



Ministry of Colleges and Universities

## Fact Sheet 12

### Action Plan to Stop Sexual Violence and Harassment

Updates and information for operators of private career colleges.

On this page:

- Action Plan overview
- Strategy and legislation
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- Information

**Note: Private career colleges (PCCs) must update their sexual violence policies by March 1, 2022.**

To strengthen sexual violence policies at postsecondary institutions, Subsection 36.0.2 of the Ontario Regulation 415/06 (General) under the *Private Career Colleges Act, 2005* (PCCA) has been amended.

Learn about the required updates to your private career college's policy.

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### Action Plan overview

All Ontarians deserve to feel safe from sexual violence and harassment in their communities, workplaces, homes, and schools. Attending one of Ontario's public colleges, universities, or private career colleges should be a time of personal fulfillment, growth, and opportunity. The government is committed to working closely with all postsecondary institutions to help students learn, study, and experience campus life at its finest, free from sexual violence and harassment.

During International Women's Week in 2015, the Ontario government launched a \$41 million, multi-ministry, three-year strategy to stop sexual violence and harassment in the province.

**It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment** (Action Plan) was a ground breaking initiative outlining concrete steps to help change attitudes, provide more supports for survivors, and make workplaces and campuses safer and more responsive to complaints about sexual violence and harassment.

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### Strategy and legislation

A signature component of the Action Plan was a commitment to "introduce legislation to strengthen provisions related to sexual violence and harassment in the workplace, on campus, in housing, and through the civil claim process."

To meet that commitment, the government introduced legislation in October 2015 to:

- Rescind the limitation period for any civil sexual assault claim under the *Limitations Act, 2002*.
- Repeal the two-year limitation period for claims of crimes relating to sexual violence brought to the Criminal Injuries Compensation Board under the *Compensation for Victims of Crime Act*.
- Amend the *Occupational Health and Safety Act* by including a definition of workplace sexual harassment, and by requiring employers to investigate and address complaints of workplace harassment (including sexual harassment) and to take all reasonable steps to protect workers from workplace harassment (including sexual harassment).
- Shorten the notice provision in the *Residential Tenancies Act, 2006* to end a tenancy for survivors of domestic and sexual violence.
- Require every publicly assisted college and university under the *Ministry of Training, Colleges and Universities Act* and every private career college under the *Private Career Colleges Act, 2005* to have a standalone sexual violence policy and to report to the Minister or to the Superintendent of Private Career Colleges on the incidence of sexual violence in the postsecondary education sector.

The *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016* received Royal Assent on March 8, 2016.

## **Amendments to the PCCA, 2005**

The **Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016** amended the *Private Career Colleges Act, 2005* to:

- include a definition of sexual violence (which includes sexual harassment)
- require, as a condition of registration, every private career college to have a sexual violence policy that:
  - specifically and solely addresses sexual violence involving students
  - sets out a process for responding to and addressing incidents and complaints of sexual violence involving students
- require every private career college to include its sexual violence policy in every enrolment contract with a student
- require that every private career college considers student input in the development of its sexual violence policy and every time the policy is reviewed or amended
- require every private career college to review its sexual violence policy at least once every three years and to amend it as appropriate
- require every private career college to implement its sexual violence policy in accordance with the regulations under the *Private Career Colleges Act, 2005*
- require every private career college to provide information to the Superintendent concerning:
  - the number of times supports, services, and accommodation relating to sexual violence are requested and obtained by students

- any initiatives and programs to promote awareness of supports and services available to students
  - the number of incidents and complaints of sexual violence reported by students
  - the implementation and effectiveness of its sexual violence policy
- require every private career college to ensure that the information it provides to the Superintendent does not include personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*
  - require every private career college to conduct a survey of its students relating to sexual violence as directed by the Superintendent and to disclose the results of the survey to the Superintendent

## Regulations

In support of the foregoing requirements, the Lieutenant Governor in Council amended Ontario Regulation 415/06 (pursuant to the *Private Career Colleges Act, 2005*) to:

- require every application for registration of a private career college to include a copy of the applicant's sexual violence policy
- require every enrolment contract to include an acknowledgement by the student that he or she has received a copy of the private career college's sexual violence policy
- require every private career college to appropriately accommodate the needs of students affected by sexual violence at no cost to the students
- require every sexual violence policy to:
  - provide information about the supports and services available at the private career college or through its agents for students affected by sexual violence
  - provide information about the supports and services available in the community for students affected by sexual violence
  - inform students that the private career college will appropriately accommodate the needs of students affected by sexual violence
  - inform students that a formal report of an incident of sexual violence is not necessary to access supports, services, or accommodations
  - include details of the private career college's process for responding to and addressing incidents and complaints of sexual violence
- require every private career college to publish its sexual violence policy on its website or, where the private career college does not have a website, to post it in a conspicuous location at each of its campuses
- require every private career college to provide or make available training on its sexual violence policy to owners, managers, staff, and students

The requirements under the amended *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 came into force on January 1, 2017.

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## Required policy updates

**Your private career college must update its sexual violence policy by March 1, 2022.**

To strengthen sexual violence policies at postsecondary institutions. Subsection 36.0.2 of the Ontario Regulation 415/06 (General) under the *Private Career Colleges Act, 2005* has been amended. The amendment comes into effect on **March 1, 2022**.

The regulation amendment requires registered private career colleges to update their sexual violence policies to reflect two new requirements:

1. If students, in good faith, report an incident of, or make a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred
2. Students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by the private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Note: Institutions are encouraged to review Section 32.1 of the *Private Career Colleges Act, 2005* for requirements pertaining to the process of updating their sexual violence policies.

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## Information

If you have questions about the *Private Career Colleges Act, 2005* and its regulations, contact the Ministry of Colleges and Universities, Private Career Colleges Branch:

PCC@ontario.ca

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