think or believe there was consent is not an excuse for an act of sexual violence.

## Reports or Complaints

Reporting options include:

- a. **Reporting to Police** – Reports or complaints can be made to the police in order to pursue criminal charges under the Criminal Code of Canada. This, or some other legal action, is the only option for pursuing an adjudication process or redress for sexual violence perpetrated by someone who is not part of the school. If this is the case, survivors can still access support through the school which could, put restrictions on the accuser's ability to access the school.
- b. **Reporting to Metro Truck Driving School** – Reports or complaints can be made under this policy when a Metro Truck Driving School student is accused of an incident of sexual violence.

## Making a Report or Complaint under this Policy

It is important that a person who reports an incident of sexual violence perpetrated by another Metro Truck Driving School student is heard and has access to appropriate support and resources. To make a report or complaint of sexual violence, the complainant should contact the school administrator at:

Administrators Name: George Cierpich  
Phone Number: 905-673-1441  
Address: 6985 Davand Dr. #11, Mississauga, ON., L5T 1Y7  
Email: metrotruckschool@gmail.com

The complainant may file a report or complaint in writing via e-mail or letter or may request an in-person meeting to make their report or complaint. The role of the person taking the report or complaint is to listen, clarify details and assess appropriate next steps.

## Withdrawal of a Complaint

At any time throughout the process, before a decision is rendered, a complainant may choose to withdraw their complaint. They should communicate, in writing, their decision to withdraw their complaint to the school Administrator. In some circumstances, the school may still pursue the complaint.

## **Freedom from Reprisal**

Every member of the school has a right to claim and enforce their rights under this policy, to provide evidence and to participate in proceedings under this policy, without reprisal or threat of reprisal.

All respondents will be informed of the school's position regarding the seriousness of any allegations of reprisal against complainants, witnesses or others involved, what constitutes reprisal; any claims of reprisal will also be investigated and responded to.

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 Ontario career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred;

## **Procedural Fairness**

The school has a duty to be fair with respect to process by which investigations and decisions are made that may result in findings of sexual violence and may potentially impose serious consequences against a member of the school who has engaged in such conduct.

The core element of procedural fairness is that a person against whom allegations are made, must know the allegations and evidence against them, and must be given the opportunity to answer prior to a decision being made. Further to the right to know, complainants and respondents will also have notice of the investigation and decision making process, and will have the matter decided by an impartial decision maker. If credibility is at issue, complainants and respondents may appear in person and make oral representations to an investigator and decision maker, and comment and ask questions with respect to the evidence in accordance with this policy.

The duty to be fair is context-specific, for example, the more serious the consequences contemplated, the higher the level of fairness. As such, the school reserves the right to adjust the process to ensure procedural fairness in accordance with the facts of the individual case with notice to the complainant and the respondent.

## **Process:**

- i. Timeliness of the process:

This is a difficult process and for many people it is a pre-cursor to achieving healing and/or closure. Every effort will be made to expedite the process without compromising appropriate procedural fairness for all parties.

- ii. Transparency of the process:
  - a. Parties will be advised of their rights and responsibilities related to the process
  - b. Parties will know what to expect from the process
  - c. Parties will be kept informed about the process and outcome
  - d. Parties will receive regular updates on the progress of their case, estimated timeframes and any delays related to the resolution of their case (types and frequency of these updates will be determined through discussion with each complainant)
  - e. Reasons will be provided for any decision made throughout the process
- iii. Support for parties involved in the process
- iv. Fairness of the process

## **Confidentiality**

Ensuring confidentiality is a key principle in creating an environment and culture where survivors feel safe to disclose and seek support and accommodation. The school is committed to ensuring such an environment and culture exists. As such, all members of the school who receive a disclosure of sexual violence or who are involved in addressing or investigating it, must keep the matter confidential, except in accordance with the terms of this policy, in order to protect the rights of those involved in the allegations, prevent an unjustified invasion of their personal privacy, and preserve the integrity of the investigation.

The school will make every reasonable effort to balance confidentiality with its legal responsibility to provide an environment free from sexual violence. The school protects personal information and handles records in accordance with its policies, the Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act.

The general practice of the school is to keep all information confidential except as outlined in this policy, for example where employees require information to carry out their authorized duties under the policy, e.g. conduct investigation, make or implement a decision or interim measures, etc. Complainants, respondents and witnesses are expected to keep the details of any case confidential, outside their circle of support, in order to ensure the integrity of the investigation and decision making process.

Notwithstanding the above, there are additional circumstances where a staff member may be required to disclose information within or outside the school in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or

meet such requirements, will be disclosed. These additional circumstances might include, for example:

- An individual is at risk of life-threatening self-harm;
- An individual is at risk of harming others;
- There is risk to the safety of the school and/or broader community;
- Disclosure is required by law; for instance, under the Child and Family Services Act, reporting is legally required if an incident involves a child 16 or under; or, to comply with the Occupational Health and Safety Act or with human rights legislation; and/or
- Evidence of the disclosed incident of sexual violence is available in the public realm (e.g. video shared publicly on social media).

These above circumstances represent exceptions, not the rule, and are necessary to ensure the school is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported at every step of the process.

## **Investigation Process**

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 Ontario career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

## **Process for Determining Whether a Report or Complaint will be Investigated**

Once the report or complaint is submitted, the Administrator or designate will make an assessment of the appropriate next steps in responding to the complaint. This will include:

- I. Determining whether a report or complaint has been made through any other internal or external process as well as through this policy.
- II. Determining whether the sexual violence policy is relevant to the complaint and/or if the complaint should be referred for review under a different policy.
- III. Determining whether the complainant is interested in an alternative resolution, as opposed to the completion of an investigation and decision making process.

## **Circumstances where the School may Proceed without a Complaint**

In some cases the school may be required to or choose to investigate an incident of sexual violence even though the complainant has chosen not to file a report or complaint.

Examples of such circumstances could include, but are not limited to:

- Where there is risk to the safety of individuals and/or the broader community; for example where repeated allegations have been made about the conduct of the same individual.
- Where required by law, such as under the Occupational Health and Safety Act.
- Where there is evidence of sexual violence in the public realm (such as a video posted on social media).

If such a situation applies to the survivor, information and support will be made available at every step of the process, even if they choose not to participate.

## **Initial Meeting with the Administrator**

After the Administrator has indicated that an investigation will be conducted, the Administrator or designate will meet separately with the complainant and respondent.

In these meetings, the Administrator will:

- i. Explain to each party their rights in the investigation and decision making processes
- ii. Go over the process and answer any questions about what will happen
- iii. Discuss details of interim measures, if applicable
- iv. Determine the outcome that the complainant is seeking

## **Interim Measures during Investigation and Decision Making Process**

In some instances it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community, during the investigation and decision making process. Such measures are without prejudice to the ultimate outcome of the investigation. Consequences for violating interim measures will be clearly communicated to the respondent at the time they are applied.

Examples of interim measures that might be considered include:

- Restrictions to access the school or parts of the school
- No contact/communication orders
- Employment/workplace restrictions
- Changes to class and/or section enrolments

Where the respondent is an employee and any interim measures implemented by the school affect the respondent's terms and conditions of employment, the normal procedures of any employment contract will apply to the implementation of the interim measures.

### **Notice of Investigation**

The notice of investigation will include the following information:

- i. The name and contact information of the investigator
- ii. A written account of the complaint
- iii. Confirmation of the right to a support person or representative during the investigation
- iv. Any interim measures that will be in place during the investigation
- v. A copy of this policy and any other related policies

Once an investigator is appointed, they will contact the parties within three (3) business days to confirm the next steps in the investigation process

### **Conducting an Investigation**

After reviewing the written account of the complaint and any relevant documentation, the investigator will contact the complainant and the respondent to arrange separate interview times. At the time of initial contact the investigator will explain to all parties the investigation process, and their role as investigator.

The investigator will conduct interviews with the complainant and the respondent separately and may need to meet with each party several times during the course of the investigation. The complainant and respondent will have the opportunity to provide the investigator with information, documents, names of witnesses, and other submissions or evidence that they believe are relevant to the complaint.

The investigator will ensure that both the complainant and respondent have had a full opportunity to review and respond to all material aspects of the allegations, and the

evidence upon which the investigator will rely, in order to ensure procedural fairness. The investigator will provide the complainant and respondent with the notes from, or a synopsis of, their own respective interviews, and each will have the opportunity to make any clarifications or corrections to their own statements.

The complainant may still request alternative resolution of their complaint before the final report is sent to the Administrator

If there is no request for alternative resolution at this time the investigator will incorporate any relevant details from the further submissions into the final investigation report and submit it to the decision maker.

## **Decision Making Process**

### **Referral to the Administrator**

The Administrator or their designate will review the investigator's report, review and make a decision.

### **The Rendering of the Decision**

The Administrator will review the final report from the investigator. The Administrator may also request an opportunity to meet with and ask any questions of the investigator, the complainant, the respondent and/or any witnesses separately before rendering a decision. Any in-person meetings will be transcribed so as to document any new evidence presented that does not appear in the investigator's report. If in the course of these meetings, new information is presented by any party, the complainant and respondent will be given the opportunity to respond to or question that new information, in person or in writing before the decision is rendered. The complainant will not be required to appear before a decision maker in the presence of the respondent.

Within 3 days of reviewing the investigator's report and completing all requested meetings with parties involved and reviewing all additional written submissions or questions submitted by either party, the Administrator will render a decision and where applicable assign an appropriate sanction/remedy.

The final decision prepared by the Administrator will indicate whether there has been a breach of the policy or not.

If there is a finding that the policy has been breached, the Administrator may consider the following in determining an appropriate sanction:

- i. The sanction or remedy sought by the complainant



- ii. The principle of progressive discipline and the school's role as an educational institution
- iii. The requirements under an employment contract
- iv. The nature and severity of the incident
- v. Any other relevant factors

The Administrator will provide both the complainant and the respondent with a summary of the investigation results, their decision, reasons for the decision and any applicable sanctions.

Any request by either party to receive a copy of the investigation report will be subject to restrictions under the Freedom of Information and Protection of Privacy Act.

### **Remedy/Sanction Options**

Remedies and sanction options could look different depending on the status of the respondent.

Examples of general remedies/sanctions

- Letter of apology
- Mandated educational workshops or counselling
- No communication order between parties
- Letter of behavioural expectations
- Restrictions related to accessing buildings or parts of campus or certain activities

Examples of additional remedies/sanctions applicable to student respondents

- Removal from a course or section of a course
- Suspension from school for a defined period
- Expulsion from the school permanently

Additional sanctions/remedies applicable to employees

- Change in work assignment
- Suspension from work for a set time with or without pay
- Dismissal from employment

## **Appeal Process**

### **When the Individual Appealing is a Metro Truck Driving School Employee**

- i. An appeal can be made to the Administrator in writing

### **When the Individual Appealing is a Metro Truck Driving School Student**

- i. Who Reviews and Decides Appeals

Findings, measures, remedies and sanctions may be appealed to the Administrator of the school. Appeals in cases where the respondent is a student will normally be decided on by the Administrator.

- ii. Submission of an Appeal

A complainant or respondent wishing to appeal a finding or a remedy/sanction in a case shall submit to the Administrator a written request for appeal and an explanation of the basis for the request, within 5 days of communication of the original decision.

- iii. Grounds for Appeal

The owner will consider appeals based on the following grounds:

- a. Whether there was a substantial procedural error in the application of the policy
- b. Whether there is new evidence that could not have reasonably been presented earlier
- c. Whether the Administrator's finding is consistent with the evidence
- d. Whether the remedy/sanction are reasonable in the circumstances

- iv. Appeal Review Process

If an appeal is filed by one party, other parties to the case will be notified that an appeal has been submitted. They will also be invited to make a written submission for consideration in the review of the appeal. In deciding on the appeal the Administrator will review the investigation file, the original findings and remedies/sanctions determined by the decision maker and any other relevant documents or information. The owner may also interview the parties. The

Administrator will communicate the findings of their review in writing to all parties, normally within 5 days of commencement of the review.

A decision of the owner is final with respect to the options available within the school. Where applicable, any party not satisfied with the decision may pursue external avenues for redress.

### Supports and Services Available

Name of Services	Supports Available	Contact information
<b>Services for all Genders</b>		
Women's College Hospital Sexual Assault and Domestic Violence Care Centre	<p>For those assaulted within the past week, this support is available 24-hours a day, seven days a week. Women, men, and trans people who are survivors of sexual assault and/or domestic/intimate partner violence can access this support.</p> <p><a href="http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domestic-violence-care-centre/">http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domestic-violence-care-centre/</a></p>	<p><b>Hours:</b> Monday to Friday 8:30 a.m. - 4:30 p.m. <b>Phone:</b> 416-323-6040 <b>Location:</b> 76 Grenville St. (Ground floor (in the AACU), Room 1305)</p>
Victim Services Toronto	<p>Assists people in crisis, 24-hours a day, seven days a week in the immediate aftermath of crime or tragedy.</p> <p><a href="http://victimservicestoronto.com/">http://victimservicestoronto.com/</a></p>	<p><b>Hours:</b> 24 hours a day <b>Phone:</b> 416-808-7066 <b>E-mail:</b> info@victimservicestoronto.com</p>
Sexual Assault/Rape Crisis Centre of Peel	<p>Provides a 24/7 crisis line, online crisis chat, individual therapy, therapeutic groups and workshops. The online crisis chat can be located here: <a href="http://hope247.ca/">http://hope247.ca/</a></p>	<p><b>Hours:</b> 24 hours a day <b>Phone:</b> 1-800-810-0180</p>
Toronto Police Services	<p>If you are in immediate danger, call 911. For all other safety issues... please call the 416 number In the next column</p> <p><a href="https://www.torontopolice.on.ca/">https://www.torontopolice.on.ca/</a></p>	<p><b>Hours:</b> 24 hours a day <b>Phone:</b> 416-808-2222</p>

Family Service Toronto	Provides professional, short-term, individual, couple and family counselling for people who identify as lesbian, gay, bisexual, trans, queer (LGBTQ)  <a href="https://familyservicetoronto.org/">https://familyservicetoronto.org/</a>	<b>Hours:</b> Monday to Friday 9am-5pm OR Wednesday Walk-in: 3:30-7:30pm <b>Phone:</b> 416-595-9618 <b>Location:</b> 202-128A Sterling Road, Toronto
Central Toronto Youth Services-Pride and Prejudice Program	Programs for lesbian, gay, bisexual, trans, queer, Two-Spirit and questioning youth, ages 13-24. Includes "Yo- Yoga" which is an 8-week trauma sensitive yoga program. <a href="http://www.ctys.org/category/programs/#pride-amp-prejudice">http://www.ctys.org/category/programs/#pride-amp-prejudice</a>	<b>Phone:</b> 416-924-2100
<b>If you self-identify as a woman</b>		
Assaulted Women's Helpline	24-hour telephone support and counselling available in several languages  <a href="http://www.awhl.org/">http://www.awhl.org/</a>	<b>Phone:</b> 416-863-0511
Barbara Schlifer Clinic	Provides counselling, legal information, interpreters and referral for women who have been physically or sexually abused.  <a href="http://schliferclinic.com/">http://schliferclinic.com/</a>	<b>Hours:</b> Monday to Friday 9 a.m.- 5 p.m. <b>Phone:</b> 416-323-9149 <b>E-mail:</b> <a href="mailto:intake@schliferclinic.com">intake@schliferclinic.com</a> <b>Location:</b> 489 College St
Fred Victor Centre	24/7 Drop-in for women located in the Adelaide Resource Centre offers a warm, safe and welcoming space with access to health services on site.  <a href="http://www.fredvictor.org/womens_24/7_drop-in_program">http://www.fredvictor.org/womens_24/7_drop-in_program</a>	<b>Phone:</b> 416-392-9292
Toronto Rape Crisis Centre/Multicultural Woman	Crisis intervention, counselling and referral for survivors of rape/sexual assault. Open 24 hours.  <a href="http://trccmwar.ca/">http://trccmwar.ca/</a>	<b>Hours:</b> 24 hours a day <b>Phone:</b> 416-597-8808 <b>E-mail:</b> <a href="mailto:crisis@trccmwar.ca">crisis@trccmwar.ca</a>

Against Rape		
Women's Support Network of York Region	Provides free, confidential services for women who have experienced sexual violence  <a href="http://www.womenssupportnetwork.ca/">http://www.womenssupportnetwork.ca/</a>	<b>Hours:</b> 24 hours a day <b>Phone:</b> 905-895-7313 <b>Email:</b> <a href="mailto:generalinfo@womenssupportnetwork.ca">generalinfo@womenssupportnetwork.ca</a>
<b>If you self-identify as a man</b>		
Support Services for Male Survivors of sexual abuse	Provides help for male survivors of sexual abuse, both recent and historical. The program is the first of its kind in Canada and is delivered by agencies across the province. Survivors also have access to a 24-hour, multilingual, toll-free phone line for immediate crisis and federal services  <a href="https://www.attorneygeneral.ius.gov.on.ca/english/ovss/male_support_services/">https://www.attorneygeneral.ius.gov.on.ca/english/ovss/male_support_services/</a>	<b>Hours:</b> 24 hours a day <b>Phone:</b> 1-888-887-0015
<b>If you are, or faced abuse when you were under 18, or have children who have been abused</b>		
Sick Kids' Suspected Child Abuse and Neglect (SCAN) Program	Care, support and assessment to children and teenagers who may have been maltreated, and their families. The SCAN program provides a link between SickKids and community doctors and hospitals, Children's Aid Societies, police, schools and other community agencies.  <a href="http://www.sickkids.ca/scan/">http://www.sickkids.ca/scan/</a>	<b>Hours:</b> Monday to Friday, 9 a.m. to 5 p.m <b>Phone:</b> 416-813-6275 <b>Location:</b> 555 School Ave (Room 6427, Black Wing)
The Gatehouse	Offers support groups for adult survivors of childhood sexual abuse as well as partners.  <a href="http://www.thegatehouse.org/">http://www.thegatehouse.org/</a>	<b>Hours:</b> Monday to Friday 9 a.m.- 5 p.m. <b>Phone:</b> 416-255-5900 <b>Location:</b> 3101 Lake Shore Blvd West