



## Employee Sexual Misconduct Policy

### Background:

On July 1, 2023, Bill 26 amends the *Private Career Colleges Act, 2005* including rules respecting sexual misconduct toward students by employees of private career colleges, and to address related matters.

### Definition of Employee:

An employee of Stanford International College is defined as anyone who provides services and/or performs work for wages.

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## Employee Sexual Misconduct Policy

### 1. Definition of Sexual Misconduct

Sexual misconduct 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 Stanford International College 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. 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 Stanford International College employee sexual misconduct policy or contravenes the policy or any other policy, rule or other requirement of the private 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 Misconduct

If an employee of Stanford International College commits an act of sexual misconduct 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;
- 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 Stanford International College.

### **3. Re-employment of Employees Who Have Committed Sexual Misconduct**

If an employee of Stanford International College commits an act of sexual misconduct toward a student enrolled at the college and the college discharges the employee for that act or the employee resigns from their employment, Stanford International College shall not subsequently re-employ the employee.

### **4. Same**

If Stanford International College 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.

### **5. Non-disclosure Agreement**

Subject to subsection (6), an agreement between Stanford International College 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 Stanford International College or any person related to the college from disclosing that an allegation or complaint has been made that an employee of Stanford International College committed an act of sexual misconduct toward a student of college, and any such term that is included in an agreement is void.

### **6. Limited Exception**

Stanford International College 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 Stanford International College have an Employee Sexual Misconduct Policy that includes at a minimum,

- a) Stanford International College's rules with respect to sexual behaviour that involves employees and students enrolled at the college, and
- b) Disciplinary measures that may be imposed on employees who contravene the policy.