

**BrainStation**  
**Sexual Misconduct**  
**Policy**

**A. Overview**

BrainStation is committed to: (i) providing its students with an educational environment free from sexual misconduct and sexual violence (collectively “sexual misconduct”); (ii) treating its students who report incidents of sexual misconduct with dignity and respect; (iii) investigating and taking appropriate disciplinary and other measures regarding allegations of sexual misconduct.

BrainStation has adopted this Sexual Misconduct Policy (the “Policy”), which defines sexual misconduct and outlines BrainStation’s training, reporting, investigative and disciplinary responses to complaints of sexual misconduct made by its students that have occurred on its campus, or at one of its events and involve its students.

In this Policy, the person accused of engaging in sexual misconduct will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

**B. Definition of Sexual Misconduct**

“Sexual misconduct” means any sexual conduct or act or other act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, display or distribution of a sexually explicit images or a photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent or effect to distress the person in the photograph or video, the attempt to commit an act of sexual misconduct and the threat to commit an act of sexual misconduct.

**C. Training, Reporting and Responding to Sexual Misconduct**

BrainStation shall include a copy of this Policy in every contract made between it and its students, and provide a copy of this Policy to career college management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the career college’s affairs, and their agents), instructors, staff, other employees and contractors and train them about the Policy and its processes of reporting, investigating and responding to complaints of sexual misconduct involving its students. Any organization participating in offering student internships or placements on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual misconduct in the workplace.

This Policy shall be published on the BrainStation website.

Career college management, instructors, staff, other employees and contractors of BrainStation shall report incidents of or complaints of sexual misconduct to the Campus Director immediately upon becoming aware of them. Students who have been affected by sexual misconduct or who need information about support services should contact the Campus Manager or any BrainStation Manager.

Subject to this Policy and except as legally required, BrainStation will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. This will be done by:

- ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and
- ensuring that associated documentation is kept in a separate confidential file from that of the Complainant/student or the Respondent.

BrainStation recognizes the right of a Complainant not to report an incident of or make a complaint about sexual misconduct or not request an investigation and not to participate in any investigation that may occur.

In certain circumstances, BrainStation may be required by law or its internal policies to initiate an internal investigation and/or inform police without the Complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

In all cases, BrainStation will appropriately accommodate the needs of its students who are affected by sexual misconduct. Students seeking accommodation should contact the Campus Director.

In this regard, BrainStation will assist students who have experienced sexual misconduct in obtaining counselling and medical care, and provide them with information about sexual misconduct supports and services available in the community as set out in Appendix 1 attached hereto. Students are not required to file a formal complaint in order to access supports and services.

#### **D. Investigating Reports of Sexual Misconduct**

Under this Policy, any student of BrainStation may file a report of an incident or a complaint to the Campus Director in writing. The other officials, offices or departments that will be involved in the investigation are the Campus Director, the CEO, and General Counsel.

Upon receipt of a report of an incident or a complaint of alleged sexual misconduct being made, the Campus Director will respond promptly and:

- determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;

- determine the scope of and who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
- determine whether the incident should be referred immediately to the police.

In such cases or where civil proceedings are commenced in respect of allegations of sexual misconduct, BrainStation may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures and determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.

Once an investigation is initiated, the following will occur:

- the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
- the Complainant will be interviewed to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
- the Respondent will be informed of the Complaint providing details of the allegations, interviewed, and given an opportunity to respond to the allegations and to provide any witnesses the Respondent feels are essential to the investigation;
- any person involved or who has, or may have, knowledge of the incident and any identified witnesses will be interviewed; and
- the Complainant and the Respondent will be provided with reasonable updates about the status of the investigation.

Following the investigation, the Campus Director will:

- review all of the evidence collected during the investigation;
- determine whether sexual misconduct occurred; and if so
- determine what disciplinary or other measures, if any, should be taken as set out in Section E below.

#### **E. Disciplinary Measures**

If it is determined by BrainStation that the Respondent did engage in sexual misconduct, immediate disciplinary or corrective action will be taken, which may include:

- disciplinary action up to and including termination of employment of instructors or staff; or

- expulsion of a student; and /or
- the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
- any other actions that may be appropriate in the circumstances.

Individuals who violate this Policy are subject to disciplinary and / or corrective action up to and including termination of employment of instructors or staff or expulsion of a student.

#### **F. Appeals**

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the CEO or General Counsel within 10 days by submitting a letter addressed to the CEO or General Counsel advising of the person's intent to appeal the decision.

#### **G. Making False Statements**

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

#### **H. Reprisal**

It is a violation of this Sexual Violence Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

#### **I. Policy Review**

BrainStation shall ensure that student input is considered in the development of the Policy and every time it is reviewed or amended. BrainStation shall review this Policy three years after it is first implemented and amend it where appropriate. This date is January 1, 2020.

#### **J. Collection of Student Data**

BrainStation shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges or other like authority having jurisdiction such data and information as required according to Subsections 32.1 (8), (9) and (10) of Schedule 5 of the Private Career Colleges Act, 2005 as amended or similar applicable statutes or regulations of other jurisdictions.

#### **K. Contact Information**

Campus Director (Toronto): Daniel Eidan, [deidan@brainstation.io](mailto:deidan@brainstation.io), 416 858 9455

Campus Director (Vancouver): Kyle Treleaven, [ktreleaven@brainstation.io](mailto:ktreleaven@brainstation.io), 604 816 1012

CEO: Jason Field, [jfield@brainstation.io](mailto:jfield@brainstation.io), 289 218 6788

General Counsel: Robert Minnes, [rminnes@konradgroup.com](mailto:rminnes@konradgroup.com), 416 315 3092

## **Appendix 1: Support and Resources**

### **Vancouver, British Columbia**

Rape Crisis Centre Women Against Violence Against Women (WAVAW)  
24 Hour Toll Free Crisis Line: (604) 255-6344  
[www.wavaw.ca](http://www.wavaw.ca)

Vancouver Rape Relief & Women's Shelter  
1424 Commercial Drive  
(604) 872-8212  
[www.rapereliefshelter.bc.ca](http://www.rapereliefshelter.bc.ca)

BC Women's Hospital + Health Centre  
4500 Oak Street  
Vancouver, BC V6H 3N1  
Phone: 604-875-2424  
Toll-free (BC): 1-888-300-3088

### **Toronto, Ontario**

The following represents a list of Provincial Rape Crisis Centres:

Canadian Association of Sexual Assault Centres Ontario  
English - Assaulted Women's Helpline  
Toll Free: 1-866-863-0511  
#SAFE (#7233) on Bell, Rogers, Fido or Telus mobile  
TTY: 416-364-8762  
[www.awhl.org](http://www.awhl.org)

Français - Fem'aide  
Telephone Toll-Free: 1-877-336-2433  
ATS: 1 866 860-7082  
[www.femaide.ca](http://www.femaide.ca)  
Sexual Assault/Domestic Violence Treatment Centres

Sexual Assault/Domestic Violence Treatment Centres

35 hospital-based centres that provide 24/7 emergency care to women -  
[sadvtreatmentcentres.ca](http://sadvtreatmentcentres.ca)

Sexual Assault/Domestic Violence Treatment Centres - [www.satcontario.com](http://www.satcontario.com)

### **Local Centres**

Toronto  
Oasis Centre des Femmes  
Téléphone: 416-591-6565  
Courriel : [services@oasisfemmes.org](mailto:services@oasisfemmes.org)  
[oasisfemmes.org](http://oasisfemmes.org)

Toronto Rape Crisis Centre:  
Multicultural Women Against Rape

Crisis: 416-597-8808  
Office: 416-597-1171

[info@trccmwar.ca](mailto:info@trccmwar.ca)

[crisis@trccmwar.ca](mailto:crisis@trccmwar.ca)

[www.trccmwar.ca](http://www.trccmwar.ca)

[www.das.ca](http://www.das.ca)