



Sexual Violence and Sexual Misconduct Policy

(a) MG International Career College 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) MG International Career College has adopted this Sexual Violence and Sexual Misconduct Policy, which defines sexual violence and sexual misconduct 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”.

Scope

This policy applies to all individuals associated with The College, including staff members, students, visitors, corporate directors, shareholders, owners, partners, and other individuals involved in managing or directing the affairs of The College. It encompasses all manifestations of sexual violence and sexual misconduct, regardless of whether they occur on or off-campus (College specific events/ workshops/ etc) during the course of a student's activities or study.

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.

2.1 Definition of Sexual Misconduct

“Conduct of a sexual nature that causes or could cause harm to others, and that the person knew or ought reasonably to have known could cause harm, including:

actions or words that devalue others on the basis of their sex, sexuality, sexual orientation, gender identity or expression;
jokes of a sexual nature, sexual remarks, advances of a sexual nature or verbal abuse of a sexual nature in the workplace;
harassment of a sexual nature, including initiation rites of a sexual nature;
viewing, accessing, distributing or displaying sexually explicit material in the workplace; and
any Criminal Code offence of a sexual nature, including:

section 162 (voyeurism, i.e. surreptitiously observing or recording a person in a place where the person exposes or could expose his or her genital organs or anal region or her breasts or could be engaged in explicit sexual activity, or distributing such a recording);

section 162.1 (publication, etc., of an intimate image without consent, i.e. publishing, distributing, transmitting, selling or making available an intimate image of another person without their consent, such as a visual recording in which the person depicted is nude, exposing his or her genital organs or anal region or her breasts, or is engaged in explicit sexual activity); and

section 271 (sexual assault, i.e. engaging in any kind of sexual activity with another person without their consent). (Defence Terminology Bank record number 43247)”

Source: *Defence, National. “DAOD 9005-1, Sexual Misconduct Response.” www.canada.ca, 18 Nov. 2020, www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/9000-series/9005/9005-1-sexual-misconduct-response.html.*

Section 16.1(1)(a) of the MTCU Act defines sexual misconduct in relation to students as follows:

sexual misconduct means, in relation to a student of an institution,

- (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 institution 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 institution’s employee sexual misconduct policy or contravenes the policy or any other policy, rule or other requirement of the institution respecting sexual relations between employees and students, or
- (b) any conduct by an employee 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.

3. Training, Reporting and Responding to Sexual Violence and Sexual Misconduct

(a) MG International Career College shall include a copy of the Sexual Violence Policy and sexual Misconduct in every contract made between it and its students, and provide a copy of the Sexual Violence and Sexual Misconduct 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 and sexual misconduct 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 and Sexual Misconduct Policy shall be published on its website.

(c) Career college management, instructors, staff, other employees and contractors of MG International Career College will report incidents of or complaints of sexual violence and sexual misconduct to Gihan Morcos at gihan@mginternationalcareercollege.com. upon becoming aware of them.

(d) Students who have been affected by sexual violence and/or sexual misconduct or who need information about support services should contact Gihan Morcos at gihan@mginternationalcareercollege.com.

(e) Employees are prohibited from, must avoid all and any sexual and intimate relations with students and must disclose any such acts to Gihan Morcos.

(e) Subject to Section 4 below, to the extent it is possible, MG International Career College 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) MG International Career College recognizes the right of the Complainant, that they are not required 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 in order to obtain supports and services or accommodation.

(g) Notwithstanding (f), in certain circumstances, MG International Career College 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, MG International Career College will appropriately accommodate the needs of its students who are affected by sexual violence and/ or sexual misconduct . Students seeking accommodation should contact Gihan Morcos at gihan@mginternationalcareercollege.com.

In this regard, MG International Career College will assist students who have experienced sexual violence in obtaining counselling and medical care, and provide them with information about sexual violence and/or sexual misconduct 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 and sexual misconduct

(a) Under this Sexual Violence Policy, any student of MG International Career College may file a report of an incident or a complaint to Gihan Morcos at gihan@mginternationalcareercollege.com.

in writing. The other officials, offices or departments that will be involved in the investigation are from Education.

(b) Upon receipt of a report of an incident or a complaint of alleged sexual violence and/or sexual misconduct being made, Gihan Morcos 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, MG International Career College 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 President 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 towards employees:

Section 16.1 (2) (3) of the MTCU dictates:

(2) If an employee of an institution commits an act of sexual misconduct toward a student of an institution, the institution may discharge or discipline the employee for that act, and,

(a) the discharge or disciplinary measure is deemed to be for just cause for all purposes;

(b) the employee is not entitled to notice of termination or termination pay or any other compensation or restitution as a result of the discharge or disciplinary measure; and

(c) despite subsection 48 (17) of the Labour Relations Act, 1995 and subsection 14 (17) of the Colleges Collective Bargaining Act, 2008, and despite any provision of a collective agreement or employment contract specifying a penalty for the infraction, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the discharge or disciplinary measure imposed by the institution. 2022, c. 22, Sched. 1, s. 3.

No re-employment

(3) If an employee of an institution commits an act of sexual misconduct toward a student of an institution and the institution discharges the employee for that act or the employee resigns from their employment, the institution shall not subsequently re-employ the employee. 2022, c. 22, Sched. 1, s. 3.

Disciplinary Measures involving students :

(a) If it is determined by MG International Career College that the Respondent did engage in sexual violence and/or sexual misconduct, immediate disciplinary or corrective action will be taken. This may include:

(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 the President, Marly Hanna at marly@mginternationalcareercollege.com within 10 days by submitting a letter addressed to the President advising of the person's intent to appeal the decision.

7. Making False Statements

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

(b) Individuals who violate this Sexual Violence and Sexual Misconduct 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 and Sexual Misconduct 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 and Sexual Misconduct 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.

(c) If students, in good faith, report an incident of, or make a complaint about, sexual violence and/or sexual misconduct, 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 and/or sexual misconduct occurred.

(d) Students who disclose their experience of sexual violence and/or sexual misconduct through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence and sexual misconduct, 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.

9. Review

(a) MG International Career College shall ensure that student input is considered in the development of its Sexual Violence and Sexual Misconduct Policy and every time it is reviewed or amended.

(b) MG International Career College shall review its Sexual Violence and Sexual Misconduct Policy 3 years after it is first implemented and amend it where appropriate. This date is January 1, 2024.

10. Collection of Student Data

(a) MG International Career College shall collect and be prepared to provide upon request by the Superintendent of Ontario career colleges such data and information as required according to Subsections 32.1 (8), (9), (10) and (11) of Schedule 5 of the Ontario career colleges Act, 2005 as amended.

Appendix 1

The following represents a list of Provincial Rape Crisis Centres:

Canadian Association of Sexual Assault Centres Ontario
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

Français - Fem'aide

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

ATS: 1 866 860-7082

www.femaide.ca

Sexual Assault/Domestic Violence Treatment Centres

Sexual Assault/Domestic Violence Treatment Centres

35 hospital-based centres that provide 24/7 emergency care to women -

<http://sadvtreatmentcentres.ca/>

Sexual Assault/Domestic Violence Treatment Centres - <http://www.satcontario.com/>

Local Centres

Durham Region

Durham Rape Crisis Centre

Crisis: 905-668-9200

Office: 905-444.9672

info@drcc.ca

www.drcc.ca

Office: 905-825-3622

www.savisofhalton.org

Orangeville -Family Transition Place

Crisis: 1-800-265-9178

Office: 519-942-4122

www.familytransitionplace.ca

Sexual Assault Centre (Hamilton and Area)

Crisis: (905) 525-4162

Office (905) 525-4573

TTY: 905-525-4592

www.sacha.ca

Toronto

Oasis Centre des Femmes

Téléphone: 416-591-6565

Courriel : services@oasisfemmes.org

<http://oasisfemmes.org/>

Kitchener-Waterloo

Sexual Assault Support Centre of Waterloo

Region

Crisis: 519.741.8633

Office: 519.571.0121

info@sascwr.org

www.kwsasc.org

Toronto Rape Crisis Centre: Multicultural

Women Against Rape

Crisis: 416-597-8808

Office: 416-597-1171

info@trccmwar.ca

crisis@trccmwar.ca

www.trccmwar.ca

www.daso.ca

Peel Region

Hope 24/7

Crisis: 1-800-810-0180

Office: (905) 792-0821

<http://hope247.ca/>

Oakville

Sexual Assault & Violence Intervention Services

of Halton

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

2024-V.2

Relevant Legislation:

Ministry of Training, Colleges and Universities
Act, R.S.O. 1990, c. M.19

<https://www.ontario.ca/laws/statute/90m19#BK30>

The Ontario Human Rights Code, Part I
(<http://www.ohrc.on.ca/en/ontario-human-rights-code>),

The Ontario Occupational Health and Safety Act
("OHS"), Part III.0.,
(<https://www.ontario.ca/laws/statute/90o01>)

The Criminal Code of Canada (<http://laws-lois.justice.gc.ca/PDF/C-46.pdf>)