

## **Employee Sexual Misconduct Policy**

### **PURPOSE and POLICY STATEMENT**

All employees and students have a right to work and study in an environment that is free from any form of sexual misconduct, sexual harassment, and/or sexualized violence.

**2178404 Ontario Inc. o/a A-1 Truck, Bus, Truck & Forklift Training School** is committed to preventing and addressing all forms of sexual misconduct, sexual harassment, and/or sexualized violence as prohibited under applicable provincial health & safety legislation/regulation, human rights legislation, and career college policy.

This document outlines our Employee Sexual Misconduct Policy and provides a framework for addressing incidents and complaints of sexual misconduct involving students. This Policy should be read in conjunction with our Career College Sexual Violence Policy.

Any employee that engages in objectionable conduct or violence is subject to discipline up to and including termination of employment.

### **SCOPE**

This Policy applies to all employees of the college including front line employees, temporary employees, contract service providers, contractors, volunteers, supervisory personnel, managers, and directors.

### **DEFINITION of SEXUAL MISCONDUCT**

Sexual misconduct refers to a spectrum of sexual contact and behaviour that includes any unwanted act - physical, verbal, or psychological - carried out through sexual means or by targeting sexuality.

“SEXUAL MISCONDUCT” means, in relation to a student enrolled at a career college,

- 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 career college 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 misconduct as defined in the career college’s employee sexual misconduct policy or contravenes the policy or any other policy, rule or other requirement of the career college respecting sexual relations between employees and students, or
- b. any conduct by an employee of the career college 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. (“inconduite sexuelle”) 2022, c. 22, Sched. 2, s. 1.

## **Sexual Misconduct includes:**

- ✓ Sexual solicitation or advances
- ✓ Sexual assault, including any unwanted act of a sexual nature
- ✓ Sexual harassment, including any unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks
- ✓ Sexual violence, including any sexual act or act targeting a student's sexuality, gender identity or gender expression, whether physical or psychological in nature that is committed, threatened or attempted against a student without the student's consent.

Examples include:

- \* Requests for sexual favors
- \* Verbal conduct of a sexual nature
- \* Physical conduct of a sexual nature
- \* Submission to sexual favours or conduct as being implied as a condition of the student's enrollment
- \* Implying that rejection of sexual advances will affect decisions regarding the student
- \* Creating a sexually intimidating, degrading, humiliating, offensive or hostile work environment

## **POLICY PROCEDURES**

No employee shall engage in sexual misconduct towards a student of **2178404 Ontario Inc. o/a A-1 Truck, Bus, Truck & Forklift Training School**. All reported incidents of employee sexual misconduct will be appropriately investigated to the best of the administration's ability and in a manner that is fair and equitable.

### **Disciplinary Measures**

Where a report of employee sexual misconduct is substantiated toward a student, **2178404 Ontario Inc. o/a A-1 Truck, Bus, Truck & Forklift Training School** will impose disciplinary measures, including but not limited to:

- ✓ Termination of employment for just cause
- ✓ Being placed on a leave of absence with or without pay
- ✓ Receiving a disciplinary letter or letter of expectations; or
- ✓ Any other disciplinary measure which the school deems to be appropriate.

Where an employee has been discharged for violation of this Policy, the employee shall not be entitled to notice of termination, termination pay, or any other compensation or restitution as a result of the discharge or disciplinary measure.

Further, where an employee commits an act of Sexual Misconduct towards a student and is either discharged or the employee resigns, the employee shall NOT be re-employed by the school.