

Appendix B

Sexual Assault and Sexualized Violence Procedure for Employees

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1. Purpose

As a college community, we strive to be fair and inclusive in all our interactions, practices and processes. Mohawk College is committed to upholding college members' sense of belonging, knowing this is integral to our collective working experience and well-being. Mohawk College is committed to preventing and addressing all forms of sexual assault and sexualized violence and sexual misconduct (herein referred to as sexualized violence) within the College Community.

This procedure is intended for all Mohawk College employees: employees who are survivors of sexualized violence; employees who witness or receive a disclosure of sexualized violence; and employees who are alleged (also known as the respondent(s)) to have committed an act that violates the [College's Sexual Assault and Sexualized Violence Policy](#) (referred to throughout this procedure as "the Policy").

This procedure details the supports, services and resources available to employees, the steps to follow in a variety of circumstances, and the response employees can expect from the College. All employees can expect a consistent, respectful, and supportive response from the College, as detailed in section 6.4 of the Policy.

2. Definitions

Unless otherwise stated, the definitions contained in section 3 of the [College's Sexual Assault and Sexualized Violence Policy](#) apply to this procedure.

3. Confidentiality

It is important for you to understand the College's commitment to Confidentiality as defined in section 3 of the Policy. The Policy states, the College will make every effort to maintain confidentiality of all persons involved in a disclosure or report of sexualized violence or sexual misconduct including the survivor, respondent and witnesses. All persons participating in the process are required to maintain confidentiality with respect to information provided in the course of the disclosure, reporting, assessment and/or investigation of an incident of sexualized violence.

It is also important for you to understand the rules governing the Limits of Confidentiality detailed in section 6.7 of the Policy. The College recognizes that confidentiality is important to those who have disclosed sexual violence.

You have the right to ask the person to whom you make a disclosure what level of confidentiality you can expect from them before you share information.

Survivors (also referred to as the “complainant”) can choose to withdraw a report at any stage of the process; however, in circumstances that pose a risk of harm to the survivor or the College Community, the College will continue to investigate, making every effort to protect your confidentiality.

4. Information for survivors of sexualized violence

The College recognizes that it is often difficult to disclose or report incidents of sexualized violence. As a Survivor, deciding whether or not to disclose or report the incident is entirely up to you; however, we strongly encourage you to consider doing so. disclosure allows the College to take the necessary steps to address your safety and the safety of the entire College Community.

As a survivor, it is important to know that you do not need to disclose or report sexualized violence in order to access supports and services. Descriptions of and contact information for sources of assistance are provided in [Section 9 - Supports and Services at the College and in the Community](#), and the Policy includes additional Resources.

There is no time limit for disclosing or reporting your experience and accessing support. College support systems are designed to be flexible and responsive to a variety of people’s experiences and needs. Deciding whether or not to disclose or report the incident is entirely up to you. Mohawk College understands that sharing this information is difficult and that sexualized violence is never your fault.

Mohawk College recognizes disclosing or reporting to security or police is challenging for many people from marginalized communities including Indigenous, racialized and 2SLGBTQIA+ people. Our Security Services Team are trained in a trauma informed approach and seek to create an environment that is safe and supportive.

4.1 What you can do as a survivor (immediate next steps)

- In emergency situations, go to a place of safety and call 911.
- Get medical care, if required, at a local hospital (e.g., [Hamilton Health Sciences](#)), family doctor, walk-in clinic, community health centre or urgent care centre.
- Tell someone, including either your manager or a trusted colleague, who can help you obtain supports and services.
- If the incident was work related, contact the Human Resources Department (Human Resources Strategic Partner) of the College. You can contact the Employee and Gender Based Violence Support team at employee-sv-gbvsupport@mohawkcollege.ca. The team is comprised of trained Human Resources Strategic Partners.
- Contact any of the [Supports and Services in the College and the Community](#).
- Contact the Employee & Family Assistance Program at 1-844-671-3327 for ongoing support, such as counselling and resources.
- Consider filing a report and contact Mohawk College Security Services: 905-575-2003.

4.2 If you are a survivor who chooses to disclose and/or report sexualized violence

The Policy explains a number of ways survivors can disclose and/or report sexualized violence, including:

- Disclosure; in other words, sharing experience with a trusted College member to access supports and services,
- Informal Report,
- Formal College Report,
- Formal Police Report.

Full definitions may be found in the [Policy](#).

It is important for you to understand the College's commitment to Confidentiality. For more information on confidentiality refer to [Section 3 Confidentiality](#).

4.3 What are my options relating to reporting/disclosure

Your options include:

- Make a report to Mohawk College Security Services. Mohawk College's Security team is trained in a trauma-informed approach.
- You can bring a support person with you, which includes your union representative if you choose.
- Make a disclosure to someone you trust who can help you obtain supports and services.
- Contact the Human Resources Department for assistance if you are considering making a report but are unsure of the process and/or your options. You can contact the Employee Gender Based Violence Support team at employee-sv-gbvsupport@mohawkcollege.ca. The team is comprised of trained Human Resources Strategic Partners.
- Contact the local police to file a report.
- Contact your local union to file a grievance.
- Filing a human rights complaint with the [Human Rights Tribunal of Ontario \(HRTO\)](#).

4.4 What to expect in filing a report with Mohawk College

- Mohawk College Security Services utilizes a Trauma Informed Investigation Approach. A trauma-informed approach means recognizing trauma, understanding how, what, where and when to ask questions, and importantly, employing techniques and strategies that support a process that mitigates or reduces the possibility of re-traumatization and empowers and supports the survivor in the sharing of their experience.
- You can bring a support person with you to report.
- You may request Security meet with you in an alternate location than the Security Office.
- You can access workplace accommodations without making a Complaint/or filing a report. (Please contact your Human Resources Strategic Partner)
- You can bring any notes or documentation with you to help you in relaying the details for the report.
- You can request breaks as needed to support you during the report.
- You can choose to withdraw a report at any stage of the process or change the report type (e.g. Formal to informal). However, in circumstances that pose a risk of harm to the survivor or the College Community, the College will continue to investigate, making every effort to protect your confidentiality.

5. Information for witnesses of sexualized violence

Employees who witness or have information about an incident of sexualized violence related to Mohawk College, have an obligation to make a Third-Party report immediately to Security Services. You are not required to share the name of the survivor in this process and should not do so without the survivor's consent. You can also choose to report anonymously [online](#), [in person](#) or [by phone](#).

What you can do as a witness:

- In emergency situations, go to a place of safety and call 911.
- Make a Third-Party Report to Mohawk College Security Services (report anonymously [online](#), [in person](#) or [by phone](#)) .
- Tell someone who can help you obtain supports and services.
- Contact the Student Rights and Responsibilities Office (for students) or [Human Resources](#) - HR Strategic Partner (for employees) for assistance if you are considering making a report, but are unsure of the process and/or your options.
- Contact the Employee & Family Assistant Program at 1-844-671-3327 if you feel you could benefit from additional support, such as counselling and resources.
- Review [Supports and Services in the College and the Community](#) for information and contacts.

Mohawk College recognizes that witnesses to sexual violence may experience vicarious trauma as a result of being exposed and empathically listening to stories of trauma, suffering and violence, caused by humans to other humans (Pearlman and Saakvitne 1995). To that end, witnesses are encouraged to seek support as necessary.

6. Information for employees who receive a disclosure of sexualized violence

If someone in the College community discloses to you that they have been affected by sexualized violence, you can help by listening, being supportive, and helping them identify and access [Supports and Services in the College and the Community](#).

Section 6.4 of the Policy clearly describes how students and employees who receive disclosures are expected to respond.

6.1 What to do if you receive a disclosure

- In emergency situations, ensure you and the survivor are in a place of safety.
 - Call 911 if necessary.
- In non-emergency situations, listen to the survivor in a non-judgmental and supportive manner.
- Communicate that sexual violence is never the responsibility or fault of the survivor.
- Explain to the survivor that confidentiality cannot be guaranteed in all circumstances, and that the College will make the determination based on:
 - risk to you or the College Community;
 - where a Formal Report is made, the respondent(s) need to be informed; or
 - for legal reasons must release information.
- Offer the survivor information about [Supports and Services in the College and the Community](#) and provide assistance in accessing these, if needed.
- Encourage the survivor to make a report to Security Services.
- Explain to the survivor that Mohawk College takes disclosures very seriously.
- Explain to the survivor that you have an obligation to provide a confidential report to Security Services but will not provide the survivor's name without their consent.
- If the survivor does not consent to the release of their name, you are required to provide information to Security Services without identifying the survivor.
- Make a Third-Party Report immediately to Security Services. If you, as the reporter, would like to remain anonymous, you can choose to [report anonymously online](#). However, if you, as the reporter, are not concerned about your anonymity, you may [report in person or by phone](#), without the requirement to disclose the survivor's identity.
- In an effort to protect confidentiality, you are expected to report the information directly to Security Services and disclosure to other members of the College community is not appropriate nor permitted.

7. Information for Respondents

This section of the procedure is intended for employees who have been identified as respondents to allegations of sexualized violence. Respondents

will be provided with a fair and transparent process based on the principles of procedural fairness, and support from the College during the investigation and decision-making process.

7.1 What employees can expect if they are named a respondent:

- To be invited to an interview by Mohawk College Security Services and Human Resources.
- You can bring a support person with you. Unionized employees can choose to bring their union representative with them as their support person. Employees will be responsible to make arrangements directly with their support person to attend.
- You will have an opportunity to provide a response to the allegations.
- the Human Resources Strategic Partner is available to support you through this process and will provide accurate information about your rights and responsibilities.
- You may be subject to interim measures during the investigation process. These are outlined in the Mohawk College Sexual Assault and Sexualized Violence Policy.

The College will make final decisions with or without your full participation as a respondent.

8. College Response to Employee Disclosures or Reports of Sexual Violence

The College will respect and protect the rights and safety of the survivor, respondent and any witnesses during the response to a report of sexualized violence. This will include providing access to supports and services, maintaining confidentiality, explaining the limits of confidentiality, developing plans for survivor safety and adhering to procedural fairness. The College will respect the survivor's right to make choices throughout the process.

8.1 What you can expect from the College:

- information on confidentiality and the limits of confidentiality.
- clarification of your options for reporting.
- help in developing a safety plan, if required.
- protection from reprisals as detailed in Section 6.4 of the Policy.

In addition, survivors and respondents can expect:

- an explanation of the process and timelines.
- updates on the findings of any risk assessment and/or investigation.
- notification of the outcomes of and rationale for decisions made by the College.

8.2 Response to a Disclosure

A disclosure is different from a report. A disclosure will initiate an initial assessment of the immediate needs of the survivor and the College community that informs the College's response as outlined below.

In cases involving an employee survivor who reveals their identity and expresses interest in receiving supports and services, the Human Resources Department will be contacted.

A HR Strategic Partner will provide survivors with accurate information about available options and explain rights and responsibilities. The HR Strategic Partner can assist in making choices about what to do in response to disclosed or reported incidents of sexualized violence. They will also help survivors identify the need for any supports and or services and provide referrals to the Employee & Family Assistance Program or community supports. The College will respect the survivor's right to make choices throughout the process.

8.3 Response to an Informal Report or Third-Party Report

An Informal Report cannot be made anonymously. Security Services will use the information provided to initiate a risk assessment. This type of report may not result in a formal investigation unless the College's assessment identifies risk to the safety of the survivor or the College community.

Assessing Risk and Safety Planning

Assessing risk is the College's first step in responding to all reports of sexualized violence. Mohawk College Security Services conducts this process and uses all available information to determine the next steps.

The College, through the Human Resources Strategic Partner and Security Services, in partnership with relevant College parties, will work with the employee survivor to develop a safety plan to manage any identified risk. The HRSP will facilitate the implementation of the plan with any

departments impacted. Release of private and confidential information will be restricted on a need-to-know basis and will not be shared for the sake of implementing.

Survivors making an Informal Report can expect:

- to have their identity protected to the extent possible.
- to be informed of and/or referred to supports and services.
- to be informed of the findings of the risk assessment.
- the right to choose not to participate in any investigation conducted by the College.*
- to maintain their right to choose to make a Formal College Report at any time.

* Please note, a survivor of sexualized violence has the right to withdraw a report at any stage of the subsequent investigation process. Where a report has been withdrawn, the survivor may choose at any time to reactivate the report to continue with the investigation process. If the College determines that an incident about which a report has been withdrawn puts the safety of other members of the College Community at risk, it will conduct an internal investigation and/or may inform the police. In these circumstances, the College will make every effort to protect the confidentiality of person(s) affected.

Persons (Reporters) making a Third-Party Report can expect:

- to have their identity (if disclosed) protected to the extent possible.
- to be informed of and/or referred to supports and services.
- to be provided with the opportunity to choose not to participate in any investigation.

8.4 Response to a Formal College Report

The College follows the procedure outlined below when investigating and making decisions about Formal College Reports of sexualized violence.

Survivors making a Formal College Report can expect:

- to have their identity and confidentiality protected to the extent possible.
- to be informed of and provided with access to supports and services.
- a consistent, respectful and supportive approach as detailed in section 6.4 of the Policy.

- a fair and transparent process as detailed in section 5.4 below.
- the right to choose to withdraw a Formal College Report at any time; however, in circumstances where there is an identified risk, the College may choose to proceed with an investigation.

8.5 Investigation and Decision-Making Procedures

- a. **Multiple Proceedings:** Survivors who file a report with Security Services or Human Resources may also choose to file a Formal Police Report or report through the civil courts or the Human Rights Tribunal of Ontario. When a report of sexualized violence results in civil or criminal proceedings, the College will conduct an independent investigation and make its own determination in accordance with its policies and procedures. The College will cooperate with any external investigations.
- b. **Procedural Fairness:** The College is committed to procedural fairness. The procedures under this policy are intended to be flexible and largely informal. Accordingly, procedural fairness does not include the right to be represented by an agent.
- c. **Support and Representation:** The College's investigation and decision-making processes include individual meetings with the survivor and respondent. Each may attend these meetings accompanied by support person of their own choosing, or a union representative if applicable, whose role is providing support rather than participating.
- d. **Informal Resolution:** The College will support a process of informal resolution if both survivor and respondent agree to participate. If an attempt at informal resolution breaks down, the survivor has the right to choose to continue with a formal investigation.
- e. **Interim Measures:** Interim measures will be imposed only as necessary. Imposing these measures does not represent a finding of misconduct and is not intended as a punitive measure. The College will take steps to minimize any operational impact.

Interim measures may include but are not limited to:

- no contact orders.

- communication bans for respondents (including direct communication, such as in person, telephone, text, email, social media; and indirect communication, such as third-party messages).
 - campus restriction from particular area(s) or service(s), including attending classes or place of work.
 - temporary restriction from access to all or part of any campus.
 - alternative arrangements for supervisory relationships, teaching or grading.
 - interim leave of absence or assignment of home-based duties, without a loss of pay.
- f. Investigation:** In situations where police are not the primary investigators, Mohawk College Security Services will lead the investigation by collecting evidence and statements from the survivor, respondent, witnesses and others as necessary. This may require more than one interview with each person. Where the survivor or respondent is an employee, the Human Resources Department may assist with the investigation. At no point during the investigation will the survivor be expected to meet face-to-face with the respondent. Survivors have the right to choose not to participate in the investigation after their initial disclosure or report. The respondent may also choose not to participate. The College will make final decisions with or without the full participation of a respondent. The College reserves the right to hire a third-party investigator to lead an investigation as required. Any such investigator shall be trained in a trauma informed approach to investigation.
- g. Investigation Timelines:** The survivor and respondent will each be informed about the progress of the investigation at least once every seven working days. The College will aim to complete its investigation as quickly as possible, aiming to ensure diligence and the time necessary for thorough investigation.
- h. Investigation Findings:** The standard of proof used by the College to conclude that a violation of this Policy has occurred is the Balance of Probabilities, which means the information and evidence gathered in the investigation indicates that the allegation is more likely to be true than not to be true.

If the investigator finds that there has been no violation of the Policy, the survivor and respondent will each be informed in writing that the investigation has been closed.

If the investigator finds that there has been a violation of this or another College policy, Mohawk College Security Services will provide the appropriate decision maker with a summary of the investigative report that includes any statements, evidence and relevant supporting documentation.

- i. **Formal Decisions and Sanctions:** The identity of the decision maker is determined by the respondent's role in the College, as outlined below.

The decision maker will review the summary investigative report and any relevant supporting documentation to determine whether a violation of the Policy has occurred, and will determine appropriate outcomes in consultation with others as required.

- **Where the Respondent is a Student:** If findings of the investigation substantiate a report of sexualized violence, the Dean of Students (or designate), in partnership with an appointed Academic Dean (or designate) and the Chief Equity, Diversity and Inclusion Officer (or designate), will determine the appropriate disciplinary action. In keeping with the Student Behavior Policy (Appendix C), this may include measures up to and including expulsion.
- **Where the Respondent is a College Employee:** If findings of the College's investigation substantiate a report of sexualized violence, the Chief Human Resources Officer (or designate) will determine the appropriate disciplinary action consistent with any applicable laws College policies and their specific Terms and Conditions of Employment. Discipline could include measures up to and including termination.
- **Where the Respondent is not a Student or a College Employee:** Contractors, suppliers, volunteers or visitors to College property who engage in prohibited conduct will be subject to this policy. If a report of sexualized violence against the respondent is substantiated, the Vice President, Corporate Services (or designate) will determine appropriate College

action, including imposition of penalties, cancellation of contracts, and other sanctions.

- j. **Written Decision:** The decision maker will inform the survivor and respondent of the results of the College's investigation within seven (7) days of its conclusion in a written communication that includes a brief description of any corrective action that the College has taken or will take as a result of its investigation.
- k. **Appeals:** Procedures for appeals differ based on the respondent's role in the College:
- **Where the Respondent is a Student:** Students have the right to appeal. Appeals of violations of the Policy is governed by an amendment to the appeal procedure outlined in the Student Behaviour Policy (Appendix D). The amendment will specify that the College will appoint an independent third-party expert in appeal proceedings who is not a College employee as Chair of the appeal committee.
 - **Where the Respondent is a College Employee:** College employees who are members of a union may file a grievance as permitted by the applicable collective agreement. Administrative employees may appeal under the Terms and Conditions of Employment for Administrative Staff. Pursuant to the Ministry of Training, Colleges and Universities Act, if an employee of the College commits an act of sexual misconduct toward a student of the College, the College may terminate or discipline the employee for that act, and,
 - the termination or disciplinary measure is deemed to be for just cause for all purposes;
 - the employee is not entitled to notice of termination or termination pay or any other compensation or restitution as a result of the termination or disciplinary measure; and
 - despite subsection 48 (17) of the Labour Relations Act, 1995 and subsection 14 (17) of the Colleges Collective Bargaining Act, 2008, and despite any provision of a collective agreement or employment contract specifying a

penalty for the infraction, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the termination or disciplinary measure imposed by the College.

- **Where the Respondent is not a Student or a College Employee:** There is no formal appeal process for violations by suppliers, volunteers or visitors.

9. College and Community Support for Sexual Violence

9.1 Supports at Mohawk College

Mohawk College Security Services

Responds to calls 24 hours per day 7 days per week.

- Will attend any campus to receive disclosures and reports.
- Arranges safety plans.
- Conducts risk assessments and investigations.
- Provides information and evidence to inform decision making.
- Collaborates with local police where appropriate.
- Contact Information:
 - 24-hour emergency phone: 905-575-2003
 - Email: security@mohawkcollege.ca
 - [Mohawk College Security Services website](#)
 - Report anonymously [online](#), [in person](#) or [by phone](#)

Human Resources Department

- Provides accurate information about your options.
- Explains rights and responsibilities to anyone affected by sexualized violence, including employee survivors, witnesses and respondents.
- Can help you make choices about what to do in response to disclosed or reported incidents of sexualized violence.
- Will help you access supports and services, accommodation and develop a safety plan if required.
- Has an obligation to report that an incident occurred but will not share identifying information without the survivor's consent.
- Contact Information:
 - Call 905-575-1212
 - Fennell Campus room F102

- Email: You can contact the Employee Gender Based Violence Support team at employee-sv-gbvsupport@mohawkcollege.ca

Health and Wellness Centre

- Provides holistic wellness and medical services for students, employee and the community at Fennell campus.
- Medical services are covered by OHIP and/or extended healthcare benefits.
- Contact Information:
 - Monday to Friday - Same day, early and late appointment options available
 - For appointments:
 - Email: hwc@mohawkcollege.ca
 - Phone: 905-575-2211
 - [Health and Wellness Centre website](#)
 - Room C109, Fennell Campus, 135 Fennell Avenue West, Hamilton, Ontario L9C 0E5

Local Union

- Provides support to survivors and respondents.
- Provides information about your options.
- Can help you make choices about what to do in response to disclosed or reported incidents of sexualized violence.
- Act as support person during proceedings.
- Help employees in filing a grievance if they wish.
- Contact Information:
 - [OPSEU/SEFPO Local 241](#) - Mohawk College Support Staff
 - [OPSEU/SEFPO Local 240](#) - Mohawk College Academic Staff

9.2 Supports in the Community

Local Sexual Assault and Domestic Violence Care Centres

- Provide specialized healthcare for children, adolescents, women, gender diverse persons, and men who have experienced sexual assault and/or domestic violence.
- Have specially trained sexual assault nurses on call 24/7.
- Contact Information:
 - If you have experienced sexual assault or domestic violence and need medical attention, please go to the Emergency Department

- at the Hamilton General or the Juravinski Hospital. If you are under 18, please go to Emergency at McMaster Children's Hospital.
- **Hamilton General Hospital** - 237 Barton St. East at Victoria, Hamilton ON L8L 2X2
 - **Juravinski Hospital** - 711 Concession St. East, Hamilton ON L8V 1C3

SACHA: Sexual Assault Centre

- Provides services to people who may have experienced sexualized violence at any point in their lives.
- Contact Information:
 - 24-hour crisis line: (905) 525-4162
 - [SACHA website](#)
 - Phone: (905) 525.4573
 - TTY: (905) 525.4592
 - 75 MacNab St. South, 3rd floor, Hamilton, Ontario L8P 3C1

Interval House of Hamilton

- A non-profit shelter for women and children fleeing relationship violence/abuse.
- Also run community-based programs through a gender, intersectional and inclusive evidence-based analysis.
- Contact Information:
 - **24-hour crisis line:** (905) 387 8881
 - [Interval House website](#)
 - Phone: (905) 387-9959
 - E-mail: info@intervalhousehamilton.org
 - 630 Sanatorium Road, Hamilton, ON L9C 7S7

Support Services for Male Survivors of Sexual Abuse

- A 24/7 multilingual support for survivors of sexual violence who identify as men: providing immediate crisis intervention and referral services.
- Contact Information:
 - Phone: 1-866-887-0015

Hamilton Community Legal Clinic

- Funded by Legal Aid Ontario, serving low-income residents of the City of Hamilton.
- Contact Information:
 - Phone: (905) 527-4572
 - [HCLC Website](#)

Victim Services Branch of the Hamilton Police Service

- Provides 24/7 on-scene crisis intervention for survivors of crime and trauma, including sexual assault and domestic violence, in the City of Hamilton.
- Contact Information:
 - Phone: (905) 246-4904
 - [Victim Services Hamilton website](#)

Assaulted Women's Helpline

- Provides free, anonymous and confidential 24-hour telephone and TTY crisis telephone line to all women in the province of Ontario who have experienced any form of abuse.
- Contact Information:
 - Phone: 1-866-863-0511
 - [Assaulted Women's Helpline website](#)

Talk4Healing

- Provides 24/7 help, support and resources for Indigenous women, by Indigenous women, all across Ontario.
- Contact Information:
 - Phone: 1-855-554-4325
 - [Talk4Healing website](#)

Canadian Human Trafficking Hotline

- Provides confidential, multilingual service, operating 24/7 to connect victims and survivors with social services, law enforcement, and emergency services, as well as receive tips from the public.
- Contact Information:
 - Phone: 1-833-900-1010
 - [Canadian Human Trafficking Hotline website](#)

Psychology Today

- Provides contract information for therapists in Ontario searchable on preferences such as gender, ethnicity, sexual orientation and languages.
- Contact Information:
 - [Find a therapist on Psychology Today](#)

Other resources

- [Canadian Mental Health Association](#)
- [Additional online resources](#)