

WELLSPRINGS COLLEGE OF MASSAGE THERAPY & ESTHETICS OF SEXUAL VIOLENCE AND HARASSMENT POLICY

Listed in the Academic Policies brochure Revised Edition given upon signing this contract.

Revised Feb 2022

SEXUAL VIOLENCE AND HARASSMENT POLICY

On March 8, 2015, International Women's Day, Ontario issued an Action Plan against Sexual Violence and Harassment calling, among other things, for increased safety on Ontario's postsecondary campuses. These principles known as Bill 132 the Sexual Violence and Harassment Action Plan 2015 in addition to the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms provide the basis of the changes to the Private Career Colleges Act, 2005. The Act was amended to include clear definitions of "sexual violence and harassment".

Definitions

What is Sexual Violence and Harassment?

The definition of "sexual violence" means any sexual act or violent act, physical or psychological in nature, targeting a person's sexuality, gender identity or gender expression, whether the act that is committed, threatened, or attempted against a person without a person's consent, and includes:

sexual assault,	sexual abuse,
sexual harassment,	criminal harassment ,
stalking,	voyeurism,
indecent exposure,	
sexual exploitation	and cyber bullying

Any type of an unwanted sex act done by one person to another, without that person's consent that violates the sexual integrity of an individual ranging from unwanted touching to penetration.

Any course of annoying, vexatious, intimidating or threatening comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome . The behavior need not be intentional to be considered harassment. Offensive and harassing behavior may include:

Offensive or dirty jokes or comments of a sexual nature; Suggestions, requests or demands of a sexual nature;

Suggestive or offensive remarks, bragging about sexual prowess;

Displaying of pornographic or sexist pictures or materials, including on-line;

“Sexual Harassment “ is any unwelcome behavior that is sexual in nature. The Ontario Human Rights Code defines sexual harassment as follows:

“... discrimination on the grounds of gender is a violation of the Individuals’ Rights Protection Act. Unwanted sexual advances, unwanted requests for sexual favors and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicit or implicitly a term or condition of an individual’s employment.
2. Submission to or rejection of such conduct by an individual affects that individual’s employment.

Sexual harassment is illegal ... “

Sexual harassment can include such things as:

Unwelcome language related to gender

Remarks, jokes, innuendoes, propositions, or taunting about a person’s body, attire, sex or sexual orientation;

Bragging about sexual prowess

Physical contact such as touching, patting, or pinching, rubbing or leering, with and underlying sexual connotation and

Sexual solicitation or advance made by a person in a position to confer grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. The behavior need not be intentional to be considered harassment.

Sexual assault, which is any type of an unwanted sex act done by one person to another, without that person’s consent, that violates the sexual integrity of an individual ranging from unwanted touching to penetration.

Sexual Violence and Harassment Policy at Wellsprings College

Wellsprings College seeks to maintain a learning environment and workplace that is free from any type of harassment and violence. The College aims to provide a safe, healthy and rewarding learning and working environment for both students and staff. Wellsprings has a Zero Tolerance policy for harassment and sexual violence and bullying.

Wellsprings will not tolerate any kind of harassment or violence. Wellsprings will not tolerate, ignore or condone any form of discrimination or harassment and is committed to promoting appropriate standards of conduct at all times.

The College has developed a policy intended to prevent sexual violence and harassment of its students and staff and to deal quickly and effectively with any incident that may occur. Students are entitled to be aware of the policy and the supports offered here at the college. A copy of this policy is also published on the college website. The College is required to review the policy at least once every 3 years and amend it if necessary. Student input is welcomed. As a student at a private career college, you also have a role to play in creating safe campuses for everyone. Private career colleges will welcome your suggestions and ideas.

Wellsprings College will upon notification of such take appropriate disciplinary action against any student or employee found to have initiated any form of sexual harassment. Disciplinary action may include suspension, dismissal, and notification to the appropriate authorities, Human Rights Commission or the police, and /or criminal charges.

Please note that all complaints are assumed to have been filed in good faith.

When a complaint has been made, under this policy, The College will take all reasonable steps to investigate it and including:

- Responding promptly to any complaint and keeping the complainant and respondent informed and updated on the status of the investigations
- Assisting those who have experienced sexual violence or sexual harassment in obtaining counseling and medical care if necessary
- Providing those who have experienced sexual violence or sexual harassment with the appropriate academic and other accommodations
- Providing those who have experienced sexual violence or sexual harassment with information about reporting options.

Every private career college student who experiences sexual violence or harassment has the right to be treated with dignity, compassion, and respect.

Every student has the right to choose among any available options for addressing incidents of sexual violence or harassment, whether these options are provided on campus or off.

Except in extreme situations, where there is an imminent threat to the campus or broader community, the choice of options (including the choice not to exercise any option) always remains with you, the student.

If you experience sexual violence or harassment at your private career college, you may:

- Request information about any counseling, health services, or other supports that are available at your private career college from your campus administrator.

Please bring the incident to the attention of Dr. Sohrab Khoshbin Principle or Donna Brown in the administration office. The College will make “appropriate accommodations” to assist with the needs of the student affected by sexual violence or harassment.

- Engage the services of an off-campus organization, such as a crisis and counseling centre, in your community;
- Contact the Human Rights Tribunal of Ontario; and/or
- Report the incident to the police.

A student is not required to report an incident of , or make a complaint about, sexual violence in order to obtain supports, services, or accommodations.

For information about resources in your community, visit draw-the-line.ca and tracons-les-limités.ca. These websites list services available throughout Ontario.

Should you witness an incident of sexual violence or harassment at your private career college, you may bring your concerns directly to the attention of the campus administrator or another staff member at the private career college. All members of the Wellsprings College community has the responsibility to take all reasonable steps to prevent sexual violence and harassment on our campus. Whether they are subject to, witness of, have knowledge of, or reason to believe that sexual violence has occurred or may occur.

As a student at a private career college, you also have a role to play in creating safe campuses for everyone. Private career colleges will welcome your suggestions and ideas.

Responsibility of the College

It is the responsibility of the College, whether employee, instructor, director or principal who deals with students in any role to take immediate and appropriate action to report and deal with incidents of sexual harassment whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed or the complainant told to deal with it personally. It will not be condoned and must be stopped immediately.

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

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

Procedures to follow:

1. Obtain a detailed description of the incident that is written and dated. Ensure that no

retaliation is taking place on student's behalf, and obtain legal counsel if required.

2. Conduct an Investigation immediately after the report has been taken. Keep all reports confidential. Document as necessary and contact the authorities if appropriate. Record as many details as possible. Advise both complainant and Respondent that they may ask another person to be present during the interview.

3. Interview the Complainant. Obtain a complete account in writing of the incident that has take place. Include all details of the incident. When, where, time, the events, persons involved, witnessed etc Determine what if any immediate assistance the complainant requires to ensure personal safety and if necessary medical attention. Take appropriate steps to ensure confidentiality. Determine any influences that may have occurred. Report on time-lines.

If, students, in good faith, report an incident of, or make a complaint about, sexual violence, they will not e subject to discipline or sanctions for violations of the private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

4. Interview the respondent or the accused. Ensure details are recorded in writing and ask for clarification as needed. Inform the respondent of the complaint and provide details of the allegations and give the respondent ample opportunity to respond to the allegations and to provide any witnesses the respondent feels are essential to the investigation. investigations access any chance of a retaliation from the accused and document all details including any observations of verbal and nonverbal body language.

5. Interview any other person involved or identified witnesses and or anyone who may have knowledge of the incident . Make written record of the interviews and obtained signed copies of any reports taken.

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

6. Following the investigations , review all evidence, Determine if sexual violence or harassment has occurred. If so,....

7. Determine what disciplinary action, if any, should be taken. This may include termination of employment of instructors or staff, or altering schedules, placement of certain restrictions on respondents ability to access premises or expulsion of a student. Review and revise the situation as needed and communicate the policy regularly. Keep all reports and complains filed in a confidential manner. Follow up with parties involved of ongoing resolutions that need to be taken or addressed.

8. If the investigation fails to find evidence to support the complaint, there will be NO documentation concerning the complaint placed in the file of the alleged offender.

Responsibilities of the Student

It is expected that you understand your rights and obligations under the Ontario Human Rights Code.

Students or employees experiencing or aware of, any sexual harassment within the organization must report the situation, either directly or through a staff person. The procedures outlined, within 24 hours of receiving a complaint, will be initiated.

All students are expected to conduct themselves in a professional manner and refrain from any all types of harassment, sexual or criminal. Students shall not harass any one with sexual remarks, inappropriate jokes or touching, make sexual suggestions or request, or threaten to penalize any person who refuses a sexual suggestion or request. Sexual remarks, jokes, touching or requests are harassment if they are not welcomed or wanted by the student or staff. Even if the student or staff does not complain, there can still be harassment. These behaviors are unacceptable in a learning and business environment under any circumstances. It will not be condoned and must be stopped immediately.

What Should You Do?

If you believe you are being or have been sexually harassed as described in this policy, it is very important that you follow the steps outlined below. In the majority of cases, offenders feel their behavior is harmless and may not realize the negative effect it is having on you. In many situations, once you communicate your position to the offender, the harassment will stop.

Procedures

1. Tell the person harassing you to stop. You can say, "I don't appreciate that." or "I don't like that."
2. IF the person harassing you is a colleague or co-worker, you should also complain to your supervisor.
3. If the person harassing you is your instructor or supervisor, report it to his or her supervisor.
4. Keep a record of what happened. Include all information including time, date and place of each incident and note the name of a witness, if applicable.
5. If, after asking the offender to stop his/her behavior, the harassment continues, file a complaint (a letter or memo outlining the behavior and including your records) with one of the following individuals listed below. Do not wait too long, especially if you feel that you have made yourself clear to the offender.

:

Dr. Sohrab Khoshbin DIRECTOR
Wellsprings College
13085 Yonge Street, Suite 205
Richmond Hill, ON L4E 3S8

An email containing a copy of the letter should be sent to Drkhoshbin@gmail.com

Donna Brown
Wellsprings College
13085 Yonge Street, Suite 205
Richmond Hill, ON L4E 3S8

An email containing a copy of the letter should be sent to donna@cchh.org

The sooner you take action the sooner the harassment will be addressed and remedied. You may also choose not to file a complaint and still be entitled to appropriate accommodations in order to feel protected from further harassment.

Please note that an internal complaint does not prevent an aggrieved part from filing a complaint with the Human Rights Commission. It should be noted that there is a time limit of six (6) months from the date of the offence in which to file a Human Rights Complaint.

Dealing with a Complaint

Please note that all complaints are assumed to have been filed in good faith.

1. Once a complaint is received, it will be taken seriously and will be kept confidential. An investigation will begin immediately and all necessary steps taken to resolve the problem. Your complaint should include documentation to substantiate your complaint (i.e. your notes or records of the incidents). We will listen to your complaint and help you. If necessary, you can ask a colleague or friend to help you file the complaint.
2. The complainant and the alleged offender will both be interviewed along with any individuals who may be able to provide relevant information. All information will be kept in confidence.
3. 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 private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.
4. If the investigation reveals evidence to support the complaint of sexual harassment, the harasser will be disciplined appropriately. Discipline may include suspension or dismissal, notification to the appropriate authorities (the Human Rights Commission and or the Police and / or criminal charges. The incident will be documented in the harasser's file. No documentation whatsoever will be placed in the complainant's file where the complaint is filed in good faith, where the complaint is upheld or not.
5. 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 private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.
6. If the investigation fails to find evidence to support the complaint, there will be NO documentation concerning the complaint placed in the file of the alleged offender.
7. Regardless of the outcome of a sexual harassment complaint made in good faith, the individual lodging the complaint as well as anyone providing information, will be protected from

any form of retaliation by either colleagues, co-workers or superiors. Retaliation may include, but is not limited to the following: demotion, unwanted transfer, denial of opportunities within the College, as well as harassment of the individual as a result of his/her having made a complaint or having provided evidence regarding the complaint. Individuals who participate in any form of retaliation will be subject to disciplinary action.

Disciplinary Action

Any action taken against the offender will be based on the circumstances surrounding the allegations of sexual harassment. Disciplinary measures taken will be influenced by a variety of factors such as persistence, severity of the behavior and the co-operation and willingness on the part of the offender to change his/her behavior. The Director will impose the appropriate sanction on the offender. If sexual harassment has been substantiated, the incident will be documented in the offender's administration file.

Depending on the circumstances of the complaint and the outcome of the investigation, disciplinary action will include but is not limited to one of more of the following actions:

- A written reprimand and warning which may include recommendations for counseling.
- Suspension.
- Expulsion , termination.
- Documentation forwarded to the Human Rights Commission and/or the Police.
- Criminal charges.

Appeal

Should the complainant or the respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the College within 7 days by submitting a letter addressed to :

Dr. Sohrab Khoshbin Wellsprings College
13085 Yonge Street, Suite 205
Richmond Hill, ON L4E 3S8

An email containing a copy of the letter should be sent to Drkhoshbin@gmail.com

Victims Resources

The following represents a list of Provincial Sexual Victims, Rape Crisis Centres and Counseling.

Canadian Association of Sexual Assault Centres

Ontario English

Assaulted Women's Helpline

Assaulted Women's Helpline	(866) 863-7868
310-COPE	(905) 310-2619
Kids Help Phone	(800) 668-6868
Women's Centre of York Region	(905) 853-9270
Women's Support Network of York Region	(905) 895 7313
Or	(800) 263-6734

Court / Legal Supports

Victim / Witness Assistance Program	(905) 868-8355
Newmarket Criminal Court	(905) 853-4801
Family Law Information Centre / Family Court	(905) 853-4809
Legal Aid Ontario	(800) 668-8258

Interpreter Services

Multilingual Community Interpreter Services	(416) 422-5984
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Women's Shelters

Yellow Brick House	(800) 263-3247
Sandgate Women's Shelter	(800) 661-8294
E.T.A. Vaughan	(877) 382-1888
Blue Door Shelters	(905) 898-1015

Online Resources

Family-Law Education for Women	www.onefamilylaw.ca
Family Law for Men	www.fathers-resources.com
Neighbours, Friends and Families	www.neighboursfriendsandfamilies.ca
Shelternet	www.shelternet.ca
York Regional Police & Victim Services	www.safetybound.ca

Surrounding Areas

Alliston, Barrie, Collingwood, Midland and Orillia

Huronian Transition Homes operates La Maison Rosewood Shelter (Midland) & Athena's Sexual Assault Counselling and Advocacy Centre

24-Hour Crisis Line:

Barrie: 705-737-2008 or 1-800-987-0799

Midland: 705-526-4211 or 1-800-461-175

Office: 705-526-3221

www.huroniatrtransitionhomes.ca

Durham Region

Durham Rape Crisis Centre

Crisis: 905-668-9200

Office: 905-444.9672

info@drcc.ca

www.drcc.ca

Guelph**Guelph-Wellington Women in Crisis**

Crisis: 519-836-5710

1-800-265-7233

Office: 519-823-5806

www.gwwomenincrisis.org

Kitchener-Waterloo**Sexual Assault Support Centre of Waterloo Region**

Crisis: 519.741.8633

Office: 519.571.0121

info@sascwr.org

www.kwsasc.org

Peel Region

Hope 24/7 (formerly the Sexual Assault/Rape Crisis Centre of Peel)

Crisis: 1-800-810-0180

Office: (905) 792-0821

www.hope247.ca/

Oakville**Sexual Assault & Violence Intervention Services of Halton**

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

Office: 905-825-3622

www.savisofhalton.org

Orangeville**Family Transition Place**

Crisis: 1-800-265-9178

Office: 519-942-4122

www.familytransitionplace.ca

Simcoe**Haldimand & Norfolk Women's Service**

Crisis: 1-800-265-8076

TTY: 1-800-815-6419

Office: 519-426-8048

hnws@hnws.on.ca

www.hnws.on.ca

Toronto

Oasis Centre des Femmes

Téléphone : 416-591-6565

Courriel : services@oasisfemmes.org

<http://oasisfemmes.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

References

Private Career Colleges Act, 2005, Ontario Human Rights Code, RSO 1990

Wellsprings College Admissions & Academic Policies manual Ver.- Aug 2018

Questions

For any questions or concerns about this policy or anything outlined in the body of the policy, a written request can be sent to;

Dr. Sohrab Khoshbin

Director

13085 Yonge Street – Suite 205

Richmond Hill, ON L4E 3S8

Email: drkhoshbin@gmail.com or registrar@wellspringscollege.com

Anti-Bullying/Anti-Harassment/Anti-Discrimination Policy**I. SCOPE OF POLICY**

1. **Who is Bound:** WELLSPRINGS has adopted this Anti-Bullying and Anti-Harassment Policy (“Policy”) to ensure ethical and respectful employment practices and treatment for all Students of WELLSPRINGS, as well as Employees (as defined herein in paragraph 14). This Policy shall be visibly posted around the campus.

2. **Objective:** The objective of the Policy is to create a climate of understanding and mutual respect where each person feels a part of the WELLSPRINGS community.

3. **Zero Tolerance:** WELLSPRINGS will have a zero tolerance policy for harassment or bullying. WELLSPRINGS will not tolerate, ignore, or condone any form of discrimination or harassment and is committed to promoting appropriate standards of conduct at all times.

4. **May Result in Dismissal or Expulsion:** All Employees in the WELLSPRINGS family are responsible for respecting the dignity and rights of their co-workers and the Students whom they educate. Students are in turn are responsible for respecting the dignity and rights of their fellow Students. Bullying and harassment are serious forms of Employee and Student misconduct which may result in disciplinary

action up to and including discharge of an Employee, and which may result in Suspension or Expulsion of a Student.

5. **Harassment Free Workplace:** WELLSPRINGS will take any and all reasonable steps available to ensure a harassment-free environment, including barring the harasser from its facilities, where appropriate, or discontinuing business with harassers, as the case may be.

II. **APPLICATION OF POLICIES**

6. **Online Bullying, Harassment, and Social Media:** Harassment and bullying will not be tolerated *on or off campus* to the extent that such conduct compromises a respectful and harassment free environment at WELLSPRINGS. For example, online (social media, e-mail, or otherwise) harassment or bullying by a Student or Employee in our WELLSPRINGS family will not be tolerated and will be treated as if it occurred on campus.

7. **Enumerated Grounds:** *Without limitation*, the following prohibited grounds of discrimination and any combination of these grounds will specifically not be tolerated, apart and aside from any harassment or bullying issue:

1. Race;
2. Citizenship;
3. Sexual Orientation;
4. Ancestry;
5. Creed;
6. Age;
7. Place of Origin;
8. Sex (including pregnancy);
9. Marital Status;
10. Colour;
11. Gender;
12. Family Status;
13. Ethnic Origin;
14. Disability.

8. **Right to Contract Equally:** Every person having legal capacity has a right to contract on equal terms without discrimination based on those items enumerated in paragraph 7 above.

9. **Equal Treatment in Employment:** Every person has a right to equal treatment with respect to employment without discrimination or harassment based on those items enumerated in paragraph 7 above.

10. **“Bullying” Standards may be Adopted:** WELLSPRINGS is mindful that at the time some provincial government’s have introduced new draft legislation in relation to anti-bullying. While such legislation will not apply to the post-secondary education stream, WELLSPRINGS applauds the draft legislation and may, on a case by case basis, be governed by some of its principles to determine whether instances of “bullying” (which may fall short of or be different from “harassment”) have occurred.

11. **Obligation to Report:** Staff and Students must report any alleged form of discrimination, harassment, or bullying to Dr. Sohrab Khoshbin as soon as they become aware of an issue.

12. **Discrimination:** Discrimination, as used in this Policy, is any practice or behaviour, whether intentional or not, which has a negative impact on an individual or group because of personal characteristics or circumstances unrelated to the person’s abilities or the employment or

- service issue in question (e.g., disability, sex, race, sexual orientation). Discrimination may arise as a result of direct differential treatment or it may result from the unequal effect of treating individuals and groups in the same way. Either way, if the effect of the behaviour on the individual is to withhold or limit full, equal and meaningful access to goods, services, facilities, employment, housing accommodation or contracts available to other members of society, it is discrimination.
13. **Duty to Accommodate:** This refers to the legal obligation of an organization to take steps to eliminate disadvantage caused by systemic, attitudinal, or physical barriers that unfairly exclude individuals or groups protected under the Ontario Human Rights Code. It also includes an obligation to meet the special needs of individuals and groups protected by the Code unless meeting such needs would create undue hardship.
 14. **Definitions;**
 - a. **“Bullying”:** means the severe or repeated use by one or more pupils of a written, verbal, electronic or other form of expression, a physical act or gesture or any combination of them if it is directed at another person if it has the effect of or is reasonably intended to have the effect of,
 - a.i. causing physical or emotional harm to another person or damage to the another person’s property,
 - a.ii. placing another person in reasonable fear of harm to himself or herself or damage to his or her property,
 - a.iii. creating a hostile environment at WELLSPRINGS for another person,
 - a.iv. infringing on the legal rights of another person at WELLSPRINGS, or
 - a.v. materially and substantially disrupting the education process or the orderly operation of WELLSPRINGS; (“intimidation”)
 - b. **“Employee”:** *For the purpose of this policy*, the term employee includes: full-time, part-time, temporary, probationary and casual employees, co-op students, volunteers, job applicants, staff, contractors, and consultants working for WELLSPRINGS;
 - c. **“Student”:** means student or prospective student of WELLSPRINGS;
 - d. **“Equal Treatment”:** Equal treatment is treatment that brings about an equality of results and that may, in some instances, require different treatment. For example, to give all employees equal treatment in entering a building, it may be necessary to provide a ramp or an elevator for an employee who requires the use of a wheelchair;
 - e. **Harassment:** Means improper comment or conduct based on one or more of the prohibited grounds listed in the Ontario Human Rights Code, that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful;
 15. **Discipline:** WELLSPRINGS will investigate any and all allegations for harassment promptly, in accordance with the law, and free from reprisal.
 16. **Where to Report:** See Dr. Sohrab Khoshbin immediately if there are any questions or concerns about this Policy.

Revised: 28 Feb. 2022