



Bay College
of Health, Business and Technology

STUDENT HANDBOOK

User

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Academic Policy

Intellectual integrity and academic honesty are fundamental to the processes of learning and of evaluating academic performance, and maintaining them is the responsibility of all members of an educational institution. The teaching of personal standards of honesty and integrity is a goal of education in all the disciplines of the school.

The faculty has the responsibility of encouraging and maintaining an atmosphere of academic honesty by being certain that students are aware of the value of it, that they understand the regulations defining it, and that they know the penalties for departing from it. The faculty should, as far as is reasonably possible, assist students in avoiding the temptation to cheat. Faculty members must be aware that permitting dishonesty is not open to personal choice.

Students must share the responsibility for creating and maintaining an atmosphere of honesty and integrity. Students should be aware that personal experience in completing assigned work is essential to learning. Permitting others to prepare their work, using published or unpublished summaries as a substitute for studying required materials, or giving or receiving unauthorized assistance in the preparation of work to be submitted are directly contrary to the honest process of learning. Students who are aware that others in a course are cheating or otherwise acting dishonestly have the responsibility to inform the instructor/professor. .

Students and faculty members must mutually share the knowledge that any dishonest practices permitted will make it more difficult for the honest students to be evaluated and graded fairly and will damage the integrity of the whole school. Students should recognize that both their own interest, and their integrity as individuals, suffer if they condone dishonesty in others.

Classroom Environment

Bay College of Health, Business and Technology entrusts students to maintain a proper academic learning environment in the classroom. Toward that end, students adhere to the following rules.

- No academic sabotage, cheating, fabrication, facilitating academic dishonesty, or plagiarism shall be permitted.
- All cell phones are to be turned off and put away.
- Cell phones will not be used for web-surfing, instant messaging, or texting during the class.
- Newspapers are not to be read during class.
- Non-related class assignments should not be worked upon during the class.
- No talking with your neighbouring classmates during class time.
- No eating during the class.

Attendance Policy

All classes (Theory and Practicum) are **mandatory**.

- Students who do not achieve the required attendance as stated in the College policy are subject to expulsion.
- Students who are absent from class for more than five (5) consecutive days without sufficient cause will be automatically expelled.
- Students who are expelled may apply for partial tuition refund in accordance to the refund policy.
- If students report an illness to their instructor/professor, the school encourages the instructor to take the explanation at face value and to make accommodations for the student to keep up with the class.
- If a student is frequently absent for illness or appears ill or distressed for an extended time, there may be some more serious underlying problem. Although students are generally a healthy population, many students have chronic illnesses and their academic pursuits may be disrupted frequently. It can be helpful in such cases to encourage the student to be as open as possible in sharing with their instructor how their condition has been affecting their studies. Together, the instructor might be able to reach a mutual agreement about special arrangements.
- In exceptional cases (i.e. mental health issues or diseases requiring quarantine such as influenza), their family doctor may provide the student/patient with a written document which may help clarify the reason for absence.

Clinical placement Attendance

Clinical placement (often referred to as practical or practicum) provides the students with an opportunity to practice their new skills in a work setting. While on placement, students gain experience in a wider range of PSW skills, become more self-confident and in some cases receive offers of employment from the placement site.

Student progress while on clinical placement is evaluated according to the SKILLS PASSBOOK. The Skills Passbook provides a checklist for all of the skills and abilities required for graduation.

-Student clinical placements are arranged and scheduled by the school.

-All classes (Theory and Practicum) are **mandatory**.

-If students report an illness to their instructor/professor, the school encourages the instructor to reschedule makeup practicum dates for the students to complete the practicum hours.

Student Code of Conduct

The student Code of Conduct exists to identify and explain to the student body those school policies that most directly affect student life. Having voluntarily enrolled as students at Bay College of Health, Business and Technology, all students are presumed to be knowledgeable of, and to have agreed to abide by, the rules and regulations set forth in this student Code of Conduct, both on and off campus.

1.0 STUDENT RIGHTS, FREEDOMS & RESPONSIBILITIES

Bay College of Health, Business and Technology's is dedicated to the best principles of higher education in a democratic society, the following rights, freedoms, and responsibilities are set forth:

1.01 All students guaranteed freedom of expression, inquiry, and assembly. Students have the right to organize groups or to join associations in support of any cause or common interest as long as that support is voiced in an orderly manner and place that does not disrupt the regular operations of the school.

1.02 The student press is to be free of censorship except as applicable under appropriate laws.

1.03 A student, group, or organization may distribute written material on campus, with prior approval, as long as the distribution does not disrupt the regular operations of the school.

1.04 All applicable local, provincial, and federal laws shall be upheld at all times. The school expects that each individual and group within the school community will obey these laws. Failure to do so subjects the offender(s) to the possibility of disciplinary action and/or action by authorities.

1.05 Students will, at all times and in all activities, respect the rights of others, maintain responsible behavior conducive to the teaching and learning environment, and uphold the integrity of the school on and off campus.

1.06 In addition to abiding by the student Code of Conduct, students assuming leadership roles, in either elected or appointed capacities, will accept the responsibility to uphold and support the student Code of Conduct.

1.07 When behavior deemed to be in violation of or not in accordance with the student Code of Conduct, the school has the right to take disciplinary and/or civil action against those involved.

2.0 GENERAL POLICIES

2.01 ALCOHOL The school is dedicated to providing a healthy, safe, comfortable, and productive environment for students, faculty, staff, and guests. All members of the school community are expected to maintain self-control. Conduct should be consistent with ideals of academic excellence, health, and responsible social behavior, including recognition of the rights of others. The possession or consumption of alcoholic beverages is not permitted in the school.

2.02 ANIMALS/PETS It is the policy of the school to prohibit the presence of animals/pets on school property, except for fish and assistance animals necessary to help persons with disabilities.

2.03 ASSAULT Physical abuse and/or other conduct which endangers the health or safety of any person is prohibited. Examples include, but are not limited to: fighting or assault in any form. All combatants may be charged.

2.04 DEFACEMENT OF SCHOOL PROPERTY Any activity that can cause the defacement of school property is not permitted.

2.05 DISHONESTY Dishonesty is defined as an individual or group's action, or omission of action, which is intended to mislead, defraud, or deprive school officials, boards, students, faculty members, or members of the community at large of rights to information, accuracy of record, or property. Dishonesty includes, but is not limited to: the intention to produce counterfeit documents, possession of equipment with the intent to produce counterfeit documents, production of counterfeit documents, forgery, falsification of records, lying, falsification of checks or money orders, theft, unauthorized entry into school facilities; falsification and/or manipulation of computer data.

2.06 DRUGS Every person shall be responsible for compliance with all local, provincial, and federal laws regarding controlled substances and/or prescription drugs including, but not limited to, their use, sale, distribution, possession, or manufacture. Additionally, in the interest of public health and the safety of our students, the school prohibits the possession and consumption of experimental drugs and mind-altering plants, and other substances used to induce intoxication or impairment. Violations of this policy and/or any local, provincial state, or federal law regarding controlled substances and/or prescription drugs may subject the person to proceedings with authorities.

2.07 EMERGENCY EQUIPMENT Tampering with or misuse of fire-fighting equipment, including fire suppression systems, call boxes, emergency exits, warning devices, or any hindrance of emergency procedures is a threat to the community and is grounds for immediate disciplinary action, and any other school response as may be appropriate.

2.08 ELEVATOR Tampering with elevators and/or elevator equipment, such as forcing open the doors, riding outside the cab, or performing any other activity that endangers personal safety or the safety of others or affects the functioning of the elevator, is prohibited.

2.09 ELECTRONIC MEDIA Computing and networking facilities are intended for conducting and fostering the instructional, research, and administrative activities of the school. The following activities involving the use of school computer resources (including computers, computer networks, connections to network services such as the internet and web pages, subscriptions to external computing services, any peripheral devices, computer labs, computing centers, and public access areas) are prohibited and may result, at a minimum, in the immediate denial of computer access and privileges:

2.09(a) Creating, modifying, executing, reverse engineering, or retransmitting any computer program or instructions intended to gain unauthorized access to, or make unauthorized use of, a computer resource, software or licensed software.

2.09(b) Communicating any information concerning any password, personal identification number or other confidential information without the permission of its owner or the controlling authority of the computer authority that oversees that information.

2.09(c) Creating, modifying, executing, or retransmitting any computer program or instructions intended to obscure the true identity of the sender of electronic mail or electronic messages, collectively referred to as "Messages," including, but not limited to, forgery of Messages and/or alteration of system and/or user data used to identify the sender of Messages;

2.09(d) Accessing or intentionally destroying files, software, or licensed software on a computer resource without the permission of the owner of such files, software, or licensed software or the controlling authority.

2.09(e) Making unauthorized copies of licensed software.

2.09(f) Communicating any credit card number or other financial account number without the permission of its owner.

2.09(g) Inhibiting or interfering with the use of the network or computing resources used by others.

2.09(h) Transmitting unsolicited information that contains obscene, indecent, or lewd material.

2.09(i) Violating any laws or participating in the commission or furtherance of any crime or other unlawful or improper purpose.

2.09(j) Students are prohibited from violating Copyright Law in any manner.

2.10 FAILURE TO COMPLY Students who do not comply with reasonable requests from school staff or administrators or who do not complete conduct-related sanctions may have their school records placed on hold, and appropriately charged with failure to comply.

2.11 GAMBLING Every person subject to the jurisdiction of this code shall be responsible for compliance with all local, provincial, and federal laws regarding gambling. Violations of any local, provincial, or federal law regarding gambling may subject the person to proceedings with authorities

2.12 GUESTS/VISITORS Any visitor who is not on official business must be a guest of a student, faculty member, or staff member.

2.12(a) Guests are subject to all applicable rules and policies as are members of the school.

2.12(b) A guest must identify him/herself when called upon by a school official, and to identify his/her host.

2.12(c) The conduct of a guest is the responsibility of the student serving as host.

2.12(d) Guests are not permitted to attend student classes without the permission of a school official.

3.13 HARASSMENT Any words or acts deliberately designed to disregard the safety or rights of another and which intimidate, degrade, demean, threaten, haze, or otherwise interfere with another person's rightful action will not be tolerated on the basis of the standards of the school community and therefore may be subject to disciplinary action. The school prohibits behavior, or attempts thereof, by any student or student organization, whether acting alone or with any other persons, leading to physical harm or threat of physical harm to any person or persons, including but not limited to: Harassment, whether physical, psychological, verbal, written or digital-based, which is beyond the bounds of protected free speech, and directed at a specific individual(s), and likely to cause an immediate breach of the peace; Physical, sexual or psychological assault, or other forms of physical abuse; Conduct which threatens the mental health, physical health or security of any person or persons including stalking, intimidation or threat that unreasonably impairs the security or privacy of another member of the school community; Intentional disruption or obstruction of lawful activities of the school or its members including their exercise of the right to assemble and to peaceful protest. All members of the school community are protected from harassment, including, but not limited to, members according to their race, ethnicity, age, gender, disability, sexual orientation, and religion.

3.14 IDENTIFICATION CARDS Student ID cards are the property of the school, are not transferable, and must be surrendered to the school upon request.

3.15 INTERFERENCE A student shall conduct his/her self in a manner that does not interfere with or disrupt any school teaching, research, administrative, disciplinary, public service, learning or any other authorized activity.

3.16 IRRESPONSIBLE CONDUCT Individuals and groups shall behave in a manner that does not infringe on the personal or property rights of others and is appropriate for a community of scholars.

3.17 OFFICIAL NOTICES

3.17(a) Students shall respond immediately to any reasonable request from any school official, who properly identifies himself/herself as such.

3.17(b) When asked for their ID cards, students are required to surrender their student ID card and to comply with the request of the officer, administrator, staff, or faculty member.

3.18 SALES, DISTRIBUTIONS, AND SOLICITATION Solicitation of off-campus donors or sponsors, including solicitation of goods and merchandise, must be approved by and coordinated with the school.

3.19 SMOKING RESTRICTIONS Smoking is prohibited in the school.

3.20 WEAPONS Students are prohibited from the use and possession of dangerous weapons or facsimiles of dangerous weapons on school property.

STUDENT SUSPENSION and EXPULSION POLICY

Bay College of Health, Business and Technology is committed to taking all steps to ensure the students have the opportunity to successfully complete their courses and programs. Bay College of Health, Business and Technology will have to ensure that students receive and are aware of its code of conduct, its academic policy, and its attendance policy.

The following outlines the conditions under which a student may be expelled with cause:

1. **Academic Dishonesty** – students may be subject to suspension or expulsion at the discretion of Bay College of Health, Business and Technology for academic dishonesty. Academic dishonesty is any word, action or deed performed alone, or with others for the direct or indirect intention of providing an unfair advantage or benefit to self or other student(s) including:
 - cheating
 - plagiarism
 - unapproved collaboration
 - alteration of records
 - bribery
 - lying
 - misrepresentations
 - The student who is found under the influence of academic dishonesty will be subject to immediate **suspension** (up to three days). The test / paper / quiz / exam will be given a grade of zero (0).
 - The student who is found under the influence of academic dishonesty for the second time will be subject to immediate **expulsion**. The test / paper / quiz exam will be given a grade of zero (0).
2. **Outstanding Fees** – all students must clear all outstanding tuition fees (book fees, tuition balances, etc.) with Bay College of Health, Business and Technology. Diplomas and transcripts may be withheld for students with outstanding fees at the time of graduation. Diplomas and transcripts will be included in the student file with a note that diplomas and transcripts will not be provided to the student until outstanding fees are paid to the school.
3. **Code of Conduct** - all students are required to adhere to Bay College of Health, Business and Technology's published code of conduct. Where the violations do not have the potential to result in physical harm to persons or property Bay College of Health, Business and Technology may expel a student who has received suspension for failure to comply and has since violated any of the terms of Bay College of Health, Business and Technology's code of conduct. Students who are found under the influence of drugs

and/or alcohol or carrying weapons will be subject to immediate expulsion and proper authorities will be notified. Proper authorities will confiscate drugs and/or alcohol or weapons.

4. **Significant Omissions** or Errors in Admissions Documentation – Bay College of Health, Business and Technology has a responsibility to ensure students have been admitted in accordance with the registration requirements for the program. Students who knowingly or in error misrepresent their applications are subject to immediate expulsion.
5. **Academic Failure** – students who fail to achieve the required academic standing in their programs may be expelled from the program. Bay College of Health, Business and Technology may at its discretion offer alternatives to a student and these are outlined in the academic policies for the program of study.
6. **Attendance** – students who do not achieve the required attendance as stated in the College policy are subject to expulsion. Students who are absent from class for more than five consecutive days without sufficient cause will be automatically expelled. Students who are expelled may apply for partial tuition refund in accordance to the refund policy.
7. **Harassment or Discrimination** – Bay College of Health, Business and Technology does not condone harassment or discrimination of any student, staff, client or visitor to Bay College of Health, Business and Technology. Students participating in harassing or discriminatory activities are subject to immediate suspension pending investigation. Expulsion is mandatory for any student who is deemed by the investigation to have engaged in harassing or discriminatory activities.

In determining what constitutes harassment or discrimination, Bay College of Health, Business and Technology refers to The Ontario Human Rights Code. Students requiring more specific information may refer to the specific code as posted on the Provincial web site.

8. **Misuse of College Property** – College property is for the provision of College services. Students who damage, misuse, steal or otherwise use the property in a way that is prohibited may be expelled and required to make restitution.
9. **Endangerment of Staff or Students** – Bay College of Health, Business and Technology is committed to the right of all College staff, students, clients and visitors to be safe. Students who by action or neglect in any way endanger the safety of themselves or others may be expelled. Prior to expulsion, depending on the severity and nature of the situation, Bay College of Health, Business and Technology may take intermediate steps at its discretion including:
 - a. verbal warning
 - b. written warning

- c. suspension
- d. expulsion

Notification:

- Students who are subject to suspension or expulsion for any reason will be notified in writing, either hand delivered or by registered mail with return receipt.
- Bay College of Health, Business and Technology is not responsible for non-delivery by registered mail if the student has not provided a valid home address where the student currently resides.
- The notification will contain a description of the basis for suspension or expulsion including the reason and the effective date.
- Expelled students who dispute the facts of the expulsion must appeal the decision within three (3) days of the notification following the complaints procedure of Bay College of Health, Business and Technology provided to the student and providing sufficient proof to support the complaint.
- Students who file an appeal and are unsuccessful are considered withdrawn from Bay College of Health, Business and Technology.
- Students who are expelled may apply for partial tuition refund in accordance to the refund policy.
- Further appeals must be filed with the superintendent, provided the students are attending an approved vocational program under the Private Career Colleges Act 2005.

Fees

A student who is expelled by Bay College of Health, Business and Technology will be considered withdrawn from their program on the effective date of the expulsion. Bay College of Health, Business and Technology will officially withdraw the student and settlement of the student's account will be completed under the Refund Policy.

Return of Property

A student who is expelled is responsible for the return of any College property in his/her own possession within 10 days and will be held financially responsible for any property not returned in good condition (unopened or in the same state as it was supplied to the student). However, Bay College of Health, Business and Technology may not deduct from a student's fee refund, as set out in the enrolment contract, any amount owing by the student with respect to such property.

Student Complaint Procedure

Overview

Bay College of Health, Business and Technology is committed to the appropriate resolution of student conflict issues to the satisfaction of the student.

- The Student Complaint Procedure is designed to provide students with both an informal and formal process.
- The student has the right to present his/her situation.
- The student has the right to be accompanied, by an individual of his/her choice through all stages of the student complaint procedure.
- Students are encouraged to address any concerns. In addition, the student can ask the individual who accompanies him/her to present the case on his/her behalf.

Formal Complaint Procedure

1. Form
 - a. In the case where a student is unable to achieve a satisfactory resolution using the informal direct discussion approach, the student may request that a more formal complaint procedure be launched.
 - b. To file a formal complaint, a student will need to complete and sign an original **Student Complaint Form** (sample attached), recording the concern and documenting the student's desired resolution.
 - c. The student must submit the original form and one signed copy to the School Administrator, who will co-sign the forms, return the original to the student and keep the copy in the student's academic file.
2. Meeting
 - a. The Complaint Manager (contact information attached, see page 5 of 5) will arrange to **meet** with the student within two (2) **working days** of the date of the written complaint.
 - b. The student may make **oral submissions** on the same day. Oral submission information will be recorded (written record) by the Complaint Manager on the student's original complaint form and a copy will be delivered/provided to the student. A copy will be filed in the student's file.
 - c. If, as a result of that meeting, the student and the Complaint Manager decide to implement a mutually agreed to complaint resolution plan, then that decision, the

reason for the decision, and a description of the resolution plan must be recorded (written record) by the Complaint Manager on the student's original complaint form. If the student and the Complaint Manager can not reach a mutual agreement, the student may initiate an appeal (see Appeal Process on page 2 of 5).

- d. The original form must be co-signed by the student and the Complaint Manager. The original must be returned to the student and a copy must be filed in the student's academic file.
3. Implementing and Follow Up
 - a. If the student and the Complaint Manager reach a mutually agreed to resolution in step 2 above then the plan must be implemented.
 - b. The Complaint Manager must make a follow up phone call within **seven (7) working days** from the Complaint Manager's decision date to ensure the resolution plan satisfactorily resolves the concern.
 4. Closing the concern
 - a. Upon mutually satisfactory resolution of the student concern, the Complaint Manager will meet briefly with the student to close the concern and record in the original Student Complaint Form a confirmation that the concern has been satisfactorily resolved.
 - b. The student and the Complaint Manager will sign the declaration at the bottom of the form. The original form will be given back to the student and a copy will be filed in the student's academic file.
 - c. A second copy will be filed in the Campus Student Complaint Binder and kept for **3 years**.

Appeal Process

1. Appeal Form
 - a. Where a student concern has arisen that could not be resolved to the student's satisfaction, through the formal procedure outlined above, the student may initiate an **appeal**.
 - b. The student must complete, sign and submit the original **Student Complaint Form** setting out the reasons why the formal procedure resolution was unsatisfactory.
 - c. The student will again keep the original form and a copy will be submitted to the School Administrator.
 - d. The student must submit the request for a Review/Appeal form (attached, see Student Complaint Form page 6 of 7) no later than **7 working days** from the Complaint Manager's decision date.

2. Appeal
 - a. The School Administrator will notify the School Manager to investigate the student's concern and meet with the student within **two (2) working days** of the request for a review to discuss resolution.
 - b. The student may provide **oral submission** to the School Manager during the meeting. Oral submission information will be recorded (written record) by the School Manager on the student's original complaint form.
3. Appeal Decision
 - a. The School Manager will report to the student by completing and signing the Student Complaint form within **seven (7) working days** of the conclusion of its resolution investigation process.
 - b. The written report will include a summary of the investigation findings and the School Manager's complaint resolution decision including the reasons for arriving at that decision.
4. Files
 - a. The student will be given the original signed copy of the student complaint form.
 - b. A copy of the student complaint form will be retained in the student's academic file and a second copy will be placed in the School Student Complaint Binder, where it will remain for a minimum period of **three (3) years**.

After the Appeal Process

1. If the student is not satisfied with the School's decision after the review process, he/she can file a complaint with the Superintendent of private career colleges, provided the student is attending a program approved under the Private Career Colleges Act, 2005.

Superintendent of Private Career Colleges (PCC) Contact information:

Superintendent of Private Career Colleges
Ministry of Training, Colleges and Universities
Private Career Colleges Branch
77 Wellesley St. W. PO Box 997
Toronto, ON M7A 1N3
Tel: (416) 314-0500
Toll Free: 1-866-330-3395
Email: pcc@ontario.ca

This form is to be used by students to request the initiation of the School's formal complaint procedure or to request a review (appeal) of a formal resolution plan that the student deems unsatisfactory.

This form is used by the school staff to record (in writing) the results of the formal complaint procedure and the review process.

If a student is not satisfied with the school's decision after working through the formal complaint procedure and any subsequent review process, he/she can ultimately file a complaint with the Superintendent of private career colleges, provided that the student is attending a vocational program approved under the Private Career Colleges Act, 2005.

Part 1 – Request to Initiate the Formal Complaint Process

In conjunction with this policy, the school will have to ensure that students receive and are aware of its code of conduct, its academic policy, and its attendance policy. (Please refer to Student Handbook)

- (1) The student complaint procedure required under section 31 of the PCC Act shall include,
 - (a) a requirement that a complaint be made in writing;
 - (b) the person or persons, identified by position, who will decide whether to dismiss the complaint or make a recommendation as to any further action in relation to the complaint;
 - (c) the process to be followed by the private career college in dealing with the complaint which shall include,
 - (i) giving the student making the complaint an opportunity to make oral submissions,
 - (ii) allowing the student to have a person present with the student at all stages of the proceedings, and
 - (iii) the right of the student to have the person referred to in subclause (ii) make the oral submissions on his or her behalf;
 - (d) a description of the manner in which complaints, submissions and decisions will be recorded;
 - (e) a maximum length of time that may elapse between the date the complaint is submitted and the date a decision is issued by the school ;
 - (f) a requirement that the decision be delivered to the student in writing and include reasons;
 - (g) a procedure for reviewing a decision;
 - (h) a requirement that the school maintain a record of every complaint at the campus where the complaint originated for a period of at least three years from the date of the decision relating to the complaint, which record shall include a copy of the complaint, of any submission filed with respect to the complaint and of the decision; and
 - (i) a requirement that the school provide the student who makes a complaint with a copy of the record referred to in clause (h).
- (2) If a student is not satisfied with a private career college's resolution of his or her complaint in accordance with the procedure set out in subsection (1), the student may refer the matter to the Superintendent and shall include in his or her application to the Superintendent a copy of the record referred to in clause (1) (h).

Pursuant to clause 36 (1) (b) of O. Reg. 415/06 the colleges student complaint procedure must provide the person or persons, identified by position, who will decide whether to dismiss the complaint or make a recommendation as to any further action in relation to the complaint.

Contacts:

School Administrator: **Tiffany Wu**
Bay College of Health, Business and Technology
245 Fairview Mall Drive
7th Floor, Suite 723
Toronto, Ontario
Canada M2J 4T1
Tel: 416-800-8281

Email: twu@BayC.ca

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Canada M2J 4T1
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Policy Title: SEXUAL VIOLENCE, SEXUAL ASSAULT, AND SEXUAL HARASSMENT

Effective: 2016-12-01

Next Review: 2018-12-01

Policy Sponsor: Administration, President

Approvals: 2016-12-01/President

1. PURPOSE

All members of the Toronto School Of Health (TSH 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*.

TSH 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.

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: 2016-12-01

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

TSH 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**

TSH 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.

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

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

Issued by: Administration, President

Effective: 2016-12-01

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, TSH 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.

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.