

## CR306: Sexual and Gender-Based Violence Prevention Policy

<b>Policy Title:</b>	Sexual and Gender-Based Violence Prevention Policy
<b>Policy Number:</b>	CR306
<b>Owner:</b>	Board of Governors
<b>Approved by:</b>	Board of Governors
<b>Effective Date:</b>	September 2023
<b>Reference:</b>	The Student Code of Conduct Policy

<b>Links to Other Policy:</b>	HR712 Sexual Misconduct of an Employee toward a Student HR709 Workplace Harassment, Discrimination & Bullying Policy
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St. Lawrence College is committed to making our resources fully accessible to all persons. This document will be made available in alternative format upon request.

## BACKGROUND

### **Purpose:**

St. Lawrence College (the College) prohibits all forms of Sexual and Gender-Based Violence (SGBV). This Policy affirms and maintains a climate and culture in which all members of the College community experience a safe and respectful, learning, living and working environment, free from any form of SGBV. This Policy establishes procedures to respond promptly to Disclosures and reports of SGBV, in a manner that is trauma-informed and procedurally fair to both Complainants and Respondents. It ensures that those impacted by SGBV are believed and appropriately supported or accommodated and ensures that the College has a process of investigation that protects the rights, privacy and dignity of individuals involved and holds accountable individuals who have committed any act of SGBV.

### **Scope:**

Unless otherwise specified herein, this Policy and its provisions apply to all acts of SGBV where the College has the jurisdiction to pursue, adjudicate, or take steps to safeguard the College community. All such acts of SGBV are considered a violation of this Policy and shall apply to:

- a) all current members of the College community, including: employees and students at all College locations; members of College's Board of Governors; members of standing and ad hoc committees established by these institutions; members of societies and associations which have a direct relationship to or are under the authority of these institutions; contractors and service providers; researchers and visitors, including invitees, guests or persons who have no ongoing connection to the institution but are physically on campus, and
- b) all College-related activities (authorized and non-authorized) that occur on College premises or on non-College premises, including on-line activity, where there is a clear nexus to the working or learning environment at the College.

**Obligations of Impacted Individuals, Witnesses and Informants:**

1. All employees and contractors of the College are **required to immediately report** all incidents and suspected or imminent incidents of SGBV.
2. Students are strongly encouraged to report incidents of SGBV but are not required to report in order to obtain support and services from the College. All instances of SGBV wherein the Respondent is an Employee of the College are subject to Formal Report and Investigation HR712 Sexual Misconduct of an Employee toward a Student led by Belonging, People and Culture.
3. All members of the College community who have witnessed SGBV have a duty to cooperate with any College investigation.
4. Persons in a position of authority, including persons having responsible charge over the activities of others, shall understand their role in maintaining a safe and respectful learning, living, and working environment and shall mitigate and prevent all forms of SGBV from occurring.
5. The College and its employees may have legal Disclosure obligations in cases where legal proceedings are also in progress.

**Definitions:**

Refer to Appendix 'A' for a comprehensive definition summary.

## POLICY STATEMENTS

1. The College is committed to:
  - 1.1. Creating a campus culture where SGBV is not tolerated,
  - 1.2. Ensuring the safety of College Community, and in circumstances where the College becomes aware of incidents of SGBV indicative of a broader risk to the safety of members of the College community, engaging in formal investigation and preventative actions,
  - 1.3. Ensuring that those who disclose that they have been subject to SGBV are believed, and that their right to dignity, Confidentiality and respect is protected throughout the process of Disclosure, investigation, and institutional response,
  - 1.4. Recognizing that each person will be affected differently by SGBV, and that these impacts are exacerbated for individuals with intersections of identities or social locations such as but not limited to sex, sexual orientation, gender identity and expression, Indigenous, Black and people of colour, racial or ethnic background migration status, disability, language, ability faith, age, socio-economic status, and previous experiences of trauma,
  - 1.5. Responding to all Disclosures of SGBV with a consistent, trauma-informed approach, and assisting in a respectful and supportive manner, all those who have been affected by SGBV by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, safety planning, and appropriate Interim Measures such as Academic Accommodations and Adjustments,
  - 1.6. Treating individuals who disclose SGBV with compassion recognizing that they are the final decision-makers about their best interests and response,
  - 1.7. Prioritizing a Disclosure over violations of other institutional conduct policies. A Complainant acting in good faith, who discloses or reports SGBV, would not

be subject to sanctions for violations of the institution's conduct policies; for example, where drug or alcohol use were involved during the incident that is the subject of a Disclosure or complaint,

- 1.8. Ensuring that on-campus (internal) investigation procedures are available in the case of SGBV, even when the individual chooses not to report to law enforcement,
- 1.9. Upon request of Complainant, engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies, standards, and applicable collective agreements, that ensure fairness and due process,
- 1.10. Refraining from subjecting those who share their experience of SGBV to unrelated questions or assumptions (e.g., past sexual history) by the institution's employees or Investigators during a Disclosure, accessing support, and/or reporting through the institution's investigative process,
- 1.11. Ensuring Complainants are not judged or blamed for experiencing SGBV and addressing and quashing harmful attitudes and behaviours that erroneously place blame or responsibility on Complainants,
- 1.12. Ensuring there are no forms of reprisal or retaliation by Respondents or others directed at persons who have made a Disclosure of SGBV,
- 1.13. Ensuring that expectations of the College's employees as related to SGBV, personal relationships and conflicts of interest are detailed and addressed in the Employee/Student Personal Relationships Policy, Sexual Misconduct of an Employee toward a Student Policy and related Policies,
- 1.14. Ensuring that all contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the Ontario Human Rights Code, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions,

- 1.15. Ensuring that Confidentiality, dignity, and respect govern the coordination and communication among the various departments who are most likely to be involved in the response to SGBV on campus,
- 1.16. Engaging in ongoing education, awareness, and prevention activities within the college community, and ensuring those with specific responsibilities within this Policy complete additional and ongoing training to align their work with Policy principles and procedures,
- 1.17. Providing information to the College community about our SGBV policies and protocol. The College will maintain a dedicated webpage with this Policy and relevant support and resource information, and,
- 1.18. Monitoring and updating our policies and protocols to ensure that they remain effective and aligned with legislation, related policies, and best practices.

#### **Task Force, Data Collection and Ministry Reporting**

The St. Lawrence College Sexual Violence & Harassment Prevention Task Force is an interprofessional group of employees and students devoted to developing strategies, initiatives, policies and procedures to mitigate situations on campus pertaining to Sexual and Gender-Based Violence and harassment. The Task Force is responsible for collection and reporting of data as part of the Annual Sexual Violence Report to the Ministry of Training, Colleges and Universities. This data is also provided to the SLC Board of Governors and is used to inform education, prevention, and training initiatives.

#### **Roles and Responsibilities in Response to Sexual and Gender-Based Violence**

Those who have experienced SGBV are encouraged to come forward to access resources or make a report as soon as they are comfortable doing so, but they are not obligated to pursue a formal complaint for investigation in order to obtain supports, services or accommodations from the College. Students are encouraged to contact the Student Rights and Responsibilities Office (SRRO) to explore options available to them for support and reporting. Impacted employees are encouraged to connect with Belonging, People & Culture (BPC).

## **MONITORING**

Board of Governors

## **NEXT POLICY REVISION DATE**

September 2025

## **SPECIFIC LINKS**

Workplace Violence Policy

Workplace Harassment, Discrimination & Bullying Policy

Employee/Student Personal Relationships

Sexual Misconduct of an Employee toward a Student

## APPENDIX 'A' - DEFINITIONS

**Academic Accommodations and Adjustments:** For the purpose of this Policy, Academic Accommodations and Adjustments are a means of preventing and removing barriers that impede full participation and access to education, housing where relevant to Residence life, and work among employee Survivors. The arrangement of reasonable accommodation recognizes the experience of Survivors and how that may affect participation in academics, Residence living or, in the case of College employees, workplace duties. A Formal Report is not required for a Survivor to obtain academic accommodations and adjustments.

**Belonging, People and Culture (BPC):** This office provides support to employees impacted by SGBV. Supports are provided to both Complainant and Respondent, including referrals and supports for employees. Formal investigations regarding employees are also initiated through BPC.

**Consent:** The explicit, ongoing, informed and voluntary agreement to engage in physical contact or sexual activity. Consent cannot be given by someone who is incapacitated (such as by drugs or alcohol), unconscious, or otherwise unable to understand and voluntarily give Consent. Examples identified below are provided to support universal understanding of Consent.

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot Consent.
- A person is incapable of giving Consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e., is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to Consent.
- A person's ability to give Consent may be impaired when under the influence of alcohol and/or drugs. In such circumstances it is important to affirm regular and on-going consent.
- A person may be unable to give Consent if they have a mental disability preventing them from fully understanding the sexual acts.
- The fact that Consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.

- A person can withdraw Consent at any time during the course of a sexual encounter.
- A person is incapable of giving Consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who report to that position.
- Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know that the person they are engaging with sexually is not a minor.

**Complainant:** An individual who has experienced SGBV, has Disclosed an experience of SGBV, or identifies as a Survivor. A Complainant may be an individual who discloses for support or resources, and/or who may wish to initiate a Formal Report for investigation.

**Confidentiality:** The term used in this Policy to refers to the College's responsibility and obligation to ensure that any private and personal information provided in a Disclosure, report and/or investigation of sexualized violence is collected, used, maintained and secured appropriately. Circumstances in which limits to confidentiality apply are outlined in this Policy. The College will make every effort to maintain confidentiality of all persons involved in a Disclosure or report of SGBV, including the Survivor, Complainant, 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 SGBV.

**Disclosure:** Refers to any member of the College Community sharing information about an incident of SGBV. Survivors are encouraged to disclose the SRRO, which provides information on options following a Disclosure and coordinates supports, such as Academic Accommodations and Adjustments. A Disclosure does not automatically initiate a Formal Report for Investigation.

**Formal Report:** A Disclosure made by a Survivor that includes the explicit request to advance and initiate a formal investigation through the SRRO and/or Associate Director, Safety and Security or Associate Director, Workplace Relations, BPC.

**Interim Measures:** Temporary measures designed to protect the safety of the Survivor at any point following a Disclosure of incident of SGBV and prior to a determination on discipline, remedy or review being made under this Policy. Interim Measures are not punishment, nor do they represent a finding of Policy violation.

**Investigator:** A person appointed by the College to investigate Formal Reports of SGBV. This person may be internal or external.

**Procedural Fairness:** Ensures the process includes:

- absence of bias and structural independence, and is based on impartiality,
- informing the Respondent of the allegations,
- informing the Complainant of the Respondent's response,
- meaningful opportunity for each party to know the case against them and an adequate opportunity to respond,
- opportunity for both parties to receive sufficient notice of interviews or meetings where they are expected to present or respond to evidence gathered as part of the process,
- leading to a decision that includes a sufficiently detailed explanation of the facts and analysis to enable the parties and any reviewing body to understand the decision and the basis for the decision.

**Reporter:** Any person either having been witness to, or informed of, an incident of SGBV.

**Respondent:** A person who is alleged to have engaged in activities that violate this Policy and for whom an incident has been asserted against. The use of this term does not imply pre-determination that the Respondent is responsible for a violation of this Policy.

**Sexual and Gender-Based Violence (SGBV):** Any sexual act or act that targets sexuality, gender identity, gender expression and perceived gender, whether psychical or psychological, that is committed, threatened, or attempted without the person's consent. This includes, but is not limited to:

- **Sexual assault:** Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. It may be carried

out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

- **Coercion:** Coercion is the use of emotional manipulation, pressure, blackmail, threats or promise of special treatment in order to persuade someone to engage in sexual acts.
- **Indecent Acts:** An indecent act occurs when an individual willfully performs an indecent action (e.g., exposes their genitals, public urination) with the intent to insult or offend in a public place where another person or multiple people are present.
- **Intimate Partner Violence (IPV):** Behaviour by an intimate partner or former intimate partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours. IPV is inclusive of all forms of relationships, e.g. hetero/same sex, married/common law/dating. IPV is covered under this Policy whether SGBV has occurred or not.
- **Publication or distribution of intimate images without consent:** The act of knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person knowing that the person depicted in the image did not give their consent.
- **Retaliation:** Retaliating against another person in relation to a Disclosure of formal complaint of SGBV. Retaliation includes attempting to take or threatening to take any adverse action against anyone involved in a process relating to this Policy. Retaliation can take many forms including but not limited to threats, intimidation, pressure, harassment, violence or threats of violence or harm to others, any conduct that would discourage a person from participating in this Policy.
- **Sexual Harassment:** A course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks, actions that promote gender-based violence, or behaviours or communications based on gender – where the person responsible for the remarks, actions, behaviours or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may include unwanted attention of a sexually oriented nature such as personal questions about one’s sex life, persistent requests for a “date”, or unwelcome remarks about someone’s hair, body shape, etc. Sexual harassment may also consist of unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments.
- **Sexual Violence:** Any sexual act or 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 and sexual exploitation.

- **Stalking:** A pattern of repeated and unwanted attention, harassment, contact, or any other course of behaviours directed at a specific person that could cause fear. This may include: repeated, unwanted, intrusive, and frightening communications, following or waiting for the other person at one or various places, damaging or threatening to damage property.
- **Voyeurism:** Observing a person for a sexual purpose, including by mechanical or electronic means, or making a visual recording of a person who is in circumstances that gives rise to a reasonable expectation of privacy. Voyeurism also includes, but is not limited to, circumstances where the observation or recording is done surreptitiously in a public or private setting for a sexual purpose without the person's consent.

**Student Rights & Responsibilities Office (SRRO):** This office provides support to students impacted by SGBV. Supports are provided to both Complainant and Respondent, including referrals and supports for students. Formal investigations regarding students are also initiated through the SRRO.

**Survivor:** An individual who has disclosed an experience of SGBV.

**Trafficking in Persons:** Trafficking in persons involves the recruitment, transportation, harboring and/or control of the movements of persons for the purpose of exploitation, typically for sexual exploitation or forced labour.

- **Exploitation:** causing another person to provide, or offer to provide, labour or a service by engaging in conduct that, in all circumstances, could reasonably be expected to cause the other person to believe that their safety or the safety of a person known to them would be threatened if they failed to provide, or offer to provide the labour or service.
- **Sexual Exploitation:** The act of taking unfair sexual advantage of another for one's own benefit, personal gain or profit. It is the abuse of a position of vulnerability, differential power, or abuse of trust for sexual purposes.

## CR306: PROCEDURES - SEXUAL AND GENDER-BASED VIOLENCE PREVENTION POLICY

All members of the College community are requested to report all incidents of SGBV. Students are strongly encouraged to report and seek assistance relating to incidents of SGBV. All **employees** of the College are **required** to report any alleged incident of SGBV. Additional information on Disclosures, response and supports can also be found on the St. Lawrence College [Website](#).

### Where Impacted by Sexual and Gender-Based Violence

1. For individuals impacted by SGBV, please call Campus Security at Extension 5555 or attend at the Campus Security Office, accessible 24/7, 365 days of the year, for support.
2. It is often difficult to disclose and report incidents of SGBV. It is entirely the Survivor's decision in reporting the incident; however, they are strongly encouraged to do so. Other resources also available as a first point of contact include Student Wellness and the SRRO. Survivors have the right to determine whether they access support services and which services they feel would be beneficial. Individuals are welcome to bring a support person of their choice to any meeting.
3. All instances of SGBV wherein the alleged Respondent is a College employee, are subject to Formal Report and investigation under HR712 Sexual Misconduct of an Employee toward a Student, led by the Belonging, People and Culture department.
4. The SRRO is available to provide support to Survivors and Respondents, including, but not limited to:
  - assisting with general safety planning,
  - providing information and navigational support for College and community supports,
  - identifying and coordinating appropriate Academic Accommodations and Adjustments or Residence accommodations, including those arising from any Interim Measures,

- explaining the SGBV policies and procedures, the steps and decision-making involved,
  - acting as a support person and liaison for the student, including during an investigation, review or appeal.
5. Employees who have experienced SGBV are encouraged to report to BPC. Survivors have the right to determine whether they access support services and which services they feel would be beneficial. Individuals are welcome to bring a support person of their choice to any meeting.
  6. An employee Respondent who is alleged to have committed an act of SGBV may obtain information about the process and their rights from BPC, and/or may be supported by the union representative pursuant to the terms of the relevant collective agreement. Referrals to community supports will be provided to employees by BPC whether they are Survivors or Respondents.
  7. Contractors, suppliers, volunteers or members of the public impacted by or subject to Reports of SGBV will be connected to Campus Security.

### **Receiving a Disclosure of Sexual Violence**

1. A person may choose to confide in someone about an act of SGBV such as a student, instructor, teaching assistant, coach, or Residence staff, healthcare employees, counselling or Security. An individual who has experienced SGBV may also disclose to staff or faculty members when seeking support and/or Academic Accommodation and Adjustment. In the event that someone discloses an incident of SGBV, a supportive response involves:
  - referring the student to SRRO, or for employees, to BPC,
  - where the individual declines referral to SRRO, assisting the individual in accessing available on or off-campus services, including emergency medical care and counselling,
  - listening without judgment and accepting the Disclosure as true,
  - not asking unnecessary questions about the incident and not taking any investigative or fact-finding steps,

- communicating that SGBV is never the responsibility of the Survivor,
  - respecting the individual's right to choose the services they feel are most appropriate,
  - recognizing that disclosing can be traumatic,
  - respecting the individual's choices as to what and how much they disclose about their experience,
  - making every effort to respect Confidentiality and anonymity,
  - advising the Survivor that the SRRO (for students) and BPC (for employees) must be informed of the incident if the Survivor wishes a record of the Disclosure any/or wishes further steps to be taken.
2. If a Disclosure is made by a student, the recipient must provide the student with the option to be referred to the SRRO. When recommending the referral, the student should be informed by recipient of the following:
- Respecting Survivor choice, disclosing an incident of SGBV does not equate to action being taken. The SRRO maintains Survivor's rights, choice and confidentiality (exceptions noted under "Confidentiality").
  - If alcohol or drug use was involved during the SGBV incident, those activities will not be disciplined as misconduct under the Student Code of Conduct.
  - It is not uncommon for international students to worry about how seeking support will impact their studies, including their visa status. The SRRO will ensure that students are aware that seeking support will not have a negative impact on their education.
  - Supports will be provided and where sought, appropriate Academic Accommodations and Adjustments will be implemented through the SRRO.

### **Witnessing Sexual Violence**

1. Anyone who witnesses any type of sexual or gender-based violence should contact Campus Security for immediate assistance at Extension 5555.
2. Members of the College community should immediately report SGBV incidents they witness or have knowledge of, or where they have reason to believe that SGBV has occurred or may occur.

- Student-Survivor related incidents are reported to SRRO;
- Employee-Survivor related incidents are reported to BPC;
- Contractor or Visitor-Survivor related incidents are reported to Campus Security.

### **Roles and Responsibilities**

1. While everyone on campus has a role to play in responding to incidents of SGBV, some campus members will have specific responsibilities which might include:
  - Security assisting with investigations and gathering evidence, to implement measures to reduce SGBV on campus, and to collaborate with local police where appropriate.
  - The SRRO assisting those involved in a reporting or investigative process to navigate supports, safety planning, resources and procedures.
  - Student Wellness and Campus Health Centres, providing on-campus physical, psychological and emotional support and making referrals to other services, including emergency medical services.
  - Employees, working with SRRO to facilitate Academic Accommodations and Adjustments on behalf of the Survivor (e.g., extensions on assignments, section changes, remote access, withdrawal from courses).
  - Residence staff, working with the SRRO to facilitate safe living arrangements; and,
  - BPC assisting with workplace accommodations or referrals to Employee and Family Assistance Program for incidents relating to employees.

### **Confidentiality**

1. Ensuring confidentiality is a key principle in creating an environment and culture in which Survivors feel safe to disclose and seek support and accommodation.
2. The College cannot guarantee absolute confidentiality in all cases of a Disclosure and may be required to disclose information and/or undertake its own investigation in circumstances where:
  - There is a serious risk of harm to self or others,
  - There is suspected abuse of someone under the age of 16,

- The alleged Respondent is an employee of the College
  - There is objective evidence of SGBV, such as evidence of SGBV in the public realm (e.g., a video posted on social media) or otherwise recorded or documented and available to the College,
  - There are multiple Reporters or Respondents,
  - There are multiple Disclosures against the same person,
  - There is a risk to the safety of the College and/or broader community,
  - Reporting or other action is required or authorized by law (e.g., subpoenaed by the Crown or a regulatory body).
3. In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the Survivor would not be released to the public.
  4. Confidentiality is particularly important to those who have disclosed or reported SGBV. The confidentiality of all persons involved in a report of SGBV must be strictly observed, and the College respects the Confidentiality of all persons, including the Survivor, Complainant, Reporter, Respondent, and witnesses by restricting routine access to information to individuals with a need for such access and by providing education and training to those who are regularly involved in the administration of reports and complaints.
  5. Maintaining confidentiality during an investigation is essential to maintaining the integrity of the investigation, including minimizing the possibility that parties or witnesses will engage in intentional or unintentional collusion (by discussing the facts of the investigation). Confidentiality during an investigation also helps to prevent conditions that foster retaliation, ostracism or polarization, aimed at undermining either the Complainant or the Respondent.
  6. The College recognizes, however, that a Respondent may need to share some information to facilitate their response; a Complainant may need to share some information to identify witnesses and assist the investigation; and both parties may need to rely on their respective circles of support, such as close friends, family, therapists or legal counsel.

7. The College further recognizes that silencing persons who have disclosed or reported SGBV, by telling them that they cannot talk about the experience because of an ongoing reporting process, is a barrier both to reporting and to healing.
8. Having regard to the above, the College encourages Complainants, Reporters and Respondents to ensure that any communications about an incident(s) of SGBV during a reporting process do not taint or undermine the integrity or fairness of the process. If communications adversely impact the integrity of the investigation, the outcome of the process may be negatively impacted.
9. Where the College becomes aware of an allegation of SGBV by a member of the College community against another member of the College community, the College may also have an obligation to take steps to ensure that the matter is addressed with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

### **Interim Measures**

1. The rights and privileges of a Respondent may be restricted by the College at any time following a Disclosure or Formal Report of SGBV. In circumstances where Interim Measures are implemented, they will be imposed only as necessary to meet the needs of the Survivor.
2. The College will also take all reasonable steps to minimize the impact of Interim Measures on Respondents. Interim Measures are not punishment and do not represent a finding of Policy violation. The College may impose Interim Measures immediately, prior to a final determination or the issuance of any finding or written decision.
3. Interim Measures may be initiated at the request of the Survivor or at the College's initiative.

4. Where a Survivor requests Interim Measures following a Disclosure, the Survivor must Consent to the release of their name and the general nature of the allegations to the Respondent to ensure Procedural Fairness.
5. Interim Measures may include, but are not limited to:
  - No contact/communication orders,
  - Arrangements to minimize encounters in learning, living or working environments such as changes in class schedules or sections, residence location, work schedules or assignments,
  - Suspension of ability to participate in team practices or games,
  - Restricting campus privileges of the Respondent,
  - Restricting Respondent access to part or all of the College campus, up to and including a campus ban/no trespass order,
  - Interim academic and/or Residence suspension of the Respondent.
6. Interim Measures may be imposed on a Student Respondent by the College where there is reason to believe that these measures are required to achieve the following:
  - To protect the safety, security or academic, Residence, or employment well-being of the Survivor or any other member of the College community,
  - To address any risk posed by the Respondent to the safety and well-being of the Survivor and/or to the College community,
  - To maintain Confidentiality and/or the integrity of an investigation or anticipated investigation,
  - To mitigate and prevent reprisal or retaliation,
  - To minimize disruption to the learning, residence or working environment at the College,
  - To maintain and build community trust and confidence in the College,
  - To maintain and promote a campus environment in which SGBV is not tolerated.
7. In addition, the following will be taken into consideration:
  - The wishes and expressed needs of the Survivor,
  - The views of the Respondent, if available,

- The nature and seriousness of the alleged conduct,
  - The impact of the conduct on the Survivor and/or on the College community,
  - The impact of the proposed measures on the Respondent, and
  - Whether the Respondent is in a position of trust or authority.
8. The Respondent shall receive written notice about implementation of Interim Measures from the SRRO, in the case of Student Respondent, or from the Associate Director, Workplace Relations, BPC, in the case of an employee Respondent.
9. Respondents may be entitled to accommodations arising from Interim Measures (such as in the case of a campus ban) which may be requested through the appropriate department.
10. Interim Measures imposed on a Respondent may remain in place indefinitely where:
- A Disclosure but no Formal Report has been made and no investigation initiated,
  - The Interim Measures meet the needs of the Survivor and the Survivor and Respondent Consent,
  - The Interim Measures address the safety, remedial, and campus culture responsibilities of the College,
  - Despite any agreement by the parties to continue the Interim Measures indefinitely, any party may subsequently request a reconsideration of the Interim Measures, or the Survivor may elect to initiate a Formal Report.
11. Ongoing Accommodations and/or those arising from Interim Measures are coordinated by the SRRO for students, and BPC for employees.

### **Formal Reports and Investigation**

If the Respondent is another member of the College community, a Formal Report may be filed to pursue a formal investigation by the College under this Policy. Safety and Security, BPC, and the SRRO will support the process below:

1. A Formal Report is the sharing of information by the person who is reporting SGBV (the Survivor) for the purpose of initiating an investigation that could result in

disciplinary action, or remedial measures being imposed on the Respondent. A Formal Report is not required to obtain supports, services, or Academic Accommodations and Adjustments at the College.

2. The College adheres to the following in investigating and making decisions about Formal Reports for investigation. If an entitlement set out below conflicts with something set out in another College Policy, the entitlement set out below shall prevail.
3. Investigation and decision making arising from a Formal Report shall be guided by the following principles and practices:
  - Trauma-informed practice,
  - Avoidance of discriminatory assumptions and stereotypes about persons who experience and/or report SGBV,
  - Non-adversarial approaches to permitting the parties to ask questions and test the evidence,
  - Supports for the Survivor and the Respondent,
  - The rights of both the Survivor and Respondent as parties to the process,
  - Procedural Fairness,
  - Timeliness, and
  - Maintaining Confidentiality to the extent possible.
4. There is no deadline for making a Formal Report for investigation under this Policy. The College recognizes that Survivors may require time to disclose and make a Formal Report. Survivors are encouraged to report as soon as they have made the decision and are able to do so to minimize the impact the passage of time can have on an investigation. If the Respondent is no longer a member of the College, the College will be unable to investigate under this Policy. In such event, the Survivor will continue to be supported during this process, including supporting connections to law enforcement, where requested.
5. The College is committed to responding to complaints expeditiously and fairly. The College recognizes the difficulty of being involved in the Formal Report process. Each party involved in a Formal Report has the right to a support person, who can join

meetings to act as an observer with no participatory role in the process. A support person cannot be an individual who is in any way involved in the incident.

6. The College will incorporate Procedural Fairness in dealing with all Disclosures. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged violation of this Policy. Respondents will be given reasonable notice, with full detail of the allegations and provided with an opportunity to answer to the allegations made against them. Both parties will be given reasonable and timely updates.
7. SRRO, Campus Security or other College officials may be the first to receive a Disclosure of SGBV. Those who wish to initiate a Formal Report should be directed to the SRRO (students) or BPC (employees) for assistance in preparing and submitting a Formal Report.
8. Following receipt of a request for Formal Report about a student Respondent, the SRRO shall submit that Formal Report to the Associate Director, Safety and Security for investigation. If the report relates to an employee, it shall be submitted directly to the Associate Director, Workplace Relations, BPC.
9. A Complainant has the right to withdraw a complaint at any stage of the process. However, the College may be obliged to continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.
10. Upon receiving a request for Formal Report, The Associate Director and SRRO (for Students) and Associate Director, Workplace Relations (For Employees) are responsible for:
  - Assisting the Complainant with the Formal Reporting process
  - Assigning an Internal or External Investigator,
  - Assisting with the communication to Complainant, Respondent, and Reports as necessary, and
  - Facilitation of supports for parties involved in the Formal Reporting process.

11. The role of the Investigator is to make findings of fact and determine whether, on a balance of probabilities, there was an act of sexual or gender-based violence in violation of this Policy.
12. The Investigation is a non-adversarial fact-finding process. The College has the right to withhold Disclosure early on in its process to obtain a person's independent recollection of events.
13. Parties are encouraged to connect with the SRRO or BPC to explore support options during the process.
14. All parties are encouraged to bring a support person to any meetings in relation to processes initiated under this Policy, provided such support person is not a witness or in any way involved in the alleged incident of SGBV. The College considers requests to attend meetings with additional support persons and with legal or other representation on a case-by-case basis, with a view to promoting a fair and expeditious process.
15. At the completion of the Investigation, the Investigator shall prepare a Report that contains a description of the event, findings of fact and credibility, a determination as to whether, on a balance of probabilities, any act of SGBV prohibited by this Policy occurred, and the reasons for the findings of fact and any finding of violation under this Policy (and any related Policy).
16. The Investigator's report will be submitted to the Director of Health, Wellness & Accessibility where the Respondent is a student, and to the Associate Director, Workplace Relations, BPC, where the Respondent is an employee.
17. Except as otherwise stated in this protocol, the College provides those whose rights, privileges or interests may be affected by a decision with notice of the decision to be made, Disclosure of facts relevant to the decision and an opportunity to be heard. The College may decide how it meets these obligations in different circumstances and will do so with a view to ensuring a fair process, making a sound decision and preserving the dignity of those involved.

18. The information in the Investigator's report is confidential and information from the report will only be disclosed in accordance with College privacy policies and the Freedom of Information and Protection of Privacy Act.
19. If a person, in good faith, discloses or files a SGBV complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed and parties informed.
20. Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the Respondent may result in sanctions and/or discipline against the Reporter.
21. It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a Complainant or other individual involved in any process related to this Policy for:
  - having pursued rights under this Policy or the Ontario Human Rights Code;
  - having participated or co-operated in an investigation under this Policy or the Ontario Human Rights Code; or
  - having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.
22. The College takes reasonable steps to protect persons from reprisals, retaliation and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing retaliation or reprisal and sanctioning individuals for a breach of this duty. The College may also address the potential for reprisals by providing Academic Accommodation and Adjustments as appropriate in the circumstances.

### **Outcomes**

1. Upon receipt of the Investigation Report, where there has been a determination that this Policy has been breached, the findings of the report will be shared with College Administrators on a need-to-know basis and for the purposes of determining sanctions.

2. Students who are found to have breached this Policy will be subject to sanctions and disciplinary action, up to and including academic and/or Residence expulsion.
3. Employees who are found to have breached this Policy will face discipline, up to and including discharge, in accordance with the College policies related to employee discipline and discharge and, where applicable, the relevant collective agreement.
4. Contractors, suppliers, volunteers, and visitors may face penalties, cancellation of contracts and other sanctions.
5. In determining sanctions, the following will be considered:
  - The sanction or remedy sought by the Complainant,
  - The principle of progressive discipline,
  - The College's role as an educational institution,
  - The nature and severity of the incident,
  - The impact of the conduct on the Complainant's continued education or employment at the College,
  - The impact of the conduct on the College community,
  - The College's commitment to combating SGBV on campus; and
  - The College's commitment to reducing the barriers to reporting.
6. All parties are expected to keep the decision confidential, except to the extent where it is necessary to enforce disciplinary measures.

### **Parallel Criminal/Civil Proceedings**

Individuals who have experienced SGBV may also wish to file a report with the police. Security staff can assist with contacting the appropriate law enforcement agency.

1. Where criminal and/or civil proceedings are commenced in respect of the allegations of SGBV, and a College investigation is also taking place, the College's procedures and investigation will be independent and will make its own determination in accordance with its policies and procedures.

2. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

### **Appeals**

1. Appeals of any sanction decisions under this Policy may be submitted to the Vice President Student Success, where the appellant is a student, or to the Vice President BPC, where the appellant is an employee, or their designate, within ten (10) business days of receipt of decision.
2. Appeals will be limited to the following grounds:
  - Procedural error,
  - New Information,
  - The sanction imposed is not reasonable or is substantially disproportionate to the circumstances or offence.
3. A written request for appeal must provide sufficient evidence to support one of the grounds above and shall include:
  - A statement for grounds of appeal,
  - Remedy or relief sought,
  - Copies of relevant documents or evidence that support the appeal,
  - In the event of new facts, copies of the evidence and an explanation as to why the evidence was not available earlier.