

Policy Title	Sexual Violence and Sexual Misconduct Policy
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Related Policies	
Related Procedures	
Appendices	
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PART A: SEXUAL VIOLENCE AND SEXUAL MISCONDUCT POLICY

Preamble

Confederation College (the “College”) recognizes that sexual violence is a fundamental affront to a person’s dignity, integrity, and well-being.

The College acknowledges the impact that sexual violence has on individuals and is committed to ensuring that students who are affected by sexual violence are supported and treated with compassion and respect.

The College acknowledges that young women, aboriginal women, and women with disabilities are at a greater risk of experiencing sexual violence.

The College is committed to creating and maintaining a learning, social, and working environment that is free from sexual violence.

The College is committed to fostering an atmosphere of healthy attitudes and behaviors towards consent, sex, sexuality, gender identity and gender expression.

The College acknowledges its obligations under the Ministry of Training, Colleges and Universities Act and its Sexual Violence at Colleges and Universities Regulation.

Purpose

1. The purpose of this policy is to establish the College’s policy on sexual violence and sexual misconduct. Specifically, this policy,
 - a) addresses sexual violence involving students enrolled at the College;
 - b) sets out the process for how the college will respond to and address reports and complaints of sexual violence involving students enrolled at the College;
 - c) establishes a process for the provision and consideration of input from a diverse selection of students regarding the College’s sexual violence policy;
 - d) provides information about the resources, supports, services and accommodations for students who are affected by sexual violence;
 - e) sets out the College’s rules with respect to sexual behaviour that involves employees and students of the College; and
 - f) provides examples of the disciplinary measures that may be imposed on employees who contravene this policy.

Scope

2. This policy applies to members of the College community.

2(1). For certainty, this policy applies if,

- a) the person affected by sexual violence is a student at the College – regardless of where the sexual violence is alleged to have occurred and regardless of whether the person accused of sexual violence is a member of the College community; and

- b) the person accused of sexual violence is a student at the College – regardless of where the sexual violence is alleged to have occurred and regardless of whether the subject of the alleged sexual violence is a member of the College community.

3. This policy may apply to online interactions depending on the circumstances. For example, interactions as between students that occur via “Snapchat” may fall under this policy.

Collective Agreement(s)

4. This Policy is not intended to conflict with provisions of a collective agreement. To the extent that such conflict arises, the collective agreement shall prevail.

Definitions

5. The definitions and relevant terms for this policy can be found in Appendix A.

Policy Statements

6. Sexual Violence is prohibited.

7. Members of the College community are expected to understand and adhere to this policy by refraining from any form of sexual violence and by fully cooperating in any investigation of sexual violence.

8. The College shall appropriately accommodate the needs of students enrolled at the College who are affected by sexual violence.

9. The College shall provide,

- a) a process to be followed by students who wish to report an incident of, or make a complaint about, sexual violence;
- b) measures that may be implemented to protect a student reporting an incident of, or making a complaint about, sexual violence from retaliation or the threat of retaliation;
- c) a process for deciding whether an incident or complaint of sexual violence will be investigated by the College;
- d) an investigation and decision-making process that will take place if a report or complaint of sexual violence is investigated; and
- e) an appeal process from decisions relating to sexual violence.

10. The College shall ensure that all affected parties involved in a report of, or complaint about, sexual violence receive the appropriate amount of procedural fairness throughout all processes referred to in this policy.

11. The College shall believe, respect, and treat with dignity all persons who report an incident of, or make a complaint about, sexual violence.

12. Students are not required to report an incident of, or make a complaint about, sexual violence to obtain supports, services or accommodations from the College.

13. Students will not be disciplined or sanctioned for violations of the College's policies relating to drug or alcohol use at the time the alleged sexual violence occurred if they, in good faith, report an incident of, or make a complaint about, sexual violence.

14. Students who are affected by sexual violence may choose not to request an investigation by the College and have the right not to participate in any investigation that may occur.

15. 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, which includes asking questions about a student's sexual expression or past sexual history.

16. Students who report an incident of, or make a complaint about, sexual violence shall be protected from reprisal and the threat of reprisal.

16(1). The College shall address the potential for reprisals by holding those who engage in, or threaten to engage in, them accountable and by imposing interim measures in response to complaints.

Confidentiality

17. The confidentiality of reports and complaints of sexual violence shall be maintained whenever possible.

18. The College will handle reports and complaints of sexual violence in a confidential manner and in accordance with the law and applicable collective agreements.

19. In some cases, confidentiality may not be maintained where information needs to be shared to address a health or safety risk or where required by law. For example, the College may not be able to maintain confidentiality where,

- a) there are reasonable grounds to believe that an individual is at risk of self-harm;
- b) there are reasonable grounds to believe that an individual may pose a threat or risk to a student who has reported or made a complaint about sexual violence;
- c) there are reasonable grounds to believe that an individual may pose a threat or risk to members of the College community;
- d) an accommodation, support or service is being provided;
- e) an investigation is being undertaken; or
- f) required by law.

20. Complainants and witnesses must be aware that the College will disclose information to the Respondent(s) to fairly investigate and resolve complaints.

21. All persons involved in a disclosure of, or complaint about, sexual violence must always maintain confidentiality.

21(1). Unwarranted breaches of confidentiality may result in disciplinary action being taken against the person(s) responsible for the breach.

Supports, Services, and Accommodations (Academic or Otherwise)

22. The supports and services available at the College for students who are affected by sexual violence can be found in Appendix “B” of this policy.

23. The supports and services available in the community for students who are affected by sexual violence can be found in Appendix “C” of this policy.

24. The official, office or department at the College that should be contacted to obtain accommodations for sexual violence can be found in Appendix “D” of this policy.

25. There is no timeline for making a request for supports, services or accommodations under this policy.

Sexual Violence Awareness, Education and Training

26. The College shall create and maintain a “Sexual Violence Committee.”

26(1). The Sexual Violence Committee shall, at a minimum,

- a) Develop and implement an annual education strategy to address and prevent sexual violence; and
- b) Ensure sexual violence awareness and prevention efforts take place at the College throughout the year.

26(2) The Sexual Violence Committee shall be comprised of students, faculty, and staff members.

27. The College shall,

- a) Publish its sexual violence policy, and a description of the student input process on its website and make a copy of the policy available to anyone who requests it;
- b) Provide or make available training on its sexual violence policy to the following persons:
 - i. Members of the College’s Governing Board and other senior administrators;
 - ii. Faculty, staff and other employees and contractors of the College; and
 - iii. Students enrolled at the College.

27(1). Subparagraph (b) shall include training on the College’s process for responding to and addressing incidents and complaints of sexual violence.

Data Collection

28. The College shall collect from its students and other persons data and other information relating to the following:

- a) The number of times supports, services and accommodations relating to sexual violence are requested and obtained by students enrolled at the college and information about the supports, services and accommodations;
- b) Any initiatives and programs established by the College to promote awareness of the supports and services available to students;

- c) The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints; and
- d) The implementation and effectiveness of the policy.

29. The College's Board of Governors shall receive an annual report setting out, for the prior year, the information contained in subparagraphs (a) to (d) of paragraph 28.

30. When providing information to the Minister or its Board of Governors, the College shall take all reasonable steps to ensure that personal information, within the meaning of section 38 of the Freedom of Information and Protection of Privacy Act, is not disclosed.

Revisions

31. The College shall review this policy at least once every three years and amend it as appropriate.

32. Before implementing or revising this Policy, the College shall consider student input by receiving feedback from the College's elected student governing bodies.

33. To receive feedback from the College's elected student governing bodies, the College shall provide a copy of the policy and its revisions to the President and Executive Director of the Student Union of Confederation College Inc. ("SUCCI").

33(1). The President and Executive Director of SUCCI shall present the policy and its revisions to the SUCCI Board of Directors.

33(2). The SUCCI Board of Directors shall review the policy and revisions to,

- a) identify issues and concerns; or
- b) provide feedback and suggestions.

33(3). If the SUCCI Board of Directors deems it necessary, they may,

- a) create and distribute a survey;
- b) hold information sessions;
- c) establish focus groups;
- d) hold a town hall; or

to receive feedback from the broader student body.

33(4). At their discretion, the SUCCI Board of Directors may send the policy and revisions to the Oski Anishnawbeg Student Association ("OASA") for their consideration.

33(5). The SUCCI Board of Directors shall be given a reasonable amount of time to review the policy, its revisions, and receive feedback from the broader student body.

Sexual Misconduct and Sexual Behaviour

34. Sexual misconduct is prohibited.

35. Sexual behaviour between employees and students is prohibited.

36. Employees of the College are expected to understand and adhere to this policy by refraining from,

- a) sexual misconduct; or
- b) sexual behaviour involving students.

37. Employees of the College are expected to fully cooperate in any investigation of,

- a) sexual misconduct; or
- b) sexual behaviour involving students.

38. Members of the College community who are both an employee and student shall be treated as an employee for the purposes of this policy.

General

39. Notwithstanding any other provision of this policy, persons authorized to exercise responsibility under this Policy may delegate their responsibility to address potential delays, actual or perceived conflicts of interest, or other legitimate reasons.

40. Any reference to the term “days” shall be construed as meaning “business days.”

PART B: PROCEDURE

General

41. Any student who is affected by sexual violence may report an incident of, or make a complaint about, sexual violence.

41(1). For clarity,

- a) Reporting an incident of sexual violence means making a disclosure of sexual violence.
- b) Making a complaint of sexual violence means filing a complaint against a respondent.

42. The College will ordinarily address complaints in accordance with this procedure, but it may depart from it where it is fair, appropriate, or just in the circumstances.

43. The College recognizes that complainants have an interest in how their complaints are addressed, but reserves the right to resolve a complaint, with or without the agreement of the complainant, in circumstances where such a resolution is appropriate.

43(1). A written record of such resolution shall be prepared and may be provided to the relevant College administrators as is required to implement the resolution.

Reports of Sexual Violence

44. The College shall respond to every report of sexual violence with a view to maintaining a learning, social, and working environment that is free from sexual violence.

45. The College recognizes that reports of sexual violence are often shared in confidence with a trusted faculty or staff member and that confidentiality is essential for students to come forward. As such, the College reiterates that,

- a) students who are affected by sexual violence may choose not to request an investigation by the College and have the right not to participate in any investigation that may occur; and
- b) students are not required to report an incident of, or make a complaint about, sexual violence to obtain supports, services or accommodations from the College.

46. Members of the College community that become aware of a report of sexual violence should,

- a) act with compassion and respect, provide appropriate assistance in the moment and encourage the person to contact the Advisor; and
- b) maintain confidentiality unless there are reasonable grounds to believe that an identifiable person or group, the College, or the surrounding community is at risk of harm.

47. Where there is an imminent risk of harm, members of the College community should immediately call 911 and security.

48. Employees of the College that become aware of a report of sexual violence shall,

- a) Inform the student about this policy and the supports, services, and accommodations available to them; and
- b) Explain the limits of confidentiality to the student.

49. Employees of the College should refrain from providing advice and counselling a student who has experienced sexual violence unless they are trained in providing support.

50. Employees of the College shall keep a record of all disclosures and report them to the Executive Director of Organizational Effectiveness (“Executive Director”).

51. The Employee’s records must be kept confidential, ensure anonymity, and contain the following information:

- a) The type of support, service or accommodation offered and accepted by the student;
- b) Information about the type of support, service or accommodation offered or accepted by the student; and
- c) Information about the incident(s) of sexual violence.

52. If a Member of the College community becomes aware of an incident or complaint of sexual violence and requires support, services, or accommodations because of it, they should report to the Executive Director to request the same.

Complaints of Sexual Violence

53. The Complaint procedure applies to complaints in which,

- a) The complainant was a member of the College community at the time of the alleged incident;
- b) The respondent was a member of the College community at the time of the alleged incident; or
- c) The respondent is a member of the College when the complaint was filed.

54. If, at any time during the investigation or decision-making process, the Respondent’s relationship with the College ends, the College may,

- a) Suspend the procedure, with the option of reinstating it if the Respondent rejoins the College community; or
- b) Continue the Procedure to its conclusion, whether the Respondent chooses to participate, with any requirement to withdraw being noted on the Respondent’s transcript.

55. The College shall not process anonymous complaints under its procedure.

Procedural Fairness

56. The parties have the right to procedural fairness at all stages of the complaint process, which includes,

- a) The right to have a meaningful opportunity to present their case and to provide a response to the allegations being made;
- b) The opportunity to obtain qualified assistance, including by legal counsel; and
- c) The right to be provided reasons for every decision.

Legal or Other Representation

57. The parties to the complaint process may be accompanied by a support person of their choosing, which includes legal representation.

Complaint Process

Complaint Intake

58. Complaints must be made in writing to the Executive Director.

58(1). Complaints must set out all the facts alleged to constitute sexual violence and must attach all documentation upon which the complainant relies. For example, complaints should include,

- a) The person(s) alleged to have committed sexual violence;
- b) The date(s), time(s) and place(s) on which the sexual violence occurred;
- c) The nature and details of the incident(s) of sexual violence;
- d) Any witnesses to the incident of sexual violence; and
- e) Any other relevant information.

59. The Executive Director may decline to refer a complaint for investigation where the College does not have jurisdiction or if the allegations, if proven to be true, would not constitute sexual violence.

60. If the Executive Director refers a complaint, the referral decision is final and is not subject to review or appeal.

61. Complaints will ordinarily be referred for investigation as follows:

- a) If the respondent is a student or visitor, to the Senior Manager of Public Safety and Risk;
- b) If the respondent is an employee or faculty member, to the Senior Manager of Human Resources and Labour Relations.

Interim Measures

62. Upon receipt of a complaint of sexual violence, the College may implement interim measures to,

- a) protect the safety, security, and well-being of the complainant;
- b) protect the complainant from retaliation and the threat of retaliation; and
- c) to protect the respondent's rights and interests.

63. Interim measures are not disciplinary and do not represent a finding of misconduct.

64. A non-exhaustive list of possible interim measures include:

- a) Placing an employee respondent on administrative suspension;
- b) Relocating a student respondent from class or residence; and
- c) Imposing a no-contact requirement as between the complainant and respondent.

65. An individual who is subject to interim measures can ask the College official who imposed the measures to reconsider whether they are appropriate.

65(1). The College official shall reconsider the imposed measures with consideration to the Complainant and Respondent's interests.

65(2). There is no other right of reconsideration or appeal for interim measures.

Investigation

66. The respondent shall be notified of the investigation in writing.

67. The notice shall include:

- a) A summary of the allegations;
- b) Any relevant documentation;
- c) Any interim measures that are being imposed;
- d) The appeal process for reconsideration of interim measures; and
- e) Available support services

68. The College shall then investigate the complaint of sexual violence.

68(1). Investigations will ordinarily require:

- a) Obtaining a written response and documentation from the Respondent;
- b) Interviewing the Complainant, Respondent and witnesses;
- c) Recording all interviewing in writing;
- d) Gathering any additional documentation or evidence; and
- e) Producing a written investigation report.

69. The College is committed to thoroughly investigating complaints of sexual violence in a timely manner.

70. The College shall keep Complainants and Respondents apprised of the status of its investigation.

Post-Investigation

71. Where the Respondent is an employee, the decision-maker shall review and consider the results of the investigation to decide whether the complaint, in whole or in part, is substantiated by the evidence and, if so, decide upon appropriate discipline.

71(1). The decision-maker may consult with others as the decision-maker deems appropriate.

71(2). The decision shall be conveyed in writing to the Respondent and is final.

71(3). Complainants shall be advised of the decision and of relevant corrective action.

72. Where the respondent is a student, the Associate Dean of the respondents' program shall review and consider the results of the investigation to decide whether the complaint should be referred for adjudication.

72(1). Prior to rendering a decision on the referral, the Associate Dean shall have separate discussions with the Complainant and Respondent. The discussions will centre around,

- a) The results of the investigation;
- b) Whether the complaint should be referred for adjudication; and
- c) The possibility of an informal resolution.

72(2). The Associate Dean may consult with and involve administrators with responsibility for the Respondent.

72(3) The decision to refer the complaint to adjudication is made at the sole discretion of the Associate Dean after consideration of all relevant material.

72(4). The referral to adjudication shall be conveyed in writing, is final and is not subject to review or appeal.

73. Where the Respondent is an employee and student, the investigation report shall be provided to the Respondent's Associate Dean and the decision-maker to jointly determine the appropriate order of decision-making.

Adjudication

74. The matter shall be referred by the associate dean to the Vice President Academic.

74(1). The referral shall include the complaint, response and all evidence gathered during the investigation, which includes the investigation report and recommendations for discipline.

75. The Vice President Academic shall conduct a fair hearing and act as a decision-maker or delegate this duty to an unbiased and trained member of the College Community ("Adjudicator").

76. A hearing will be scheduled wherein the Associate Dean and Respondent will be heard.

77. The Adjudicator shall provide the Associate Dean and Respondent with at least 14 days written notice of the hearing.

78. The notice shall contain,

- a) An explanation of the purpose of the hearing;
- b) An explanation that the Respondent may be accompanied by legal counsel or an advisor;
- c) The investigator's recommended sanction; and
- d) A description of the potential consequences for failing to attend.

79. The Complainant is not a party to the proceeding.

80. The Complainant may be invited to attend the hearing to answer questions from the Adjudicator.

81(1). The Complainant may participate in-person or electronically and may be accompanied by a support person.

82. The Adjudicator may invite witnesses to the hearing to give oral evidence.

83. The Associate Dean or Respondent may request a witness's attendance.

83(1). The request must be made in writing at least seven (7) days before the hearing and explain why the witness's attendance is necessary.

Pre-Hearing Disclosure

84. At least fourteen (14) days before the hearing, the adjudicator shall provide the Respondent with copies of the complaint, response and all evidence gathered during the investigation, which includes the investigation report, provided the Respondent agrees to any conditions for the safe and secure handling and disposal of such materials.

84(1). The Respondent shall hold such materials in strict confidence and only use and disclose the materials for the purpose of participating in the hearing.

Hearing

85. The purpose of the hearing is to provide the Adjudicator with an opportunity to better understand the evidence gathered in the investigation, to receive additional evidence, to affirm or deny the complaint in whole or in part, and, if affirmed, to impose appropriate sanctions.

86. The standard of proof for complaints is on a balance of probabilities.

87. The Adjudicator shall be responsible for conducting the hearing, but will ordinarily follow this procedure:

- a) The Associate Dean and Respondent will give opening statements that set out their positions;
- b) The adjudicator will question the Complainant, Respondent and any other witnesses who have been invited to attend;
- c) The Associate Dean and Respondent will provide a response to anything that has arisen during the hearing and set out their positions, including any appropriate sanction(s).

88. The Associate Dean and Respondent may provide the adjudicator with questions that they would like the adjudicator to ask the Complainant, Respondent, or any other witness at the outset of the hearing.

88(1). The Adjudicator shall ask submitted questions that are reasonable in the circumstances, and which seek to elicit relevant evidence.

89. The Associate Dean or Respondent may request that the ordinary process be modified.

89(1). The request must be made in writing, at least 48 hours before the hearing, and be provided to the other party in advance of the hearing.

89(2). The adjudicator shall consider the request, and objections, and answer it in writing.

89(3). In determining whether to grant such a request, the adjudicator shall answer it with a view to conducting a fair hearing and may seek independent legal advice.

90. If the Adjudicator affirms the complaint, in whole or in part, the Adjudicator shall consider the following factors when imposing discipline:

- a) The sanction and/or remedy sought by the associate dean and the Respondent's submission on sanction(s), if any;
- b) The notion of progressive discipline and the College's role as an educational institution;
- c) The nature and severity of the incident; and
- d) Aggravating, mitigating and other relevant factors.

91. Sanctions for violating this policy include, but are not limited to,

- a) written warning;
- b) behavioural contract;
- c) educational assignments;
- d) a letter of apology;
- e) no-contact order;
- f) non-academic probation;
- g) requirement to withdraw;
- h) expulsion
- i) suspension; and
- j) termination.

92. The Adjudicator shall issue a written decision, with reasons, to the associate dean and the Respondent within seven (7) days of the hearing.

93. If the Complainant requests the decision, the Adjudicator shall provide a summary of the decision to the Complainant if requested by the Complainant.

Appeals

94. A Respondent may file a written appeal with the President's Office within ten (10) days of receiving an Adjudicator's decision.

95. An appeal is only available where,

- a) the procedure employed by the Adjudicator did not meet the legitimate expectations of the parties; or
- b) the Adjudicator's decision was unreasonable considering the evidence.

96. The President shall consider the written appeal and decide whether it should be allowed.

96(1). The President's decision shall be made in writing, with reasons, to the Respondent.

96(2). If necessary, the President may seek written clarification from the Respondent.

97. The President's decision is final, and no right of appeal is available.

RELATED POLICIES

- Code of Conduct
- Student Code of Conduct
- Residence Community Living Standards
- Health and Safety Policy
- Respectful Work and Learning Environment
- Violence-Free Work and Learning Environment
- Acceptable Use Policy
- Personal Relationships
- Freedom of Information and Protection of Privacy

RELATED MATERIALS

- Academic and Support Staff Collective Agreements
- Administrative Terms and Conditions of Employment
- Ministry of Training, Colleges and Universities Act (1990):
<https://www.ontario.ca/laws/statute/90m19>
- The Ontario Human Rights Commission: <http://www.ohrc.on.ca/>
- The Ontario Human Rights Code (1990): <http://www.ontario.ca/laws/statute/90h19>
- The Ontario Occupational Health & Safety Act (1990):
<http://www.ontario.ca/laws/statute/90o01>

Revision History

Version	Change	Author	Date of Change
Original	New	President's Office	
Version 2			March 29, 2021

APPENDIX “A” – RELEVANT TERMS AND DEFINITIONS

In the policy,

“accommodation” means a measure implemented in the context of education or employment to accommodate a person.

Examples include deferring an exam or assignment, changing classes or schedules, or providing a new place in residence.

“College community” means all individuals who have a relationship with or to the College, including the following:

- a) Students, which are persons who are registered as students at the College whether full-time or part-time;
- b) Employees, which includes all unionized and non-unionized academic, administrative and support staff;
- c) Contractors, consultants, suppliers or other entities engaged by the College to provide goods or services;
- d) Members of the Board of Governors, their respective committees, and any advisory committee formed to help the College achieve its goals; and
- e) Visitors, which includes visiting students, volunteers, and other such persons.

“complainant” means a student at the College who has reported an incident of, or made a complaint about, one or more incidents of sexual violence.

“consent” means the voluntary agreement to engage in the sexual activity in question. The person who initiates sexual activity must receive a clear and affirmative response at all stages of the sexual engagement.

For certainty, consent cannot be obtained where,

- a) it is expressed by words or conduct of a person other than the specific individuals who are involved in the sexual activity;
- b) an individual induces another individual to engage in the activity by abusing positions of trust, power or authority;
- c) an individual is incapable of consenting to the activity;
- d) an individual expresses, by words or conduct, a lack of agreement to engage in the sexual activity; or
- e) an individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the sexual activity.

Consent requires that a person can freely choose between two options: yes or no. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity. 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.

For greater certainty, consent cannot be,

- a) assumed or implied;
- b) given by silence or in the absence of “no”;
- c) given by a person who has been threatened or coerced;
- d) given by an individual who is impaired by alcohol or substances; or
- e) given by an individual who is asleep, unconscious or unable to communicate.

“complaint” means a complainant’s choice to file a complaint under this policy and its accompanying procedure.

“gender expression” means a person’s publicly presented gender.

Examples include behavior and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender.

“gender identity” means a person’s identification of being male, female or intersexed; masculine, feminine or transgendered or transsexual.

“interim measure” means a temporary measure put in place until a permanent solution is available to protect a person during their academic year and/or employment to protect the person, stabilize the situation or address any concerns.

“institution” has the same meaning as in the Ministry of Training, Colleges and Universities Act, namely:

A publicly-assisted university or college of applied art and technology.

“respondent” means a person against whom an allegation of sexual violence has been made.

“report” means a student’s choice to report one or more incidents of sexual violence to a member of the College community, who is not a student, without filing a formal complaint.

“sexuality” or “sexual orientation” means the emotional, physical, romantic, sexual or spiritual attraction or affection for another person.

Examples include heterosexuality, bisexuality and homosexuality.

“sexual assault” means nonconsensual sexual contact of any nature.

Examples include unwanted kissing, fondling, intercourse, or other forms of penetration.

“sexual behaviour” means,

- a) physical contact (such as touching or getting too close in a sexual manner);
- b) indecent exposure;
- c) comments about sex or gender;

- d) comments about sexual orientation or assumed sexual orientation; and
- e) sexual attention (such as comments/remarks, whistles, gestures or body language).

“sexual harassment” means,

- a) engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

“sexual misconduct” has the same meaning as in the Ministry of Training, Colleges and Universities Act, namely:

in relation to a student of an institution,

(a) physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the institution where,

- (i) the act constitutes an offence under the Criminal Code (Canada),
- (ii) the act infringes the right of the student under clause 7 (3) (a) of the Human Rights Code to be free from a sexual solicitation or advance, or
- (iii) the act constitutes sexual misconduct as defined in the institution’s employee sexual misconduct policy or contravenes the policy or any other policy, rule or other requirement of the institution respecting sexual relations between employees and students, or

(b) any conduct by an employee of the institution that infringes the right of the student under clause 7 (3) (b) of the Human Rights Code to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.

For the purposes of this policy, sexual misconduct includes sexual violence.

“sexual violence” has the same meaning as in the Ministry of Training, Colleges and Universities Act, namely:

- a) Any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

“voyeurism” means surreptitiously (secretively) observing – including by mechanical or electronic means – or making a visual recording of a person who is in circumstances that give rise to a reasonable expectation of privacy.

Reasonable expectation of privacy means a place in which a person can reasonably be expected to be nude. For example, bathrooms and changing rooms.

APPENDIX “B” – COLLEGE SERVICES/SUPPORTS FOR SEXUAL VIOLENCE

If you require assistance for an emergency, call the police by dialing 911 or if you are on campus in Thunder Bay, ON, call security by dialing (807) 623-0465 or by dialing 922 from a college phone.

The supports and services offered at the college for incidents of sexual violence are:

Personal Counselling – The Counselling Department, which is located on the 1st floor of the Shuniah Building, provides a safe and confidential place for students to get help and support. Qualified and experienced counsellors can help with stress, crisis situations, mental health issues, depression and anxiety, money problems, interpersonal conflicts, trauma, gender identity, suicide, grief and loss, etc.

Health Centre – The Health Centre Department, which is located on the main floor of the Shuniah Building, provides healthcare services to students and staff. The Nurse Practitioner can help with primary care for episodic illness and chronic medical conditions, wellness examinations, birth control prescriptions, sexual transmitted infection screening, health counseling, referrals, etc.

Crisis Navigator – The Crisis Navigator, who is located on the main floor of the Shuniah Building, provides acute care and response to anyone experiencing crisis related to sexual violence and can connect complainants with community supports.

To obtain supports or services from within the College for incidents of sexual violence, you may contact one of the following:

Director of Student Success

Hours of Operation: Monday to Friday – 8:30 a.m. to 4:30 p.m.

Office Location: Student Success Centre – 1st floor of the Shuniah Building

Phone: (807) 475-6618 or toll free 1-833-330-1550

Equity, Diversity, Inclusion and Student Appeal Advisor

Hours of Operation: Monday to Friday – 8:30 a.m. to 4:30 p.m.

Office Location: Student Success Centre – 1st floor of the Shuniah Building

Phone: (807) 475-6618 or toll free 1-833-330-1550

Security

Hours of Operation: .

Office Location: Security Office – 1st floor of the Shuniah Building

Phone: (807) 475-6618 or toll free 1-833-330-1550

APPENDIX “C” – COMMUNITY SERVICES/SUPPORTS FOR SEXUAL VIOLENCE

If you require assistance for an emergency, call the police by dialing 911 or if you are on campus in Thunder Bay, ON, call security by dialing (807) 623-0465 or by dialing 922 from a college phone.

To obtain supports or services from outside the College for incidents of sexual violence, you may contact one of the following:

Assaulted Women’s Helpline

- Provides free, confidential and anonymous crisis counselling, emotional support, information and referrals via telephone in up to 200+ languages.
 - Telephone: 1-866-863-0511 (toll-free) or 1-866-863-7868 (toll-free TTY) or #SAFE (mobile)
 - Website: <https://www.awhl.org/>

Beendigen

- Provides safety and shelter to Indigenous women and children experiencing violence and facilitates the cycle of healing through the delivery of culturally appropriate programs and services to individuals and families.
 - Telephone: 1-888-200-9997 (crisis line) or 1-807-346-4357
 - Website: <https://www.beendigen.com/>

Canadian Mental Health Association – Thunder Bay Crisis Response Services

- Provides services to individuals and their families experiencing a mental health/addictions crisis within Northwestern Ontario.
 - Telephone: 1-807-346-8282 or 1-888-269-3100 (toll-free)
 - Website: <https://thunderbay.cmha.ca/programs-services/crisis-response-services/>

Faye Peterson House

- Provides a safe and supportive temporary shelter environment, crisis services, counselling, outreach, transitional support, advocacy, early childhood education, and support groups to survivors/women, youth and their children who are experiencing abuse or are at risk of abuse.
 - Telephone: 1-800-465-6971 or 1-807-345-0450
 - Website: <https://fayepeterson.org/>

Northwestern Ontario Women's Centre

- Helps and advocates for women with respect to poverty, family, child welfare and criminal law, immigration, sexual harassment, human rights and more.
 - Telephone: 1-807-345-7802
 - Website: <https://nwowomenscentre.org/>
 - Email: ed@nwowc.org

Thunder Bay Counselling

- Provides counselling, psychotherapy, education and support services to help people make positive changes in their personal, family or work lives.
 - Telephone: (807) 684-1880
 - Website: <https://www.tbaycounselling.com/>

Thunder Bay Regional Health Sciences Centre – Sexual Assault/Domestic Violence Treatment Centre

- Provides emergency medical and psycho-social treatment as well as follow-up care by specially-trained nurses to victims and survivors of sexual assault and/or domestic violence.
 - Telephone: 1-807-684-6751
 - Website: <https://tbrhsc.net/programs-services/emergency-critical-care-services/sexual-assault-domestic-violence-treatment-centre/>

Thunder Bay Sexual Abuse Centre

- Provides help, support, counselling, and information for women and men who have difficulties overcoming the traumatic effects of sexual assault, sexual harassment, sexual abuse, and cyber sexual exploitation and abuse.
 - Telephone: 1-807-345-0894
 - Website: <https://www.tbsasa.org/>

APPENDIX “D” – COLLEGE ACCOMMODATIONS FOR SEXUAL VIOLENCE

If you are affected by sexual violence and wish to obtain accommodations from the College, you may contact one of the following:

Director of Student Success

Hours of Operation: Monday to Friday – 8:30 a.m. to 4:30 p.m.

Office Location: Student Success Centre – 1st floor of the Shuniah Building

Phone: (807) 475-6618 or toll free 1-833-330-1550

Equity, Diversity, Inclusion and Student Appeal Advisor

Hours of Operation: Monday to Friday – 8:30 a.m. to 4:30 p.m.

Office Location: Student Success Centre – 1st floor of the Shuniah Building

Phone: (807) 475-6618 or toll free 1-833-330-1550

The above-noted employees will work with faculty members, student unions, counsellors and accommodation services to create accommodations that work for you.