



Ontario School of Commerce and Technology

211 Watline Ave, Unit 205, Mississauga, ON L4Z 1P3

<https://osoca.ca>

Sexual Violence / Harassment Policy

Scope and Purpose

This document sets out the employees/students/staff regarding sexual Violence / Harassment policy and procedure at the Ontario School of Commerce and Technology (hereafter referred to as “OSOCAT” or “the College”) for receiving, reviewing, and responding to Violence / Harassment and complaints in instances where no other appropriate policy and procedure address the concern of the grievous party. All the employees, enrolled students, at OSOCAT, in any course or program by the College, and even the former students, when the alleged incident(s), has been occurred and warranted a complaint.

Background and Significance:

On July 1, 2023, Bill 26 amends the Private Career Colleges Act, 2005 ** including rules respecting sexual Violence / Harassment toward students by employees of career colleges, and to address related matters. **Effective January 1, 2024 the ‘Private Career Colleges Act, 2005’ is amended to the ‘Ontario Career Colleges Act, 2005.’ Definition of Employee: An employee of OSOCAT is defined as anyone who provides services and/or performs work for wages.

Definition and Scope

Sexual Violence / Harassment is broadly defined as any act that includes sexual harassment, sexual violence, sexual assault, stalking, and sexual exploitation. In relation to a student enrolled at the college, all employees of OSOCAT shall not:

a) Engage in physical sexual relations with a student, touching of a sexual nature with a student or behave or make remarks of a sexual nature towards a student where i. ii. iii. the act constitutes an offence under the Criminal Code (Canada) 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 the act constitutes sexual Violence / Harassment as defined in the OSOCAT employee sexual Violence / Harassment 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) Engage in any conduct 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.

2. Discharge or Discipline for Sexual Violence / Harassment If an employee of OSOCAT commits an act of sexual Violence / Harassment toward an enrolled student, the college 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;



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b) the employee will not be 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 despite any provision of an 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 OSOCAT.

If an employee of OSOCAT commits an act of sexual Violence / Harassment toward a student enrolled at the college and the college discharges the employee for that act or the employee resigns from their employment, OSOCAT shall not subsequently re-employ the employee.

If OSOCAT determines that it has re-employed an individual contrary to subsection (3), the college shall discharge the employee, and clauses (2) (a) to (c) shall apply to the discharge.

Non-disclosure Agreement: Subject to subsection (6), an agreement between OSOCAT and any person, including an agreement settling existing or contemplated litigation, that is entered into on or after the day section 1 of Schedule 2 to the Strengthening Post-secondary Institutions and Students Act, 2022 comes into force, shall not contain any term that, directly or indirectly, prohibits OSOCAT or any person related to the college from disclosing that an allegation or complaint has been made that an employee of OSOCAT committed an act of sexual Violence / Harassment toward a student of college, and any such term that is included in an agreement is void.

Limited Exception: OSOCAT may enter into an agreement that contains a term described in subsection (5) if the student requests that the college do so, provided that,

a) the student has had a reasonable opportunity to receive independent legal advice;

b) there have been no undue attempts to influence the student with respect to the request;

c) the agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so; and d) the agreement is of a set and limited duration.

7. Contrary Terms, Rules, etc. Subsections (2) to (6) apply despite any contrary term in an employment contract or any contrary rule or principle of common law or equity. 8. Requirement of Registration It is a condition of registration that OSOCAT have an Employee Sexual Violence / Harassment Policy that includes at a minimum, a) OSOCAT rules with respect to sexual behavior that involves employees and students enrolled at the college, and b) Disciplinary measures that may be imposed on employees who contravene the policy.

In case of any questions regarding this policy or attendance related concern, please contact at admin@soscat.ca.



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1. Reference

[Accessibility for Ontarians with Disabilities](#)

[Act Occupational Health and Safety Act](#)

[Ontario Human Rights Code](#)

[Personal Information Protection and Electronic Documents Act \(PIPEDA\), 2000](#)

[Ontario Career Colleges Act, 2005, S.O. 2005, c. 28, Sched. L](#)

[Ontario Career Colleges Act, 2005, - O. Reg. 415/06: GENERAL](#)

[Ontario Career Colleges Act. 2005, - O. Reg. 414/06: TRAINING COMPLETION
ASSURANCE FUND AND OTHER FINANCIAL MATTERS](#)

The development of this policy and procedure is defined and refined on the similar policies and procedures developed by Ontario Colleges of Applied Arts and Technology and Ontario registered career colleges.