

Policy Title: SEXUAL VIOLENCE, SEXUAL ASSAULT, AND SEXUAL HARASSMENT

Effective: 2022-03-01

Next Review: 2024-03-01

Policy Sponsor: Administration, President

Approvals: 2022-03-01/President

1. PURPOSE

All members of the Bay College Of Health, Business, and Technology / Toronto School Of Health Inc. (BC or College) community have a right to work and study in an environment that is free from any form of sexual violence. The purpose of this document is to set out the sexual violence policy and response protocol. The College intends to ensure that those who are affected by sexual violence are believed and their rights respected, and that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable. The College intends to make individuals feel comfortable about making a good faith report about sexual violence that they have experienced or witnessed.

2. POLICY

Sexual assault and sexual violence are unacceptable and are not tolerated. We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender and gender identity or relationship status as articulated in the Ontario *Human Rights Code*.

BC is committed to challenging and preventing sexual violence and creating a safe place for anyone in our College community who has been affected by sexual violence. The College is committed to investigate and adjudicate all reported incidents of sexual violence in a manner that ensures fairness and due process. It is also recognized by the College that individuals who have been affected by sexual violence also often experience emotional, academic or other problems, and may be at risk of physical harm.

The College is further committed to ensuring that those who disclose that they have been sexually assaulted are believed, are treated with compassion and their right to dignity and respect is protected throughout the College process of disclosure, investigation and response.

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 College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

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 College's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

A variety of resources are available for those who have been affected by sexual violence. Through this Policy, the College seeks to assist in the access to these resources, on-campus and in the community.

The Policy Sponsor develops, maintains and implements procedures as are necessary to achieve the objectives of this policy. Such procedures align closely with the recommendations of Colleges Ontario, and with the College mission, vision and values.

3. REFERENCES

Student Handbook:
Code of Conduct
General Policies
Harassment

4. ADDENDA

Standard A: PRINCIPLES FOR REPORTING AND RESPONDING

Guideline A: REPORTING AND RESPONDING PROTOCOL

-0-0-0-

Policy Title: SEXUAL VIOLENCE, SEXUAL ASSAULT, AND SEXUAL HARASSMENT
Addendum: **Standard A: PRINCIPLES FOR REPORTING AND RESPONDING**
Issued by: Administration, President
Effective: 2022-03-01

1. APPLICATION

This Standard applies to all members of the College community including employees, governors, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors.

2. DEFINITIONS

Sexual violence: Any act or sexual act targeting a person's sexuality, gender, 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. Includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Assault: Occurs when a person threatens, attempts or applies force to another person without the consent of the other person.

Sexual Assault: An assault of a sexual nature that violates the sexual integrity of the victim including the use of force or threats towards another person carried out in circumstances where the other person has not freely agreed, consented to, or is incapable of consent.

Acquaintance sexual assault: Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

Age of consent for sexual activity: The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 years older than they are. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Coercion: In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

Consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to choose freely between two options: yes and no. This means that there must be an understandable exchange of affirmative words that indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

- ✓ 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 is usually unable to give consent when under the influence of alcohol and/or drugs.
- ✓ A person may be unable to give consent if they have a mental disability that prevents them from fully understanding the sexual act.
- ✓ 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 whom they teach, or an administrator in a relationship with anyone who reports 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 if the person they are engaging with sexually is a minor.

Drug-facilitated sexual assault: The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

Sexual Harassment: A course of comments or conduct of a sexual nature or that is related to sex, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome or unwanted, offensive, intimidating, hostile or inappropriate. Single acts of sufficient severity may constitute sexual harassment. Community members have the right to be free from:

- ✓ Sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement; or
- ✓ Reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made by a person in a position to grant, confer, or deny a benefit or advancement.

Examples of Sexual Harassment:

- ✓ Unwelcome remarks, jokes, slurs, innuendos or taunting about a person's body, gender or gender expression.
- ✓ Unwelcome sexual advances (verbal, written, physical).
- ✓ Practical jokes of a sexual nature which cause awkwardness or embarrassment.
- ✓ Leering, whistling, or other suggestive or insulting sounds.
- ✓ Attainment or distribution of improper information of a sexual nature including, but not limited to, electronic material.
- ✓ Unwanted or inappropriate physical contact such as touching, kissing, patting, hugging or pinching.
- ✓ Inappropriate and unwanted comments about a person's body, dress or appearance.

- ✓ Unwelcome enquiries or comments about a person's sex life or sexual orientation.
- ✓ Written or verbal abuse or threats of a gendered or sexual nature.
- ✓ Nasty or derogatory remarks or conduct directed toward members of one gender.
- ✓ Requests or demands for sexual favours which include, or strongly imply, promises of rewards for complying (e.g., job advancement opportunities, improved academic grades) or threats of punishment for refusal (e.g., denial of job advancement or opportunities, diminished academic grades).

Stalking: A form of criminal harassment prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear in the victim or threaten the victim/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include, but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media; cyber-stalking; and uttering threats.

Survivor: Some who have been affected by sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim." We use the term "survivor" throughout this policy where relevant because some who have been affected by sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

3. PRINCIPLES

BC is committed to:

- 3.1. Assisting those who have been affected by sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation;
- 3.2. Ensuring that those who disclose that they have been sexually assaulted are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response;
- 3.3. Addressing harmful attitudes and behaviours (e.g., adhering to myths of sexual violence) that reinforce that the person who has been affected by sexual violence is somehow to blame for what happened;
- 3.4. Treating individuals who disclose sexual violence with compassion and recognizing that they are the final decision-makers about their own best interests;
- 3.5. Ensuring that on-campus (internal) investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police;
- 3.6. Engaging in appropriate procedures for complaint investigation and adjudication that are in accordance with College policies and standards, applicable collective agreements, and that ensure fairness and due process;
- 3.7. Ensuring coordination and communication among the various departments that are most likely to be involved in the response to sexual violence on campus;
- 3.8. Engaging in public education and prevention activities;
- 3.9. Providing information to the College community about our sexual violence policies and protocol;

- 3.10. Providing appropriate education and training to the College community about responding to the disclosure of sexual violence;
- 3.11. Contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and,
- 3.12. Monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

4. REPORTING AND RESPONDING TO SEXUAL VIOLENCE

- 4.1. A student who discloses to a Counselling and Accessibility Services employee or the Sexual Violence Prevention Advisor an allegation of sexual violence against the student, is referred to appropriate professional staff. Any other member of the College community who becomes aware of an allegation of sexual violence against another member of the College community, is required to immediately report the allegation to Campus Security Services. Any member who has experienced sexual violence is encouraged to disclose or report as soon as they are able to do so.
- 4.2. Unless there is an imminent threat of harm to self or others, Counsellors are required under professional ethics to comply with a student's wishes regarding confidentiality.
- 4.3. Persons in a position of authority, including persons directing the activities of others, are required to take immediate action to prevent or to respond to sexual violence.
- 4.4. Where the College becomes aware of an incident of sexual violence by a member of the College community or against a member of the College community, which occurs on- or off-College property and that poses a risk to the safety of members of the College community, the College takes all reasonable steps to ensure the safety of the College community.

5. COMPLAINT PROCESS AND INVESTIGATION

A complaint of any kind of sexual violence may be filed under this policy by any member of the College community. Campus Security Services investigates every report or complaint of sexual violence.

The College seeks to achieve procedural fairness in dealing with complaints. Where there is an alleged breach of this policy, no sanction or disciplinary action is taken against a person or group without their knowledge. Respondents are given reasonable notice, with full details of the allegations, and are provided with an opportunity to answer to the allegations.

5.1. Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. However, in order to comply with its obligation under this policy or its legal obligations, the College may continue to act on the issue identified in the complaint.

5.2. Protection from Reprisal, Retaliation or Threat

It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual 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*.

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 a reprisal and sanctioning individuals for a breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

5.3. Unsubstantiated or Vexatious Reports

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed and no record of it will be placed in the complainant's or respondent's file. However, disclosures or complaints that are found following investigation to be made to purposely annoy, embarrass or harm the respondent are considered frivolous, vexatious, or bad faith complaints and may result in sanctions and/or discipline against the complainant.

6. **CONFIDENTIALITY**

BC respects the confidentiality of information relating to all persons (including the complainant, respondent, and witnesses) involved in a reported incident of sexual violence. Such confidentiality is maintained to the extent possible and as required by law. The name of the victim is not released to the public.

Confidentiality cannot be assured where:

- ✓ An individual is at imminent risk of self-harm;
- ✓ An individual is at imminent risk of harming another; or
- ✓ There are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

In such circumstances, information is shared only with College services as necessary to prevent harm.

Campus Security Services must forward every report of sexual violence to the local police service. However, the individual reporting the incident of violence may choose not to participate further in an investigation.

Where the College becomes aware of an allegation of sexual violence by a member of the College community against another member of the College community, certain College administrators are informed of the reported incident on a confidential need-to-know basis, but not necessarily of the identities of the persons involved.

-0-0-0-

Policy Title: SEXUAL VIOLENCE, SEXUAL ASSAULT, AND SEXUAL HARASSMENT

Addendum: **Guideline A: REPORTING AND RESPONDING PROTOCOL**

Issued by: Administration, President

Effective: 2022-03-01

1. YOUR RIGHTS

Anyone who has been affected by sexual violence has the right to:

- ✓ Be treated with dignity and respect;
- ✓ Be believed;
- ✓ Have an on-campus investigation with the full cooperation of the College;
- ✓ Choose to not request an investigation by the College and to not participate in any investigation that may occur;
- ✓ Be informed about on- and off-campus supports, services and resources;
- ✓ Access all available College supports, services and resources regardless whether an incident of sexual violence is disclosed or reported;
- ✓ Decide whether or not to access available supports, services and resources and to choose the supports, services and resources they feel will be most beneficial;
- ✓ Have a safety plan; and
- ✓ Have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

2. SUPPORT PERSON

A person who reports sexual violence or is a witness to sexual violence or participates in an investigation of sexual violence under this policy, while not required to do so, may seek assistance or support from, or be accompanied by, another person of their choice through the process. One exception is during the investigative interview of a formal complaint whereby Campus Security Services would request that the reporting person and the interviewer be the only persons present. The support person would be encouraged to wait nearby until the interview is completed.

Some support person examples include: a trusted friend, a union representative, the Sexual Violence Prevention Advisor or a member of the executive of the Student Administrative Council.

The role of the support person is to act as a resource and provide support and advice to the party. The support person is not permitted to speak or advocate on behalf of the party.

3. IF YOU HAVE EXPERIENCED OR BEEN AFFECTED BY SEXUAL VIOLENCE

✓ **GO TO A SAFE PLACE AND SEEK HELP**

If you need assistance getting to a safe place, call **Campus Security Services at 416-800-8281**.

If you are not a student, call or go to a trusted friend's house or shelter if you feel physically and/or emotionally unsafe.

✓ **GET MEDICAL ASSISTANCE AS SOON AS POSSIBLE**

Contact Campus Security Services at 416-800-8281; or

Go to the Multicultural Women Against Rape/Toronto Rape Crisis Centre

- ✓ Phone the 24 hour Crisis Line at 416-597-8808 or their Office number at 416-597-1171

✓ **SEEK OUT AVAILABLE RESOURCES and COUNSELING**

It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so. To understand your options and receive supports, a number of confidential resources are available to you. For all questions concerning available resources, BC can be contacted at 416-800-8281. Additional resources available include:

Emergency Services (Police, Ambulance, Fire) dial 911
Women's College Hospital Sexual Assault / Domestic Violence : 416.323.6040
Toronto Rape Crisis Centre : 416.597.8808
YWCA Toronto 416-497-7151 ext. 266: Healing from Violence and Trauma Groups
The Gatehouse (in case there are historical issues of childhood sexual abuse that compound a recent incident) 416-255-5900
Tropicana Community Services (Counselling for the Black Community) 416-439-9009
Scarborough Hospital Sexual Assault/Domestic Violence Care Centre 416-495-2555
Barbara Schlifer Commemorative Clinic (Counselling and legal support): 416-323-9149
Assaulted Women's Helpline: 1.866.863.0511
Support Services for Male Survivors of Sexual Abuse: 1-866-887-0015
211 (information and referral line)
Anishnawbe Health: 416-891-8606
Toronto Family Services Association: 416-595-9618
Distress Line: 416-408-4357
David Kelly Services (LGBTQ): 416-595-9618
519 Church Street Community Centre (LGBTQ Counselling and Legal Support): 416-392-6874
LGBTQ Youthline: 1-800-268-9688
Gerstein 24 hour Crisis Line: 416-929-5200

4. IF YOU WOULD LIKE TO FILE A FORMAL COMPLAINT

To file a complaint, contact the Administration at 416-800-8281 who can assist you with filing a complaint. If the alleged perpetrator is a member of the College community, you may file a complaint under this policy.

Individuals who have been affected by sexual violence may also wish to press charges under the *Criminal Code*. Administration can assist you with contacting your local police service.

5. WHAT TO DO IF YOU WITNESS SEXUAL VIOLENCE

If you witness sexual violence, contact the Administration at 416-800-8281 immediately for assistance. The resources listed above are also available to support those who have witnessed sexual violence.

Faculty, staff, and other employees and contractors have a duty to immediately report all incidents and suspected incidents of sexual violence. Students are strongly encouraged to report incidents of sexual violence, but do not need to report incidents of sexual violence to obtain supports, services or accommodations from the College.

All members of the College community who have witness sexual violence have a duty to cooperate with a College investigation.

6. WHAT TO DO IF SOMEONE DISCLOSES ALLEGATIONS OF SEXUAL VIOLENCE

A person may choose to confide in someone (such as a student, instructor, teaching assistant, coach, or staff from housing, health, counselling or security) about an act of sexual violence. An individual who has been affected by sexual violence may also talk to staff or faculty members when seeking support and/or academic accommodation. A supportive response involves:

- ✓ Listening without judgement and accepting the disclosure as true;
- ✓ Communicating that sexual violence is never the responsibility of the survivor;
- ✓ Helping the individual identify and/or access available on- or off-campus services, including emergency medical care and counselling;
- ✓ Respecting the individual's right to choose the services they feel are most appropriate and to decide whether to report to the police or campus security services 416-800-8281.
- ✓ Recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited;
- ✓ Respecting the individual's choices as to what and how much they disclose about their experience; and
- ✓ Making every effort to respect confidentiality and anonymity.

If disclosure is made to faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to the Complaint's Manager who will work with the Program Coordinator or faculty member, as needed, to ensure that the student receives all necessary academic and other accommodations.

If a College employee becomes aware of an allegation of sexual violence against another member of the College community, the employee is required to immediately report the allegation to Campus Security Services, with one exception: If a student discloses to the Sexual Violence Prevention Advisor or a Counselling and Accessibility Services employee an allegation of sexual violence against the student, the employee is required to forward the report to appropriate professional staff.

Unless there is an imminent threat of harm to self or others, Counsellors and the Sexual Violence Prevention Advisor are required under professional ethics to comply with a student's wishes regarding confidentiality.

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 College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.

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 College's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

7. COMMUNICATING WITH INDIVIDUALS WHO HAVE BEEN AFFECTED BY SEXUAL VIOLENCE

Sensitive and timely communication with individuals who have been affected by sexual violence (and their family members when an individual consents to this communication) is a central part of the

College's first response to sexual violence. To facilitate communication the College ensures that:

- ✓ The allegations are communicated to designated employees in Counselling and Accessibility Services, Human Resources and Campus Security Services, who are knowledgeable about sexual violence, are responsible for advocacy on campus on behalf of employees, students or any other member of the College community who has been affected by sexual violence;
- ✓ Designated employees respond in a prompt, compassionate, and personalized fashion; and
- ✓ The person who has been affected by sexual violence, and the respondent, are provided with reasonable updates about the status of the College's investigation of the incident.

8. ROLES AND RESPONSIBILITIES OF THE COLLEGE COMMUNITY

While all members of the College community have a role to play in responding to incidents of sexual violence, some members have specific responsibilities which include but are not limited to:

- ✓ *The Sexual Violence Prevention Advisor:* Provides information on reporting options and referrals to community and campus services including medical, security, crisis support, and counselling as well as provide ongoing support and liaison for information during any campus investigation.
- ✓ *Counselling and Accessibility Services:* Provide students with psychological and emotional support, assist with safety planning and make referrals to other services including medical services.
- ✓ *Program Coordinators, Faculty and Counselling and Accessibility Services:* Facilitate academic accommodations and other academic needs of students who have been affected by sexual violence;
- ✓ *Campus Security Services:* Investigate internally reported incidents of sexual violence and gather evidence, establish safety plans, implement measures to reduce sexual violence on campus, and collaborate with local police where appropriate; and
- ✓ *Code of Conduct Coordinator:*
 - Enable the complainant student to provide information regarding the incident through a Victim/Survivor Impact Statement;
 - Where sexual violence is proven through information from the complainant and an investigation, impose appropriate College policy-based sanctions on the perpetrator; and
 - Provide information to the complainant regarding actions taken and regarding available supports, accommodation and safety plans.

9. COLLEGE RESPONSE AND INVESTIGATION

Where a complaint of sexual violence has been reported to the College, the College exercises care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have been affected by sexual violence may wish to control whether and how the police or the College will deal with their experience. Where possible, the person will retain this control.

However, if the College believes that the safety of other members of the community is at risk, the College is required to initiate an internal investigation and/or inform the local police service of the need for a criminal investigation, with or without the person's consent. Further, in accordance with the campus policing agreement, a report to Campus Security Services of an incident of sexual violence must be reported to Toronto Police Services. However, under either such circumstances, the individual reporting the incident retains the right not to participate further.

The College reserves the right to continue to investigate all reported incidents of sexual violence and respond as required to ensure a safe campus community regardless of any decision by police not to

proceed with an investigation. The confidentiality and anonymity of the person(s) affected will be maintained to the extent possible and as required by law.

Where the persons involved are not members of the College community, or in circumstances where the College is unable to initiate an internal investigation under this policy, a report of sexual violence may, at the complainant's request, be referred to the police or other community resources.

Where a police service either does not respond or terminates its response to a report or complaint regarding sexual violence, the College reserves the right to initiate or continue its investigation and respond to such report or complaint.

9.1. Where the Respondent is a Student

Sexual violence is a violation of this policy. It is considered a serious offence and is addressed in a manner that is consistent with other serious offences. See Student Code of Conduct for disciplinary process details.

9.2. Where the Respondent is an Employee

Sexual violence is a violation this policy. Allegations against faculty and staff will be addressed in accordance with the procedures set out in this policy, and in any applicable collective agreement, and/or other College policies. If the complaint is sustained following an investigation, the College decides on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

9.3. Where the Respondent is not a Student or Employee

If they engage in conduct prohibited under this policy, contractors, suppliers, volunteers and visitors who attend on campus are subject to the complaint and investigation procedures of the policy. Where a complaint against such a respondent is substantiated, the College will take appropriate action.

Contractual relationships entered into by the College are governed by a standard contract compliance clause requiring compliance with this policy and the Ontario *Human Rights Code*, including co-operating in investigations. Breach of the clause may result in sanctions.

9.4. Multiple Proceedings

Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual violence, the College shall conduct its own independent investigation into such allegations, and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

9.5. Written Decision

The College will inform the complainant and respondent of the results of its investigation in writing. The written decision summary will include a brief description of any corrective action that the College has taken or will take as a result of its investigation.

10. SANCTIONS

Where a person is found to be in breach of this policy, or pending investigation of a report of sexual violence, the College may impose one or more sanctions. Sanctions imposed are appropriate to the nature and seriousness of the offence and give consideration to the person's offence history. Sanctions may include, but are not limited to:

- ✓ Investigative Suspension Order
- ✓ Oral Warning and/or Temporary Dismissal
- ✓ Violation Notice
- ✓ Written Warning
- ✓ Conditions
- ✓ Prohibition
- ✓ Behavioural Contract
- ✓ Conduct Probation
- ✓ No Trespass Notice
- ✓ Suspension, short or long term
- ✓ Expulsion or dismissal

The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be moved from a complainant's residence, restricted from entering certain parts of campus and restricted from attending class.

Such "interim measures" will be imposed only as necessary to meet the needs of complainants and persons who report incidents of sexual violence or otherwise under the College's [threat assessment policy]. The College will also take steps to minimize the impact of interim measures on respondents.

Interim measures are not punishment and do not represent a finding of misconduct. The College may impose interim measures immediately, without a hearing. Respondents may ask the College to review a decision to impose interim measures, but only to address the impact of the imposed measure and the preference for other alternatives.

11. APPEAL

A student may appeal a decision under this policy by following the appeal procedures. Student Appeals.

There is no formal appeal process for employee violations. However, College employees who are members of a union may file a grievance as permitted by the applicable collective agreement.

There is no formal appeal process for supplier, volunteer or visitor violations.