



IBT COLLEGE

Business • Travel & Tourism • Technology

47 Sheppard Av. East, Toronto, ON M2N 7E7 Tel: 416.963.1211 email: info@ibtcollege.com www.ibtcollege.com

IBT COLLEGE

Sexual Misconduct by Employees Policy

Policy Number: HR-005

Approved By: President /Superintendent

Review Date: Annually

Legislative Authority: Ontario Career Colleges Act, 2005, Section 32.0.1

1. PURPOSE

IBT College ("the College") is committed to providing a safe, respectful, inclusive, and professional learning environment in which students are protected from sexual misconduct by employees.

This Policy establishes the College's rules respecting sexual misconduct by employees toward students, outlines prohibited conduct, identifies reporting procedures, and describes potential disciplinary measures that may be imposed where misconduct is substantiated.

This Policy has been adopted pursuant to **Section 32.0.1 of the Ontario Career Colleges Act, 2005** and shall be interpreted in a manner consistent with applicable legislation, including the Ontario Human Rights Code and the Criminal Code of Canada.

2. SCOPE

This Policy applies regardless of whether the alleged misconduct occurs during or outside normal working hours if there is a sufficient connection to the employment relationship or the College.

- Full-time employees;
- Part-time employees;
- Faculty members;
- Instructors;
- Academic Coordinators;
- Administrators;
- Managers;
- Directors;
- Contractors;

- Consultants;
- Volunteers;
- Guest lecturers;
- Any individual providing services on behalf of the College.

This Policy applies to all interactions between employees and current students, regardless of whether the conduct occurs:

- on College premises;
- during classes or laboratories;
- during field placements or work-integrated learning;
- during College-sponsored activities or events;
- off campus where there is a connection to the College;
- online through learning management systems;
- through email;
- through text messaging;
- through telephone communications;
- through video conferencing;
- through social media or any other electronic communication.

For the purposes of this Policy, a student remains a "current student" until they have completed, withdrawn from, or otherwise ceased to be enrolled in their program of study.

3. POLICY STATEMENT

IBT College maintains **zero tolerance** for sexual misconduct committed by employees toward students.

Employees occupy positions of trust and authority. They are expected to maintain professional boundaries with students at all times and to conduct themselves in a manner that promotes a safe and respectful educational environment.

Sexual misconduct by an employee constitutes serious professional misconduct and is strictly prohibited.

Where an allegation of sexual misconduct is substantiated, the College will take appropriate corrective and disciplinary action, up to and including dismissal for just cause, in accordance with applicable legislation.

The College also prohibits retaliation against any individual who reports sexual misconduct or participates in an investigation in good faith.

4. DEFINITIONS

For the purposes of this Policy:

Employee

"Employee" means any individual employed by or acting on behalf of IBT College, including full-time and part-time employees, instructors, faculty members, academic coordinators, managers, administrators, contractors, consultants, volunteers, guest lecturers, and any other individual providing services for or on behalf of the College.

Student

"Student" means an individual who is currently enrolled in any program offered by IBT College, whether on a full-time, part-time, online, hybrid, or in-person basis.

A person remains a student until they have graduated, withdrawn, or otherwise ceased to be enrolled at the College.

Sexual Misconduct

For the purposes of this Policy, **Sexual Misconduct** has the meaning contemplated by Section 32.0.1 of the *Ontario Career Colleges Act, 2005* and includes any sexual act, behaviour, communication, or relationship by an employee toward a current student that is prohibited by law or by this Policy.

Without limiting the generality of the foregoing, Sexual Misconduct includes:

- a) physical sexual relations with a student;
- b) touching of a sexual nature involving a student;
- c) any behaviour or remarks of a sexual nature directed toward a student;

where such conduct:

- constitutes an offence under the Criminal Code (Canada);
- infringes the student's rights under subsection 7(3)(a) of the Ontario Human Rights Code; or
- is prohibited under this Policy or under the College's rules respecting relationships between employees and students.

Sexual Misconduct also includes:

- sexual harassment;
- sexual solicitation;
- sexual exploitation;
- coercive sexual behaviour;
- requests for sexual favours;
- unwelcome sexual advances;
- sexually suggestive comments or jokes;
- inappropriate electronic communications of a sexual nature;
- sending sexually explicit messages or images;
- displaying sexually explicit material;
- stalking of a sexual nature;
- intimidation related to sexual conduct;
- retaliation arising from the rejection of sexual advances.

The absence of physical contact does not prevent conduct from constituting Sexual Misconduct.

Reprisal

"Reprisal" means any adverse action, intimidation, threat, retaliation, discrimination, or other negative treatment against a person because they:

- reported Sexual Misconduct;
- made a complaint in good faith;
- participated in an investigation;
- provided information during an investigation; or
- declined or rejected sexual advances or requests for sexual favours.

Reprisal is strictly prohibited.

Consent

Consent means the voluntary, informed, ongoing, and freely given agreement to engage in sexual activity.

For the purposes of this Policy, **the existence of apparent consent shall not excuse an employee's breach of this Policy where a current student is involved.**

Because employees occupy positions of trust, authority, influence, evaluation, supervision, or mentorship, a power imbalance exists between employees and current students. Accordingly, employees are prohibited from engaging in sexual or romantic relationships with current students regardless of any purported consent.

5. PROFESSIONAL BOUNDARIES AND PROHIBITED RELATIONSHIPS

Employees are expected to maintain appropriate professional boundaries with students at all times.

Employees shall not:

- engage in sexual relationships with current students;
- pursue romantic relationships with current students;
- request or encourage dates with current students;
- engage in flirtatious behaviour toward students;
- exchange sexually suggestive communications with students;
- make comments regarding a student's body, appearance, or sexuality that are sexual in nature;
- invite students to private residences for social purposes unrelated to legitimate College business;
- exploit the employee-student relationship for personal or sexual benefit;
- misuse their position of authority, trust, supervision, evaluation, or influence.

Any employee who engages in conduct prohibited by this section may be found to have committed Sexual Misconduct under this Policy.

Employees are expected to avoid situations that could reasonably create an actual, perceived, or potential conflict of interest arising from personal relationships with students.

6. REPORTING SEXUAL MISCONDUCT

IBT College encourages the prompt reporting of any alleged Sexual Misconduct by an employee toward a current student.

A complaint may be made by:

- a current student;
- a former student with respect to conduct that occurred while enrolled;
- an employee;
- a contractor or volunteer;
- or any individual who has reasonable grounds to believe that Sexual Misconduct has occurred.

Complaints may be made verbally or in writing.

Reports should be submitted to the College's Campus Director or to another individual designated in writing by the President, responsible for receiving and managing complaints of Sexual Misconduct. Where the complaint involves that designated official, the complaint may be submitted directly to the President or another senior administrator designated by the College.

The College will make reasonable efforts to respond promptly and appropriately to every complaint received.

Nothing in this Policy prevents an individual from reporting an incident to the police or any other external authority where appropriate.

7. INVESTIGATION OF COMPLAINTS

Upon receiving a complaint, the College shall promptly conduct an impartial and appropriate review of the allegations.

The College may:

- conduct an internal investigation;
- appoint an external investigator where appropriate;
- interview the complainant, respondent, and relevant witnesses;
- review documentary or electronic evidence;
- take any other reasonable investigative steps necessary to determine the facts.

Investigations shall be conducted in a manner that is fair, objective, timely, and respectful of all parties.

Both the complainant and the respondent shall be provided with an opportunity to present relevant information before findings are made.

The College shall determine, on a balance of probabilities, whether this Policy has been violated.

8. INTERIM MEASURES

Where appropriate, the College may implement interim measures while an investigation is ongoing in order to protect students and maintain the integrity of the investigation.

Interim measures may include, but are not limited to:

- temporary reassignment of duties;
- removal from instructional responsibilities;
- administrative leave, with or without pay where permitted by law;
- restrictions on contact with students;
- restrictions on access to College facilities or electronic systems;
- changes to reporting relationships;
- any other reasonable measure considered necessary by the College.

The implementation of interim measures does not constitute a finding of misconduct. Interim measures shall be proportionate to the circumstances.

9. DISCIPLINARY MEASURES

Where the College determines that an employee has violated this Policy, disciplinary action shall be imposed having regard to the seriousness of the misconduct and applicable legal requirements.

Disciplinary measures may include one or more of the following:

- verbal or written warning;
- mandatory education or training;
- written reprimand;
- suspension;
- removal from instructional or supervisory responsibilities;
- reassignment of duties;
- termination of employment for just cause;
- any other disciplinary action considered appropriate by the College.

Nothing in this Policy limits the College's right to impose immediate dismissal where the circumstances warrant.

10. TERMINATION FOR JUST CAUSE

Where an employee is found to have committed Sexual Misconduct toward a current student, the College may terminate the employee's employment for just cause in accordance with **Section 32.0.1 of the Ontario Career Colleges Act, 2005** and other applicable legislation.

Where permitted by law, dismissal for Sexual Misconduct constitutes dismissal for just cause.

The College reserves all rights available under applicable legislation with respect to dismissal resulting from Sexual Misconduct.

11. PROHIBITION ON RE-EMPLOYMENT

Where an employee has been discharged by the College for committing Sexual Misconduct toward a current student, the College shall not knowingly re-employ that individual in any capacity.

Where an employee resigns from employment before the completion of an investigation or disciplinary process relating to alleged Sexual Misconduct toward a student, the College reserves the right to complete its investigation to the extent reasonably practicable.

If the College determines that the employee engaged in Sexual Misconduct that would have justified dismissal under this Policy and applicable legislation, the College shall not re-employ that individual.

This prohibition applies to all forms of employment or engagement with the College, including but not limited to:

- full-time employment;
- part-time employment;
- contract positions;
- instructional services;
- consulting arrangements;
- volunteer positions; and
- any other role performed on behalf of the College.

Nothing in this section limits the College's obligations under applicable legislation.

12. CONFIDENTIALITY

The College shall make reasonable efforts to protect the privacy and confidentiality of all individuals involved in a complaint of Sexual Misconduct.

Information relating to a complaint shall be collected, used, disclosed, and retained only as necessary:

- to receive and investigate the complaint;
- to protect the health, safety, and well-being of students or others;
- to comply with applicable legislation;
- to implement appropriate corrective or disciplinary measures; or
- where otherwise required or authorized by law.

Absolute confidentiality cannot be guaranteed where disclosure is necessary to conduct a fair investigation, protect members of the College community, or comply with legal obligations.

13. NON-DISCLOSURE AGREEMENTS

IBT College shall not require a student who has experienced or reported Sexual Misconduct by an employee to enter into a non-disclosure agreement or any other agreement that prevents the student from disclosing the existence or circumstances of the complaint, except where such an agreement is requested by the student and is permitted under applicable legislation.

Where a confidentiality provision is requested by the student, the College shall ensure that any such agreement complies with the requirements of the **Ontario Career Colleges Act, 2005**, including any conditions prescribed by law.

The College shall not directly or indirectly pressure, influence, coerce, intimidate, or induce a student to request or accept a confidentiality provision.

Nothing in this Policy prevents the College from protecting confidential personal information or complying with its legal obligations respecting privacy.

14. PROTECTION FROM REPRISAL

IBT College strictly prohibits retaliation against any individual who, in good faith:

- reports Sexual Misconduct;
- makes a complaint;
- provides information during an investigation;
- participates in an investigation;
- acts as a witness; or
- declines or rejects sexual advances or requests for sexual favours.

Retaliation may include, but is not limited to:

- intimidation;
- threats;
- harassment;
- discrimination;
- adverse academic treatment;
- adverse employment action;
- exclusion from College activities;
- or any conduct intended to discourage reporting or participation in an investigation.

Any employee who engages in reprisal shall be subject to disciplinary action, up to and including dismissal.

15. RECORD RETENTION

The College shall maintain records relating to complaints, investigations, findings, and disciplinary actions in accordance with applicable privacy legislation, record retention requirements, and College policies.

Access to such records shall be restricted to individuals who require the information in the performance of their duties or as otherwise required by law.

Records shall be retained for the period required by applicable legislation or the College's record retention schedule.

16. RELATIONSHIP TO OTHER COLLEGE POLICIES

This Policy is intended to complement, and not replace, the College's **Sexual Violence Policy**, Human Rights Policy, Workplace Harassment Policy, Code of Conduct, and any other applicable College policies.

Where an allegation falls within the scope of more than one College policy, the College may apply the provisions of multiple policies as appropriate.

Nothing in this Policy limits the College's obligations under any applicable legislation or other College policies.

Procedural matters relating to student supports, accommodations, complaint resolution, and related measures may also be addressed in accordance with the College's Sexual Violence Policy where applicable.

17. COMPLIANCE WITH LEGISLATION

This Policy shall be interpreted and administered in a manner consistent with applicable legislation, including but not limited to:

- Ontario Career Colleges Act, 2005
- Ontario Regulation 132/16
- Ontario Human Rights Code
- Occupational Health and Safety Act
- Freedom of Information and Protection of Privacy Act, where applicable
- Personal Information Protection and Electronic Documents Act (PIPEDA), where applicable
- Criminal Code (Canada)
- Any other applicable federal or provincial legislation.

Where there is any inconsistency between this Policy and applicable legislation, the legislation shall prevail.

18. POLICY REVIEW

IBT College is committed to maintaining this Policy in accordance with legislative requirements and recognized best practices.

This Policy shall be reviewed periodically and whenever amendments to applicable legislation require revision.

The College may amend this Policy at any time to ensure ongoing legal compliance and to enhance the protection of students.

19. RESPONSIBILITY

The President is responsible for ensuring that this Policy is implemented and maintained.

Managers, supervisors, instructors, faculty members, and all employees share responsibility for complying with this Policy and for maintaining a safe learning environment free from Sexual Misconduct.

All employees shall cooperate fully with investigations conducted under this Policy.

20. APPROVAL

Approved by	President / Superintendent
Last Review	July 30, 2026
Version	1.1

Schedule A – Examples of Conduct that Constitutes Sexual Misconduct

The following examples are intended to illustrate conduct that may constitute Sexual Misconduct under this Policy. They are provided for guidance only and are not exhaustive.

Examples include:

- Engaging in a sexual or romantic relationship with a current student.
- Requesting sexual favours from a student.
- Touching a student in a sexual manner.
- Kissing or attempting to kiss a student.
- Sending sexually suggestive text messages or emails.
- Sending sexually explicit photographs or videos.
- Making repeated comments about a student's body or appearance that are sexual in nature.
- Repeatedly asking a student for dates after refusal.
- Offering academic advantages in exchange for sexual conduct.
- Threatening academic consequences after rejection of sexual advances.
- Using a position of authority to initiate or maintain an inappropriate relationship.
- Displaying sexually explicit material to a student where unrelated to legitimate educational purposes.
- Any conduct prohibited by the Ontario Career Colleges Act, 2005, the Human Rights Code, or the Criminal Code of Canada.