

TICP SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY

1. Purpose

The Toronto Institute for Contemporary Psychoanalysis (TICP) is committed to providing a learning, teaching, and working environment that is safe, respectful, inclusive, and free from sexual violence.

TICP recognizes that sexual violence is unacceptable in any form and will not be tolerated. The Institute is committed to responding promptly, fairly, compassionately, and confidentially to disclosures and reports of sexual violence while respecting the rights, dignity, privacy, and autonomy of all individuals involved.

This policy has been developed in accordance with the **Ontario Career Colleges Act, 2005** and **Ontario Regulation 415/06**, as amended.

2. Guiding Principles

TICP is committed to responding to disclosures and reports of sexual violence in a manner that is:

- respectful;
- trauma-informed;
- fair and impartial;
- timely;
- confidential to the greatest extent possible; and
- supportive of the dignity, safety, and well-being of everyone involved.

TICP recognizes that individuals who experience sexual violence should be able to access supports and accommodations without fear of retaliation or discrimination.

3. Scope

This policy applies to:

- all students enrolled in TICP programs;
- faculty members;
- clinical supervisors;

- employees;
- Board Members;
- volunteers;
- contractors; and
- visitors participating in TICP activities.

This policy applies to conduct occurring:

- on TICP premises;
- during classes, seminars, supervision, or clinical training;
- during Institute-sponsored events and activities;
- during clinical placements or educational activities; and
- through electronic or online communications where there is a connection to the TICP learning or working environment.

4. Statement of Commitment

TICP is committed to:

- maintaining an environment free from sexual violence;
- preventing sexual violence through education and awareness;
- supporting individuals who disclose or report sexual violence;
- ensuring students may access supports and accommodations whether or not they choose to make a formal complaint;
- responding to disclosures and reports in a timely, fair, compassionate, trauma-informed, and impartial manner;
- protecting the privacy of all individuals involved to the greatest extent possible;
- protecting individuals from reprisals or retaliation for making a disclosure or report in good faith; and
- complying with the requirements of the Ontario Career Colleges Act, 2005 and all other applicable legislation.

5. Definitions

Sexual Violence

Sexual violence means any sexual act or act targeting a person's sexuality, gender identity, gender expression, or sexual orientation that is committed, threatened, or attempted without that person's consent.

Sexual violence includes, but is not limited to:

- sexual assault;
- sexual harassment;

- stalking;
- indecent exposure;
- voyeurism;
- sexual exploitation;
- distribution of intimate images without consent;
- coercion into sexual activity;
- unwanted sexual touching;
- unwanted sexual comments, gestures or jokes;
- unwanted requests for sexual favours; and
- any other conduct of a sexual nature that creates an intimidating, hostile, humiliating, or offensive learning, clinical, or working environment.

Consent

Consent is the voluntary, informed, ongoing, and mutual agreement to engage in sexual activity.

Consent:

- must be actively given;
- may be withdrawn at any time;
- cannot be assumed or implied;
- cannot be obtained through force, threats, intimidation, manipulation, or coercion; and
- cannot be given by a person who is unconscious, asleep, incapacitated, or otherwise incapable of consenting.

6. Rights of Students

Students affected by sexual violence have the right to:

- be treated with dignity, compassion, and respect;
- receive information about available supports and services;
- request reasonable academic or clinical accommodations;
- disclose or report sexual violence without being required to make a formal complaint;
- decide whether to participate in an investigation, except where TICP has a legal obligation to proceed;
- report an incident to police at any time; and
- be protected from reprisals for making a disclosure or report in good faith.

7. Supports and Accommodations

Students affected by sexual violence may access supports and reasonable accommodations regardless of whether they choose to disclose the incident, make a report, or participate in an investigation.

The Clinic Director will coordinate reasonable accommodations, which may include:

- academic accommodations;
- clinical placement accommodations;
- scheduling adjustments;
- safety planning;
- referrals to counselling, medical services, or community resources; and
- any other reasonable accommodation appropriate to the student's circumstances.

Accommodations will be determined on an individualized basis while respecting the privacy of everyone involved.

8. Community Resources

Students may choose to access community services at any time. These services may include:

- local hospital emergency departments;
- Sexual Assault/Domestic Violence Treatment Centres;
- Victim Services;
- police services;
- counselling and mental health services;
- community crisis services; and
- other organizations specializing in supporting individuals affected by sexual violence.

TICP will provide information about appropriate community resources upon request.

9. Disclosure, Reporting and Complaints

A student who has experienced sexual violence may choose to:

- disclose the incident to receive support;
- report the incident to TICP;
- make a formal complaint under this policy;
- report the incident to police; or
- pursue any combination of the above options.

A disclosure or report may be made verbally or in writing to:

- The Clinic Director; or
- a Board Member.

If the disclosure or report involves the Clinical Director or a Board Member, it may be made to another Board Member or an external investigator appointed by TICP.

Making a disclosure does not obligate a student to make a formal complaint or participate in an investigation.

10. Confidentiality

TICP recognizes the importance of confidentiality and will make every reasonable effort to protect the privacy of all individuals involved.

Information relating to a disclosure, report, complaint, investigation, or accommodation will be shared only with those who require the information in order to carry out their responsibilities or where disclosure is required by law.

Absolute confidentiality cannot be guaranteed where:

- there is an imminent risk of harm to any individual;
- disclosure is required by law;
- a fair investigation cannot proceed without disclosure; or
- public safety requires action.

Records relating to disclosures, reports, investigations, accommodations, and outcomes will be maintained securely in accordance with applicable privacy legislation and TICP's records management practices.

11. Response and Investigation

Upon receiving a disclosure or report of sexual violence, TICP will:

- acknowledge receipt in a timely manner;
- provide information regarding available supports, services, and accommodations;
- explain the options available to the individual;
- assess the information received; and
- determine the appropriate response.

Depending on the circumstances, the response may include:

- supportive measures;
- accommodations;
- mediation where appropriate and agreed to by all parties;
- a formal investigation;
- referral to police where requested by the individual or otherwise required by law; or
- other actions consistent with this policy.

Except where required by law or where there is a significant risk to the safety of the TICP community, a student is not required to participate in an investigation and may decline to make a formal complaint.

Where an investigation is initiated, it will be conducted fairly, impartially, and as promptly as reasonably possible.

An investigation may be conducted by:

- the Clinical Director;
- a Board Member;
- the Ethics Committee, where appropriate; or
- an external investigator appointed by TICP.

Both the complainant and the person alleged to have engaged in the conduct (the respondent) will have an opportunity to provide relevant information.

Each party may be accompanied by a support person of their choosing during meetings related to the investigation.

Investigators will avoid asking irrelevant questions, including questions relating to an individual's sexual history or sexual expression, except where directly relevant and permitted by law.

12. Procedural Fairness

TICP is committed to conducting investigations in accordance with the principles of procedural fairness.

Individuals participating in an investigation will:

- be treated respectfully and impartially;
- have an opportunity to provide relevant information;
- have an opportunity to respond to information that may be relied upon in reaching a decision; and
- be informed of the outcome, subject to applicable privacy legislation.

13. Interim Measures

Where appropriate, TICP may implement temporary measures to promote safety and protect the integrity of the investigation while a matter is being reviewed.

Interim measures may include:

- changes to class schedules;
- changes to supervision or clinical assignments;

- restrictions on contact between individuals;
- temporary removal from Institute activities where appropriate;
- adjustments to learning or working arrangements; or
- any other reasonable measure necessary to protect the health, safety, or well-being of members of the TICP community.

Interim measures are precautionary only and do not constitute disciplinary action or a finding of responsibility.

14. Decisions and Outcomes

Following an investigation, TICP will determine whether this policy has been violated based on the information gathered during the investigation.

Where appropriate, corrective action may include:

- educational or restorative measures;
- written warnings;
- restrictions on participation in Institute activities;
- suspension;
- dismissal from a program;
- termination of employment or appointment; or
- any other action considered appropriate under TICP policies or applicable law.

The complainant and the respondent will be advised, in accordance with applicable privacy legislation, when the investigation has concluded and whether appropriate action has been taken.

15. Protection from Reprisal

TICP prohibits retaliation against any individual who, in good faith:

- discloses sexual violence;
- makes a report or formal complaint;
- participates in an investigation; or
- provides information during an investigation.

Any individual found to have engaged in retaliation or reprisal may be subject to disciplinary action in accordance with TICP policies and applicable legislation.

16. Student Protections

In accordance with the **Ontario Career Colleges Act, 2005** and **Ontario Regulation 415/06**, TICP will ensure that:

- A student who, in good faith, discloses, reports, or makes a complaint about sexual violence will not be subject to disciplinary action or sanctions for violations of TICP's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.
 - A student who discloses or reports sexual violence or accesses supports or services will not be asked irrelevant questions by TICP staff or investigators, including questions relating to the student's sexual history or sexual expression, unless such questions are directly relevant to the matter being investigated.
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17. Roles and Responsibilities

Clinic Director or Board Member

The Clinic Director or Board Member is responsible for:

- receiving disclosures, reports, and formal complaints;
- ensuring that appropriate supports and accommodations are offered;
- determining the appropriate institutional response;
- appointing an external investigator where appropriate;
- ensuring investigations are conducted fairly and impartially; and
- ensuring this policy is administered consistently.

Clinic Director

The Clinic Director is responsible for:

- coordinating reasonable accommodations;
- assisting students in accessing available supports and services; and
- supporting students throughout the process, where appropriate.

Ethics Committee

The Ethics Committee may:

- review matters within its mandate;
- provide recommendations where appropriate; and
- support the fair implementation of this policy.

Students, Faculty, Staff, and Board Members

All members of the TICP community are expected to:

- contribute to a respectful and inclusive learning environment;
 - refrain from conduct that constitutes sexual violence;
 - cooperate with investigations where appropriate; and
 - respect the dignity, privacy, and rights of others.
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18. Education and Awareness

TICP is committed to promoting awareness and prevention of sexual violence.

This policy will be made readily available to students, faculty, employees, and Board Members.

TICP will provide information regarding:

- this policy;
- consent;
- reporting options;
- available supports and accommodations; and
- community resources.

Information will be provided during student orientation and will remain accessible throughout a student's enrolment.

19. Policy Review

This policy will be reviewed at least annually in accordance with the **Ontario Career Colleges Act, 2005** and **Ontario Regulation 415/06**.

This policy will be reviewed annually, and students will have an opportunity to provide feedback as part of the review process.

20. Related Legislation

This policy should be read together with:

- Ontario Career Colleges Act, 2005;
- Ontario Regulation 415/06;
- Ontario Human Rights Code;
- Occupational Health and Safety Act; and
- Criminal Code of Canada.

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