TORONTO ART THERAPY INSTITUTE (TATI)

Sexual Violence and Harassment Policy

Introduction:

Sexual violence and harassment is a violation of human rights. TATI recognizes its ethical and legal responsibility to provide a workplace and learning environment that is free of sexual harassment. Students and members of faculty and staff at TATI have the right to work and study in an environment that is free from sexual harassment. TATI will not tolerate any form of sexual violence or sexual harassment.

TATI supports healthy social relationships, freedoms of expression and the rights of academic staff to academic freedom. Power differences exist, implicit or explicit, between or among students, faculty and staff. Where one person has power or authority over another, implicit or explicit, there is potential for Sexual violence and harassment issues to arise.

Purpose:

To protect the safety and security of members of TATI community by establishing a framework which aims:

1. to prevent sexual violence and harassment through education;
2. to mitigate the effects of sexual harassment; and,
3. to identify methods for the resolution of complaints of sexual violence and harassment which may arise at TATI.

Scope:

All members of the TATI community.

This Policy does not restrict the right of individuals to file a complaint with the Human Rights Commission, make use of the Criminal Code of Canada or take legal action. Sexual assault is a form of Sexual violence and harassment and is covered by this policy. However, in cases of alleged sexual assault, individuals will be advised to contact the appropriate Legal Authorities immediately. In addition, the TATI Executive Director is available to provide support, advice and guidance.

Definitions:

**Complainant** - a Member of TATI community or Non TATI person who considers himself or herself to have been subjected to sexual violence or harassment, as defined by this policy, and who has chosen to file a formal complaint against a member of TATI community in accordance with this policy.

**Day(s)** - a day, other than a Saturday or Sunday, statutory holiday, or other day on which TATI is not open for administrative business.

**Legal Authorities** - the legal entities, external to TATI community, who have the responsibility and jurisdiction to uphold and enforce the law including the Criminal Code of Canada (i.e. Metro Toronto Police Services; Royal Canadian Mounted Police).

**Mediation** (Alternative dispute resolution) - an assisted negotiation; a process in which a neutral third party, known as a mediator, facilitates a collaborative, controlled discussion between and with the informed consent of a complainant and respondent in a setting that is deemed as safe as possible, with the goal of achieving an effective resolution. It is a non-disciplinary means of resolution, designed to address complaints of sexual harassment.

**Members of TATI community** - Any person who teaches, conducts research, studies or works at or under the auspices of TATI and includes, without limitation:

* full- or part-time academic staff members;
* full-time, part-time, continuing, temporary, contract and administrative staff members;
* all students;
* clinical supervisors;
* members of the TATI Board of Directors
* any other persons while they are acting on behalf of or at the request of TATI.

Students and employees include former students and employees raising allegations of sexual violence and harassment which occurred while they were still members of TATI if those alleged incidents occurred within the time limits set out in this Policy.

**TATI person** - includes but is not limited to volunteers, contractors, their employees and agents, vendors of goods and services and their employees and agents, visitors to the Academic institution.

**Definition of Sexual Violence**

Sexual Violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim.

**Sexual harassment**- Comments or conduct of a sexual nature and/or abusive conduct based on gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation directed at an individual or group of individuals by a person or persons of the same or opposite sex, who knows or ought reasonably to know that such comments or conduct is unwelcome and/or unwanted.

Comments or conduct constitute sexual violence and harassment when:

a. submission to such comments or conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status, academic accreditation, or
b. submission to or rejection of such comments or conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decisions affecting such individual, or
c. such comments or conduct interferes with, or adversely affects, directly or indirectly, an individual's work or academic environment or performance, or
d. such comments or conduct calls attention to the gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation of an individual or individuals in a manner that creates an intimidating, hostile or offensive work/study environment).

Sexual harassment includes but is not limited to:

* unwelcome sexual invitations or requests;
* demands for sexual favours;
* unnecessary touching or patting of a person's body;
* leering at a person's body;
* unwelcome and repeated innuendos or taunting about a person's gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation;
* unwelcome remarks or verbal abuse of a sexual nature;
* visual displays of sexual images perceived to be degrading or offensive;
* unwelcome remarks or verbal abuse based on gender, gender identity, sex (including pregnancy and breast feeding) or sexual orientation which are demeaning or degrading;
* threats of a sexual nature;
* sexual assault and;
* any other unwanted verbal or physical conduct of a sexual nature.

Sexual violence and harassment may occur during a single incident, or a series of single incidents. Whether or not a single incident constitutes Sexual harassment will depend on the nature and type of incident(s).

Sexual harassment may occur between individuals of the same sex or between the sexes.

Sexual harassment may occur in the course of work or study or participation in Academic institution-sponsored organizations, activities and programs, whether they occur on-campus or off-campus. Under this Policy any inappropriate social interactions in the course of study or work may be considered as Sexual harassment whether it happens on campus or away from campus. Examples of off-campus settings, include, but are not limited to, field trips, athletic team road trips, conferences or training events, and work or study-related social functions whether or not they are official Academic institution functions.

**Respondent** - a Member of TATI community or a TATI person as defined in this Policy whose alleged comments or conduct is the subject of a complaint and against whom a formal written complaint of Sexual violence and harassment has been made under the provisions of this Policy.

**Retaliation** - any threat of reprisal or any attempt to intimidate and/or any adverse behaviour or action, taken against a member of TATI community or TATI person, by a member of TATI community in response to the initial member:

* having invoked this Policy;
* having participated or cooperated in any investigation under this Policy; or
* having been associated with a member of TATI community or TATI person who has invoked this Policy or participated in these procedures.

Policy:

**1.0 Responsibilities and Duties**

1.1 All members of the TATI community, and in particular those in academic or administrative authority, shall:

a. know what constitutes sexual violence and sexual harassment;
b. familiarize themselves with and be aware of this Policy and its related [Academic institution-Wide Procedures for Sexual violence and Harassment Concerns and Complaints](http://www.mun.ca/policy/site/procedure.php?id=348);
c. encourage an environment which is free of sexual violence and harassment; and
d. inform students, staff and colleagues about the Policy and its related Academic institution-Wide Procedures for Sexual Violence and Harassment Concerns and Complaints;

1.2 Sexual violence and harassment by any member of the TATI community or a TATI person is prohibited.

1.3 Any member of the TATI community or TATI person as defined in this Policy may make a complaint of sexual violence and harassment against a Member of the TATI community or against a TATI person as defined in this Policy.

**2.0 Power Differences**2.1 Anyone in a sexual relationship with a person where a power differential exists is advised that, if a complaint of sexual violence and harassment is subsequently filed, the power differential may be construed against them. When power differentials exist amongst or between members of the academic institution, those holding positions of authority must respect the power with which they are entrusted. An inappropriate sexual relationship may create a negative work or study environment for others and give rise to a complaint under this Policy.

**3.0 Jurisdiction**3.1 Non-TATI persons who have concerns about sexual violence and harassment at TATI or a TATI-related event may express their concerns to the Executive Director. This Policy and its related [TATI Procedures for Sexual Violence and Harassment Concerns and Complaints](http://www.mun.ca/policy/site/procedure.php?id=348) may be used where a non-TATI person as defined in this Policy makes a complaint against a member of TATI community.

3.2 A concern of sexual violence and harassment against a TATI person should be reported to the Executive Director.

a. The Executive Director may deal with the concern in consultation with the complainant, where appropriate.

b. Where a formal complaint has been made against a TATI person, the Executive Director will determine, in consultation with the complainant, the appropriate steps to be taken.

c. Sexual violence and harassment by a TATI person may result in suspension of privileges, such as access to campus or any other action deemed necessary.

**4.0 Confidentiality**4.1 All complaints shall be handled with confidentiality. All who may be involved in the complaint process are to maintain confidentiality, particularly within the work, study or living area in question.

4.2 Confidentiality may not apply to persons subject to extra-TATI judicial processes, or where disclosure is permitted by law, or where the health, safety and security of a person or persons is a concern.

**5.0 Process**5.1 There are two processes for addressing a sexual violence and harassment concern or complaint. The processes as outlined in the [TATI Procedures for Sexual Violence and Harassment Concerns and Complaints](http://www.mun.ca/policy/site/procedure.php?id=348) can be availed of by any Member of TATI community or TATI person who considers himself or herself to have been subjected to sexual violence and harassment as defined in this Policy. An individual making allegations may choose to proceed with either an informal or a formal process.

i. Informal Process

• Consultation

ii. Formal Process

• Mediation
• Investigation

5.2 When an informal process fails or is not deemed appropriate by the complainant, the complainant may proceed with the filing of a formal complaint under the formal process and request mediation or formal investigation.

5.3 If a complainant wishes to file a formal complaint, it shall be filed within twelve (12) calendar months of the incident. Events prior to the twelve (12) month period can be referenced if the incident(s) is relevant and part of a series of incidents that form a pattern of harassment.

**6.0 Records and Retention**6.1 All records will be handled in accordance with the [Access to Information and Protection of Privacy Act](http://www.assembly.nl.ca/legislation/sr/statutes/a01-1.htm), and other privacy legislation applicable to TATI.

6.2 Informal Process

The Executive Director keeps a non-identifying account of the nature of the concern, any advice given and any outcome achieved. This information is retained for statistical purposes.

6.3 Formal Process

Record retention relating to the formal complaint process is collected and retained in accordance with the [TATI Procedures for Sexual Violence and Harassment Concerns and Complaints](http://www.mun.ca/policy/site/procedure.php?id=348).

**7.0 Appeals**Complainants and respondents have the right to appeal or grieve in accordance with the following:

7.1 In the case of any complainant, if the matter has been dealt with by the Executive Director, the appeal shall be directed to the Board of Directors by notice, in writing, delivered to the [Secretary of the Board](http://www.mun.ca/regents/contacts.php) within fifteen (15) days of the Executive Director’s notification of the action to be taken.

**8.0 Frivolous or Vexatious Complaints**8.1 Frivolous, vexatious and/or malicious complaints may constitute grounds for disciplinary action against the complainant.

8.2 Any imposed discipline related to frivolous, vexatious and/or malicious complaints will be determined by the Executive Director.

**9.0 Retaliation**9.1 No person shall retaliate against another for bringing forward a concern or complaint of sexual violence and harassment or for being involved in the process. TATI considers retaliation at any stage to be a serious offence because it may prevent potential complainants, witnesses, administrators or others from coming forward with concerns or complaints of sexual harassment. A breach of confidentiality by any individual with respect to a concern or complaint may also constitute retaliation.

9.2 Any imposed discipline related to retaliation will be determined by the Executive Director.

**10.0 Role of Executive Director**

10.1 The Executive Director has the primary responsibility for the implementation of the Sexual Violence and Harassment Policy and its related [TATI Procedures for Sexual Violence and Harassment Concerns and Complaints](http://www.mun.ca/policy/site/procedure.php?id=348) and plays a key role in educating the TATI community. He or she shall maintain neutrality, and be as accessible as possible to TATI community.

**11.0 Supports, Services and Accommodations**

A formal report of an incident of sexual violence is not necessary to access supports, services, or accommodations.

TATI will make supports available to any person reporting an incident of sexual violence or harassment on campus. These supports could include counselling and/or referrals for support services.

**NOTE:**

The [TATI Procedures for Sexual Violence and Harassment Concerns and Complaints](http://www.mun.ca/policy/site/procedure.php?id=348) is a companion document to this Policy and should be read in conjunction with this Policy.