



Sutherland-Chan School of Massage Therapy

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Sexual Violence & Sexual Harassment Policy

Purpose

Sutherland-Chan School of Massage Therapy ("the School") is committed to maintaining a learning, working, and clinical environment that is safe, respectful, inclusive, and free from sexual violence and sexual harassment.

Sexual violence and sexual harassment are unacceptable and will not be tolerated. Allegations involving sexual violence or sexual harassment will be addressed promptly, fairly, and in accordance with this policy, the *Complaints Policy*, *Sexual Misconduct Towards Students* policy, *Zero-Tolerance Policy*, *Non-Academic Standards & Policies*, and all applicable legislation.

This policy applies to all students, faculty, administrative staff, contractors, volunteers, patients, visitors, and any individual participating in School-related activities, whether on campus or off-site. Everyone is responsible for helping to create a safe environment.

Statement of Commitment

The School will:

- support individuals who disclose or report sexual violence or sexual harassment
- respond promptly and appropriately to disclosures and complaints
- protect privacy and confidentiality to the greatest extent possible
- provide reasonable academic, workplace, and clinical accommodations
- investigate formal complaints fairly and impartially
- take steps to prevent recurrence
- prohibit retaliation against any person who makes a disclosure, files a complaint, participates in an investigation, or seeks support

Definitions

Sexual Violence

Sexual violence means any sexual act, attempted sexual act, threat, or act targeting a person's sexuality, gender identity, or gender expression without their consent. Sexual violence includes, but is not limited to:

- sexual assault
- sexual abuse
- stalking
- voyeurism
- indecent exposure
- sexual exploitation

- distribution of intimate images without consent
- coercion into sexual activity

Sexual Harassment

Sexual harassment includes unwelcome conduct, comments, gestures, or communications of a sexual nature that are known, or ought reasonably to be known, to be unwelcome. Sexual harassment includes but is not limited to:

- sexual jokes or comments
- displaying sexually offensive material
- unwanted sexual attention
- repeated requests for dates or intimacy
- sexually suggestive remarks
- inappropriate physical contact
- unwelcome comments about appearance, sexuality, gender identity, or gender expression

Consent

Consent means the voluntary and ongoing agreement to engage in sexual activity. Consent:

- must be freely given
- is not silence or the absence of “No.”
- cannot be given if the victim is impaired by alcohol or drugs, or is unconscious
- can be withdrawn at any time
- cannot be obtained through coercion, intimidation, manipulation, threats, abuse of authority, or incapacitation
- cannot be assumed based on previous interactions or relationships

Stalking

A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours that occur on more than one occasion, and which collectively instill fear in the victim or threaten the victim/target’s safety or mental health. Stalking can also include threats of harm to the target’s friends and/or family.

Gender-Based Violence

Gender-based violence is any form of behaviour—including psychological, physical, and sexual behaviour—that is based on an individual’s gender and is intended to control, humiliate, or harm the individual.

Bystander

In the context of sexual abuse, a bystander is anyone who is neither a victim nor an offender, but who could potentially get involved to make a difference (before, during, or after the act).

Victim Blaming

Victim blaming occurs when the victim of a crime or an accident is held responsible, in whole or in part, for the crimes that have been committed against them.

Professional Boundaries

As a healthcare educational institution, the School maintains strict expectations regarding professional boundaries. Sexual relationships, sexual solicitation, or sexualized conduct between faculty and students or therapists and patients are considered serious breaches of professional conduct and may result in disciplinary action up to and including termination of employment, mandatory withdrawal, or expulsion. Please also reference the School's *Sexual Misconduct Towards Students* policy.

Sexual Abuse Prevention Measures

The school educates faculty, staff, and students about this policy and how to prevent sexual violence and harassment. This includes general considerations and expectations for health care professionals.

Sutherland-Chan School of Massage Therapy is committed to preventing sexual violence and sexual harassment through the following measures:

Education and Training

- Orientation for students and employees regarding sexual violence, consent, professional boundaries, and reporting procedures.
- Integration of professional ethics, therapeutic boundaries, informed consent, and patient safety into the curriculum.
- Ongoing training for faculty, staff, and supervisors regarding prevention, recognition, and response to incidents of sexual violence and harassment.

Clinical Environment and Patient Safety

- Clear standards regarding draping, privacy, informed consent, and professional conduct in clinical and educational settings.
- Appropriate supervision of students in classroom, clinics, and outreach environments.
- Measures to support a safe and respectful learning, working, and patient-care environment.

Reporting and Response

- Accessible and confidential reporting options for students, employees, patients, and visitors.
- Timely investigation and resolution of complaints in accordance with School policies and applicable legislation.
- Protection from retaliation for individuals who report concerns or participate in investigations.

Monitoring and Continuous Improvement

- Regular review of policies, procedures, and training programs.
- Analysis of reported incidents and emerging risks to identify opportunities for improvement.
- Ongoing commitment to fostering a culture of respect, dignity, safety, and accountability.

Disclosures and Reporting

Anyone who has experienced sexual violence or sexual harassment may choose whether or not to make a formal complaint.

A disclosure may be made to any member of the Management Team or Education Team. Complaints involving a member of the Management Team may be reported directly to the School Owner or an external investigator designated by the School.

They may choose to:

- seek support only
- file a formal complaint with the School
- report the matter to police
- pursue remedies available through external agencies

A person disclosing sexual harassment or violence has the right to:

- be treated with dignity, compassion, and respect
- have their privacy protected
- receive information regarding available supports
- have a support person or other representation present during the investigation or decision-making processes
- request reasonable accommodations (please speak to the CESC or ADE)
- determine whether to pursue a formal complaint
- choose not to request an investigation
- choose not to participate in the investigation
- withdraw a complaint at any stage, however the School may continue to act on the issue to comply with its obligations

Individuals do not need to report an incident or make a complaint about sexual violence in order to receive supports, services, or accommodations relating to sexual violence.

False Statements

Knowingly submitting a false complaint or providing false information will result in disciplinary action.

Confidentiality

The School will maintain confidentiality to the greatest extent possible. Information will only be shared where necessary to:

- investigate a complaint
- protect the health or safety of an individual
- comply with legal obligations
- address an immediate risk to the School community

Protection from Reprisal

Retaliation against any person who makes a disclosure, files a complaint, participates in an investigation, or supports another person in doing so is prohibited and may result in disciplinary action.

Investigation Process

Complaints involving sexual violence or sexual harassment will be investigated in accordance with the *Complaints Policy*.

Where an allegation presents an immediate risk of violence, harm, or ongoing safety concerns, the School may implement interim measures prior to the completion of an investigation.

Complainants will not be subject to disciplinary action for violations of School policies related to alcohol or drug use at the time of the alleged incident.

Individuals involved in investigations will not be asked irrelevant questions regarding sexual history or sexual expression.

Appeals

Should the complainant or respondent wish to appeal an investigation decision, they should reference the process outlined in the *Complaints Policy* (see Appendix B).

Reporting Obligations

The school will collect and provide data related to sexual violence to the Superintendent, Private Career Colleges Branch, Ministry of Colleges, Universities, Research Excellence and Security, as requested.

Supports and Resources

The School will provide information regarding available community, medical, counselling, legal, and crisis resources to any person seeking support.

Toronto Rape Crisis Centre
416-597-8808/416-597-1171

Victim Services Toronto
416-808-7066
victimservicestoronto.com

Oasis Centre des femmes
www.oasisfemmes.org
416-591-6565
services@oasisfemmes.org

This is by no means an exhaustive list of support available in the City of Toronto. Please speak to the CESC or ADE for further assistance.

Policy Review, Distribution, and Training

This policy will be reviewed annually by the School's Management Team. Students will be provided with the opportunity to participate in the review process through consultation, feedback mechanisms, or student representation.

All amendments (not including updates to supports/services available or to the identity of staff involved) will be approved by the School's Management Team.

This policy is available to staff and Students on SharePoint, is on the School's website, and is available to anyone who requests it.

All students receive a copy of this policy in their enrolment package.

This policy is included in the onboarding and training processes for all new employees.

Appendix A

Sexual Misconduct Toward Students

The Ontario Legislature's Bill 26 (*Strengthening Post-Secondary Institutions and Students Act*), passed on December 8, 2022, set out the following provisions for postsecondary universities and colleges, including private career colleges:

"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 of the institution 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")

As outlined in this act, Sutherland-Chan School of Massage Therapy (S-C) confirms the following are part of school policy:

1. If an S-C employee engages in sexual misconduct with a student, the employee will be disciplined.
2. If termination of their employment is considered appropriate, the termination will be for just cause (employee is not entitled to notice or termination pay).
3. No collective agreement, mediation or arbitration will supersede such a termination decision.
4. The employee will not be re-employed at any future date.
5. No one will be disciplined or otherwise adversely affected for disclosing information about an allegation or complaint of sexual misconduct of an employee toward a student.

S-C admin staff and faculty members are expected to comply with the *Sexual Violence and Sexual Harassment Policy*.

Appendix B

Complaints Policy

Purpose

Sutherland-Chan School is committed to good and fair processes when receiving and handling complaints. Such complaints may involve interactions between students, faculty, admin staff, and/or patients, relate to the content or application of policies, and/or occur at the school or offsite at Specialty Clinics or Community Outreach events. This policy outlines the general principles and processes for how complaints are handled.

General Overview

As a general principle, the school does not condone offensive, abusive, or discriminatory behaviour. We expect that whenever possible, students will speak up for themselves or on behalf of another person and that the issue will first be addressed with the involved individual(s). The person lodging the complaint may ask someone to be present as support (e.g., if there is a power differential). In cases of more contentious disputes, a mutually agreed-upon mediator can be used.

In their handling of disputes and complaints, all parties are expected to:

- behave with integrity, honesty, and respect
- be willing to listen and to consider others' points of view
- engage in the process and to be part of a fair, appropriate resolution
- recognize other's roles and responsibilities
- demonstrate empathy for other's circumstances and vulnerabilities in the situation
- respect equity and inclusion in the school environment, including acknowledgment of potential cultural diversity elements in the situation
- be accountable and willing to recognize one's own missteps
- reflect on, and learn from the situation
- acknowledge any conflicts of interest
- commit to privacy and confidentiality

It should not be assumed that an instructor or school staff is aware of a situation however, any administrative staff member, faculty, or student who becomes aware of an incident must speak to a member of the Management Team or Education Team.

Any person who is the subject of a complaint is entitled to disclosure of the substance of the complaint. This may take the form of a summary of concerns or a copy of a written complaint. The identity of the complainant(s) will be revealed unless there are overriding concerns about safety, reprisal, or undue hardship. This determination will be made by the manager in charge of the case, in consultation with the management team, school's counsel, or other qualified third party. Complaints will be handled as quickly as possible. Generally, a response can be expected within five school days of the submission.

Within the limits of privacy and confidentiality, the school may choose to communicate with others (e.g., the student body, staff) about a situation that resulted in a complaint. The purpose of such

communication is to educate others in the school community, to clarify expectations, or to highlight an area of policy.

Relevant and Related Policies & Procedures

- Student Handbook
- Academic Standards & Policies
- Non-Academic Standards & Policies
- Statement on Sexual Misconduct Towards Students
- Zero-Tolerance Policy
- Clinic Handbook
- Withdrawal & Expulsion Policy
- Privacy Policy

Administrative Staff

Administrator (ADM): Andrew Lewarne
andrew@sutherland-chan.com, x16

Associate Director of Education (ADE), Chief Examiner (CE): Heather Wright
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Clinic & Education Services Coordinator (CESC): Shannon Marshall
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Clinic Reception Coordinator: Illaha Nabi
illaha@sutherland-chan.com, x10

Director of Education (DE) & Registrar: Peter Becker
peter@sutherland-chan.com, x34

Finance Office Coordinator (FOC): Patricia Canal
patricia@sutherland-chan.com, x26

Office Coordinator (OC): Robert Rodbourne
robert@sutherland-chan.com, x19

OSAP, Student Records & IT Coordinator (OSR-ITC): Billy Tam
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Owner: Grace Chan
grace@sutherland-chan.com, x21

Management Team: Grace Chan, Andrew Lewarne, Peter Becker

Education Team: Peter Becker, Heather Wright, Shannon Marshall

Procedures

Complaints typically fall into one of two categories:

- 1) Everyday types of complaints
- 2) Formal complaints

Everyday Types of Complaints

The first step is for the complainant to resolve the issue with the person(s) involved. Anyone circumventing this step will be redirected back to it. This requirement does not apply where situations involve concerns personal safety, harassment, discrimination, sexual misconduct, violence, or where direct engagement would be unreasonable.

If there is a process outlined in established School policies, the complainant is expected to follow said policies. If the complaint is regarding school policies/procedures, the complainant is to speak with the administrator responsible for that policy (footer on page one of the policy).

The complaint does not need to be in writing at this stage, although it can be.

If a genuine attempt to resolve the issue directly has been unsuccessful, the complaint and any actions taken to date can be submitted in writing.

- Student issues: a member of the Education Team
- Faculty issues: ADE or DE
- Other school staff: a member of the Management Team – ideally the staff member's immediate supervisor

The admin person responsible will gather the information needed to move toward resolution and respond within five school days.

If a satisfactory resolution cannot be achieved, a member of the Management Team will make a final decision. Consultation (e.g., legal) will occur as required.

Formal Complaints

A formal complaint is an official, written statement of concern submitted to the school administration, triggering an investigation and requiring a resolution. This can include, but is not limited to:

- sexual violence or harassment
- discrimination
- conduct unbecoming/unprofessional conduct
- a health or safety hazard
- damage to or theft of personal property
- academic standards

Any allegation involving conduct identified in the *Zero-Tolerance Policy* as a Zero-Tolerance Violation will be treated as a formal complaint and investigated accordingly.

Formal complaint submissions must:

- be in writing, submitted to the DE or other member of the Management Team
- contain the complainant's name, contact information, and signature – formal complaints cannot be made anonymously
- clearly state the facts and identifies what policy was violated
- include the complainant's desired outcome

Formal complaint submissions may include:

- statements from other involved parties
- information related to actions already taken
- statements from other sources (e.g., Toronto Public Health, the College of Massage Therapists of Ontario, the Ministry)
- research related to the matter

Investigation Process

Assignment of Responsibility

One member of the Management Team will assume responsibility for addressing the complaint. If the handling of the case is delegated, it will only be delegated to a management level administrator, or a qualified party such as a trained mediator, human resources specialist, or lawyer.

Policy Reference

Depending on the nature of the complaint, the DE, Management Team member, or designate will refer to the relevant policies and process(es). This typically includes, but is not limited to, the *Academic Standards & Policies*, *Non-Academic Standards & Policies*, *Sexual Abuse Prevention Plan*, and *Withdrawal & Expulsion Policy*.

If the circumstance does not directly relate to a specific policy/procedure, the most relevant processes will be used as a template but modified to match the situation.

General Considerations

The general principle of always first seeking to resolve the issue directly with the involved person(s) would not apply if there is an issue of personal safety/jeopardy, if there are legal or regulatory processes involved, or in situations where third-party witnesses or mediators are an important part of the process.

Although the circumstances of each situation will differ, in general, the school will consider:

- the nature of the infraction
- how the infraction aligns with being/training to be a health care professional
- the student's intention and attitude
- the student's level of understanding
- available evidence
- the severity of the infraction and the impact it had on affected individuals
- patterns of behaviour

- where an allegation presents an immediate risk of violence, harm, or ongoing safety concerns, the school may implement interim measures prior to the completion of an investigation
- any relevant contextual factors when making its decision

In addition, in cases of sexual violence or harassment:

- the complainant can choose not to participate in the investigation
- complainants will not be subject to disciplinary action for violations of School policies related to alcohol or drug use at the time of the alleged incident.
- individuals involved in investigations will not be asked irrelevant questions regarding sexual history, prior sexual activity, or sexual expression.

Communication

In all cases, the complainant, the respondent(s), and the Management Team will be kept informed about the status of the investigation. Communication will be in writing, will be transparent, will only contain facts relevant to the investigation, and will comply with all applicable privacy legislation.

Documentation should include, where applicable:

- the status of the investigation
- current/new findings
- results of the investigation
- decisions with rationale
- proposed (or updates to) timelines
- any additional communication plans (e.g., faculty, students, regulatory bodies)

Expected Timelines

Everyday types of complaints are handled as quickly as possible. For complaints requiring a more thorough investigation, resolution within one calendar month is the guideline.

Formal complaints are handled as quickly as possible. Given an investigation must be conducted and more parties, including outside parties, may be involved, a conclusion within 10 calendar weeks is the guideline. The timeline may be extended if there are circumstances beyond the school's control.

Possible Outcomes

Where a violation is substantiated, disciplinary action may include:

- education or remedial measures
- restrictions on activities
- removal from class or clinic activities
- suspension
- expulsion
- termination of employment
- referral to regulatory, legal, or law enforcement authorities

If the complaint results in a decision to expel a student, the process in the *Withdrawal & Expulsion Policy* will be followed. If it is determined that a member of faculty or the administrative staff will be disciplined or have their employment terminated, the process followed will comply with contract terms and applicable law.

The school reserves the right to take immediate interim measures where necessary to protect the safety, wellbeing, or integrity of the school community.

Documentation

Recurrent behaviour (e.g., an instructor having to repeatedly speak to a student about the same issue) must be documented and submitted to the ADE or DE.

Any documentation relating to the complaint (e.g., the complaint, supporting documents, a Resolution Agreement) will be placed in the involved individual's student, employee, or patient files.

If a Resolution Agreement is required, it will be written by the administrative staff member involved and signed and dated by all involved parties. Each involved party will receive a copy. As needed, confidential documents or information will be placed in the file in a labelled, dated, and sealed envelope.

Appeals

Complaints decisions can be appealed, based on grounds related to allegations of improper conduct, discriminations, or unfairness in some aspect of the process. The appeal must be submitted, in writing, signed, and dated, to the School Owner, who will establish a committee of three, the additional two members being qualified consultants or counsel.

A student who is unsatisfied with the outcome of a complaint may submit a complaint to the Superintendent of Career Colleges through the Program Approval & Registration Information System (PARIS) automated system. Visit www.pcc.tcu.gov.on.ca/PARISEXTWeb/public/login.xhtml to register as a new PARIS user.

Appendix C

Zero Tolerance Policy

Purpose

Sutherland-Chan is committed to maintaining a safe, respectful, professional, and inclusive learning environment for students, staff, patients, and visitors.

While many concerns involving professionalism, communication, or conduct may be addressed through education, coaching, remediation, or progressive discipline, certain behaviours are considered so serious that they may result in immediate suspension, dismissal from clinic activities, or expulsion from the School.

This policy should be read in conjunction with the *Complaints Policy*, *Withdrawal & Expulsion Policy* and other applicable School policies.

Professional Misconduct vs. Zero-Tolerance Violations

The School recognizes that mistakes, lapses in judgment, misunderstandings, and knowledge gaps may occur during the learning process. Depending on the circumstances, these situations may be addressed through:

- Education and coaching
- Reflective assignments
- Remediation plans
- Behavioural contracts
- Progressive disciplinary measures

Examples may include isolated inappropriate comments, communication difficulties, minor professionalism concerns, or first-time conduct issues where there is no significant risk to safety, integrity, or wellbeing.

However, the behaviours listed below are considered fundamentally incompatible with the standards expected of students in a healthcare profession. While expulsion of the student is the usual outcome, the School will consider the nature and severity of the conduct, the available evidence, the impact on affected individuals, and any other relevant factors when making its decision.

Zero-Tolerance Violations

The following list is not exhaustive.

Professional Integrity and Boundaries

- Providing false, misleading, or fraudulent information to the School, including on admissions, health, security, or other required documentation (ref.: *Admissions Refusal*)

Policy, Vaccination and Personal Protective Equipment (PPE) Policy and Requirements, Student Enrolment Contract).

- Falsification of patient/clinic documentation or tracking of Direct Patient Care (DPC) hours.
- Serious breaches of professional boundaries including relevant CMTO expectations.
- Sexual misconduct, sexual advances, sexual harassment, or sexualized behaviour toward patients, students, staff, or visitors (ref.: *Sexual Violence and Harassment Policy*).

Patient Safety

- Conduct that places a patient, student, staff member, or member of the public at significant risk of harm.
- Providing treatment while impaired by alcohol, cannabis, illicit substances, or misuse of medications.

Harassment, Discrimination, and Violence

- Harassment, bullying, discrimination, or intimidation that is severe, persistent, targeted, or threatening.
- Hate-motivated conduct, including racist, homophobic, transphobic, sexist, ableist, or other discriminatory behaviour intended to demean, threaten, or harm.
- Threats of violence, coercion, stalking, assault, sexual violence, or other violent behaviour.
- The possession of any weapon – including but not limited to knives, pocket tools, blades, or firearms – on School property, Specialty Clinic sites, and school-sponsored events, regardless of whether the item is concealed or openly displayed.

Privacy and Confidentiality

- Unauthorized recording of individuals in classrooms, clinics, or School activities.
- Sharing images, recordings, personal information, or confidential information without authorization or consent.
- Serious breaches of patient confidentiality or privacy (ref.: *Privacy Policy, Social Media Policy*).

Criminal or Illegal Activity

- Theft, fraud, assault, sexual assault, or other criminal conduct occurring on School property, during School activities, or where the conduct reasonably affects the safety or reputation of the School or the School community.

Failure to Comply with Safety Requirements

- Deliberate or reckless disregard for safety policies, infection prevention and control requirements, or other safety procedures.
- Refusal to comply with reasonable directions intended to protect the health, safety, or wellbeing of patients, students, staff, or visitors.

Administration of the Policy

Reports of alleged zero-tolerance violations will be reviewed in accordance with the procedures outlined in the *Complaints Policy*.