

<b>Policy Title:</b>	<b>SEXUAL ASSAULT AND SEXUAL VIOLENCE POLICY AND PROCEDURE</b>	<b>Area of Responsibility:</b> <b>VICE PRESIDENT, HUMAN RESOURCES, SAFETY &amp; FACILITIES MANAGEMENT</b>
<b>Policy Section:</b>	<b>EMERGENCY RESPONSE AND HEALTH &amp; SAFETY</b>	
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### **3.34 Sexual Assault and Sexual Violence Policy and Procedure**

#### **1. Purpose**

St. Clair College is committed to preventing and addressing all forms of sexual assault and sexual violence (herein referred to as sexual violence within the College Community. All members of the St. Clair College community have a right to work and study in an environment that is free from any form of sexual violence.

The primary purpose of this policy and its related procedure is to ensure that those affected by sexual violence are supported and accommodated and to set out the way in which the College responds to and addresses sexual violence. It also ensures 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.

#### **2. Policy Statement**

St. Clair College is committed to challenging and preventing sexual violence and creating a safe space for anyone in our College community who has been affected by sexual violence. The College is expected to be a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual violence. All formal reports of sexual violence will be investigated to the best of the administration's ability and in a manner that ensures due process. It is this policy's intention to make individuals feel comfortable about making a report in good faith about sexual violence that they have experienced or witnessed. 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. We also recognize that individuals who have experienced sexual violence may experience emotional, academic or other difficulties.

We are committed to:

- **Support:** 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.
- **Listen:** ensuring that those who disclose that they have been sexually assaulted are supported, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- **Compassion:** treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests.
- **Safety:** the College will take every reasonable step to protect the safety and security of Complainants and the College Community.
- **Response:** 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; engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies, standards and applicable collective agreements, and that ensure fairness and due process.
- **Education and Training:** addressing harmful attitudes and behaviours (e.g. adhering to myths of sexual violence that reinforce that the person who experienced sexual violence is somehow to blame for what happened); ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus; engaging in public education and prevention activities; providing information to the College community about our sexual violence policies and procedures; providing appropriate education and training to the College community about responding to the disclosure of sexual violence.
- **Culture:** contributing to the creation of a campus atmosphere in which sexual violence is not tolerated.
- **Continuous Improvement:** monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

### 3. Application and Scope

This policy applies to all members of the St. Clair College Community who have experienced, been affected by, witnessed, been made aware of, or alleged to have committed an act of sexual violence. It also applies to external organizations that lease College space, operate on College property, or are directly connected to any College initiatives.

The College will respond to all incidents of sexual violence involving members of the College Community when the conduct has a substantial link to the College, and/or direct implications for students or staff or the educational mission of the College. This includes behaviour that occurs on or off campus and behaviour observed or carried out through an electronic, online or social media platform, or by using text, audio, video or images.

#### 4. Definitions

**“Sexual assault”** is a criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to sexual activity.

**“Sexual violence”** means any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, which 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.

**“Consent”** is the act of voluntarily, and clearly, agreeing to engage in specific sexual activity. The definition of consent does not vary based on a person’s sex, sexual orientation, gender identity or gender expression.

Consent:

- Cannot be expressed by the words or actions of anyone other than the person participating in the sexual activity;
- Can be withdrawn at any time during sexual activity;
- Does not exist when a person is incapable of consenting to the activity, or is persuaded to engage in sexual activity by an individual abusing a position of trust, power or authority

It is imperative that everyone understands the following about consent:

- 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 has reached the age of consent for sexual activity.
- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person who is asleep, unconscious or otherwise unable to communicate, impaired by alcohol and/or drugs, or incapable of fully understanding the sexual acts cannot give consent.
- A person who engages in sexual activity due to emotional manipulation, threats, blackmail or other forms of pressure is not giving consent.
- Consent to sexual activity should not be assumed on the basis of consent given in the past to a sexual activity or relationship.

**“Acquaintance sexual assault”** is sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

**“Coercion”** in the context of sexual violence, 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.

**“Drug-facilitated sexual assault”** is the use of alcohol and/or drugs (prescription or nonprescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

**“Stalking”** is 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.

**“Complainant”** is the term used in this policy to refer to an individual who has experienced sexual violence. The individual may choose to identify as a Complainant or may be more familiar with the term “victim” or “survivor”. We use the term “Complainant” throughout this policy.

**“Respondent(s)”** is the term used in this policy to describe any person(s) alleged to have committed an act of sexual violence.

**"Informal Report"** is the act of sharing information in order to receive support and services and/or to learn about options for reporting an incident of sexual violence. An individual who has been affected may disclose information about the incident(s) to a trusted member of the College Community who can help them access supports and services. Alternatively, they can reach out to the Sexual Violence Lead (SV Lead - see Resources), to discuss options on reporting and supports.

It is important to note that informal reports to College employees may result in investigations through the College if it is deemed to pose a risk to an individual or to the College Community. This will be done with the full knowledge of the Complainant.

College employees who receive disclosures are obligated to report the incident to St. Clair College Security Services (herein referred to as Security Services), but will not identify the Complainant without consent. This reporting is required to assess risk and to enable the College to comply with Section 7.4 of Ontario Regulation 131/16, Sexual Violence at Colleges and

Universities, under the Ministry of Training, Colleges and Universities Act, which requires reporting to the Minister *"The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints."* Names and personal information are not included in these reports.

An Informal Report results in a risk assessment that identifies supports and services that are unique to the Complainant. If a risk to the safety of the Complainant and/or the College Community is identified, an investigation will be conducted by the College Resolution Officer. In addition, the College may inform the police. The Complainant has the right to choose not to participate in any investigation arising from an Informal Report.

**"Formal College Report"** is an allegation of a violation of this policy made by a Complainant to Security Services in order to initiate an investigation. This type of report may not be made anonymously, and the College is obligated to inform Respondents of allegations made against them. Making a Formal College Report does not prevent the Complainant from also reporting the incident to police.

**"Formal Police Report"** refers to the process of reporting a crime (e.g. sexual assault, criminal harassment) to the police who will conduct an investigation that may result in criminal charges. This type of report cannot be made anonymously. Security Services cannot report to police on behalf of the Complainant, but will offer to assist the individual in doing so.

**"Third Party Report"** is the act of sharing information with Security Services by any member of the College Community who has witnessed, has knowledge of, or has received a Disclosure of an incident of sexual violence. Those making Third Party reports will not identify the Complainant without consent. Members of the College Community can make these reports in person, by phone, or by using an online Behavioural Concern Form found on the Behaviour Assessment and Care Team webpage, [www.stclaircollege.ca/BACT](http://www.stclaircollege.ca/BACT).

**"Risk Assessment"** is the procedure initiated to ensure the safety of the Complainant and the College Community when Security Services is notified of an act of sexual violence.

Security Services will keep the identity of the Complainant confidential during the processes of assessing risk and consulting with relevant stakeholders on the College's Behaviour Assessment and Care Team (BACT) to determine the College's response. The risk assessment process will determine if any of the following three conditions exist:

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

If any of the three conditions are met, complete confidentiality cannot be guaranteed. The subsequent process which is called a violence risk assessment may include (but is not limited to) the following:

- a process to evaluate the Respondent with respect to the risk that they may commit violence in the future. This includes looking at the nature, severity, imminence, and frequency of violence, as well as the steps that can be taken to minimize these risks to protect the personal safety of the Complainant and the College Community. These measures may include a plan to manage the Respondent during the investigation process and involving the police if there is a threat to the College Community.

**"Interim Measures"** are restrictions placed on an individual's rights and privileges in order to ensure the safety of the College Community and provide time for the College to determine its response and conduct an investigation. Examples of such measures include restricting access to certain parts of campus and/or attending class. The College may impose interim measures immediately, prior to a full investigation.

**"Procedural Fairness"** is achieved by informing Respondents of all allegations and evidence against them, and by giving them reasonable notice of the time, place and nature of the meeting where they can respond to the allegations. It also involves providing Complainants and Respondents with information about the College's investigation and decision-making processes, and ensuring that outcomes are determined by an impartial

decision maker.

**"Confidentiality"** is the term used in this policy to refer to the College's responsibility and obligation to ensure that any private and personal information provided in a disclosure, report and/or investigation of sexual violence is collected, used, maintained and secured appropriately (see section 7.3 of this policy). Circumstances in which limits to confidentiality apply are outlined in Section 6.7 of this policy. The College will make every effort to maintain confidentiality of all persons involved in a disclosure or report of sexual violence including the Complainant, Respondent and witnesses. All persons participating in the process are required to maintain confidentiality with respect to information provided in the course of the disclosure, reporting, assessment and/or investigation of an incident of sexual violence.

**"Accommodation"** is the provision of individualized support or alternative means of fulfilling academic or employment responsibilities for Complainants. The arrangement of accommodations recognizes the experience of Complainants and how that may affect participation in academics or workplace duties. For students, an accommodation does not remove the essential requirements of a course or a program, nor does it fundamentally alter standards for assigning grades, or requirements that students independently demonstrate their knowledge of course material. Accommodations for Complainants who are employees may include reduced workload, leave of absence, or other provisions available through the College's applicable employee benefits package. All accommodations will respect confidentiality and will be facilitated without providing details to instructors or supervisors.

## 5.0 Reporting and Responding to Sexual Violence

All members of the College Community who have been affected by sexual violence are encouraged to disclose their experience to a trusted member of the College Community or report to Security Services as soon as they are able to do so. Individuals are not required to report in order to receive supports, services or accommodations.

- **Amnesty from College Sanctions:** The College recognizes that some individuals may be hesitant to disclose or report sexual violence that occurred in situations where they were drinking while under age or using illegal drugs. A Complainant or other members of the College Community who discloses or reports sexual violence will not be subject to College sanctions for violations of College policies related to their use of alcohol and/or illegal drugs at the time of the incident.
- **Anonymous and Third Party Reports:** Individuals who experience sexual violence may choose to disclose to College staff anonymously (i.e. without providing their name or personal information). The College will provide individuals who make anonymous disclosures with information on supports, services, accommodations, interim safety measures, and other available options.

### 5.1 Obligation to Report:

College employees, governors, volunteers, appointees, suppliers, contractors, etc. who witness or have knowledge of sexual violence have an obligation to make a Third Party Report immediately to Security Services. All other members of the College Community are strongly encouraged to make a Third Party Report to Security Services.

**5.2 Overall Safety:**

Where the College becomes aware of incidents of sexual violence by a member of the College community or against a member of the College community, which occur on or off College property and that pose a risk to the safety of members of the College community, the College shall take all reasonable steps to ensure the safety of the College community.

**5.3 Right to Withdraw a Report**

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

**5.4 Protection from Reprisals, Retaliation or Threats**

It is a violation of 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 will take all 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 breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

**5.5 Unsubstantiated Complaints**

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, the complaint will be dismissed. Records associated with the investigation and the results of the investigation will be kept on file as appropriate.

**5.6 Frivolous, Vexatious or Bad Faith Reports**

Reports that are found to be frivolous, vexatious, or bad faith complaints, that are made purposely to annoy, embarrass or harm the Respondent, may result in sanctions and/or discipline against the complainant.

**5.7 Limits of Confidentiality**

The College will restrict access to all information provided in the disclosure and processes related to a report and investigation of an incident of sexual violence to individuals with a legitimate need for such access, and will provide education and training to those who are regularly involved in receiving disclosures and the administration of reports.

However, confidentiality cannot be assured in circumstances where:

- the College's Risk Assessment process determines that a risk to an individual or the College Community exists.
- A Formal College Report has been made and the Respondent must be informed of the details of the Report as part of the investigation and in keeping with procedural fairness; and/or
- reporting is required by law.

In such circumstances, information will be shared only with services necessary to prevent harm, and the name of the Complainant will not be released.

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, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

### **5.8 Investigation and Adjudication**

Both the complainant and the Respondent have the right to procedural fairness, which must prevail in all investigations. In order to adhere to College policies, standards and applicable collective agreements, specific investigation and adjudication procedures will apply when the Respondent is a College employee, and another set of procedures will apply when the Respondent is a student. These procedures will include appeal procedures.

## **6.0 Administration**

### **6.1 Information Storage and Security**

The College Resolution Officer will collect, maintain and secure all pertinent information gathered through Informal, Formal and Third Party Reports and subsequent investigations. Information will remain confidential. Aggregate data about the numbers of reports received annually will be shared as per section 7.4 of this policy.

### **6.2 Annual Reports**

The College Resolution Officer, in partnership with Student Services and Campus Security, will be responsible for collecting and summarizing for the Ontario Government, "such data and information related to the following as may be requested by the Minister, in the manner and form directed by the Minister" and providing an annual report to the College's Board of Governors, as required by Section 17 of the *Ministry of Training, Colleges and Universities Act* (MTCU Act):

1. "The number of times supports, services and accommodation relating to sexual violence are requested and obtained by students enrolled at [the College], and information about the supports, services and accommodation;
2. Any initiatives and programs established by [the College] to promote awareness of the supports and services available to students;



3. The number of incidents and reports of sexual violence reported or disclosed to the College, and information about such incidents and reports;  
and
4. The implementation and effectiveness of the Policy. 2016, c. 2, Sched. 3, s. 1."

## **7.0 Attachments and Resources**

Appendix A Sexual Assault and Sexual Violence Procedures for Students

St. Clair College Sexual Violence Prevention and Reporting website, [www.stclaircollege.ca/svp](http://www.stclaircollege.ca/svp)

## **8.0 Resources**

- Ministry of Training, Colleges and Universities Act - Ontario Regulation 131/16
- Policy 3.1 Health and Safety Policy
- Policy 7.1 Code of Student Rights and Responsibilities
- Policy 5.15 Respectful Work and Education Place Policy
- Policy 3.17 Workplace Violence Prevention and Reporting Policy
- Residence Community Living Standards

### Appendix A Sexual Assault and Sexual Violence Procedure

This procedure is intended for all St. Clair College students who have experienced sexual assault or sexual violence (herein sexual violence), those who witness or receive a disclosure of sexual violence, and those who are alleged to have committed an act that violates the College's Sexual Assault and Sexual Violence Policy (herein "the Policy"). This procedure details the supports, services and resources available to students, the steps to follow in a variety of circumstances, and the response students can expect from the College.

**1. If you have experienced sexual assault or sexual violence, you are not alone, and you have options. The use of any of these options are completely within your control. It is up to you. If you need to talk through your options with someone, there are people available to help you.**

- If in an emergency situation, go to a place of safety and call 911.
- Seek medical attention, if you need to, at the Sexual Assault Treatment Centre (see resources).
- Call the Sexual Assault Crisis Centre in your area to discuss with non-College experts who can help you with options (see resources).
- Report to the Police (see resources).
- Report informally or formally to the College to receive support, understand your options within the College for investigations, supports and accommodations.
  - Visit [www.stclaircollege.ca/svp](http://www.stclaircollege.ca/svp)

Anyone who has experienced sexual violence has the right to:

- be treated with dignity and respect,
- be supported,
- be informed about on- and off-campus services and resources,
- decide whether or not to access available services and to choose those services they feel will be most beneficial,
- decide whether to report to campus security and/or local police,
- have an on-campus investigation with the institution's full cooperation,
- have a safety plan, and
- have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

It is important for you to understand the College's commitment to confidentiality as defined in section 4 of the Policy, and the rules governing the Limits of confidentiality detailed in section 5.7 of the Policy. The College recognizes that confidentiality is important to those who have disclosed sexual violence. You have the right to ask the person to whom you make a disclosure what level of confidentiality you can expect from them before you share information.

Complainants can choose to withdraw a report at any stage of the process; however, in circumstances that pose a risk of harm to the Complainant or the College Community, the College will continue to investigate, making every effort to protect your confidentiality.

**2. If you become aware of a situation of sexual violence or if you receive a disclosure of sexual violence:**

**Listen**, be supportive, and help the Complainant identify and access professional services, resources and support. Encourage formal reporting so that a safety plan can be implemented. It is important that your response is sensitive to the information being disclosed and that you inform the Complainant that you are obliged to report the incident to the SV Lead. You can withhold the name, unless consent is provided, until such time that the College assesses the situation for risk. Here are some guidelines to follow:

- listen without judgement and accepting the disclosure as true;
- communicate that sexual violence is never the responsibility of the Complainant;
- help the individual identify and/or access available on- or off-campus services, including emergency medical care and counselling;
- respect the individual's right to choose the services they feel are most appropriate and to decide whether to report to the police and/or Campus Security;
- recognize that disclosing can be traumatic and an individual's ability to recall the events may be limited;
- respect the individual's choices as to what and how much they disclose about their experience; and
- make every effort to respect confidentiality and anonymity.

**3. If you are identified as a Respondent**

This section of the procedure is intended for students who have been identified as Respondents in allegations of sexual violence. Respondents will be provided with a fair and transparent process based on the principles of procedural fairness, and support from the College during the investigation and decision-making process.

**What you can expect as a Respondent:**

- To be invited to an interview by the College Resolution Officer and Security Services where you will have an opportunity to provide a response to the allegations.
- The College Resolution Officer is available to support you through this process and will provide accurate information about your rights and responsibilities
- You may be subject to Interim Measures during the investigation process

It is important for you to understand the College's commitment to confidentiality as defined in section 4 of the Policy, and the rules governing the limits of confidentiality detailed in section 5.7 of the Policy.

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

#### 4. College Response to Student Informal and Formal Reports of Sexual Violence

The College will respect and protect the rights of the Complainant, Respondent and any witnesses during the response to a Report of sexual violence. This will include providing access to supports and services, maintaining confidentiality, explaining the limits of confidentiality, and adhering to procedural fairness. The College will respect the Complainant's right to make choices throughout the process.

**What you can expect from the College:**

- Information on confidentiality and the limits of confidentiality
- Clarification of your options for reporting
- Help in developing a safety plan, if required
- Protection from reprisals as detailed in Section 6.4 of the Policy

**In addition, Complainants and Respondents can expect:**

- An explanation of the process and timelines
- Updates on the findings of any risk assessment and/or investigation
- Notification of the outcomes of and rationale for decisions made by the College

##### 4.1 Response to an Informal Report or Third Party Report

**An Informal Report** is different from a Formal Report. **An Informal Report** will initiate an initial assessment of the immediate needs of the Complainant and the College community that informs the College's response as outlined below. Students must be aware that informally reporting to a College employee prompts that College employee to report the incident, in general terms, to the SV Lead.

**a. Assessing Risk and Safety Planning**

Assessing risk is the College's first step in responding to all informal reports of sexual violence. The Behavioural Assessment and Care Team conducts this process and uses all available information to determine next steps.

The College will work with the Complainant, if identified; to develop a safety plan to manage any identified risk.

In cases involving a student Complainant who reveals their identity and expresses interest in receiving supports and services, the SV Lead will be contacted. The SV Lead will provide Complainants with accurate information about available options and explain rights and responsibilities. The SV Lead can assist in making choices about what to do in response to reported incidents of sexual violence. They will also help Complainants identify the need for any supports and or services and provide referrals to Counselling Services for academic accommodations or community supports. The College will respect the Complainant's right to make choices throughout the process.

**b. Interim Measures**

Interim measures will be imposed only as necessary. Imposing these measures does not represent a finding of misconduct and is not intended as a punitive measure. The College will take steps to minimize any academic impact.

**Complainants making an Informal Report can expect**

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

**Persons making a Third Party Report can expect**

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

**4.2 Response to a Formal College Report**

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

**Complainants making a Formal College Report can expect:**

- To have their identity and confidentiality protected to the extent possible
- To be informed of and provided with access to supports and services
- A consistent, respectful and supportive approach
- A fair and transparent process as detailed in section 5.4 below.
- The right to choose to withdraw a Formal College Report at any time; however, in circumstances where there is an identified risk, the College may choose to proceed with an investigation.

**4.2.1 Investigation and Decision Making Procedures**

- a. **Multiple Proceedings:** Complainants who file a report with Security Services may also choose to file a Formal Police Report or make a claim or application through the civil courts or the Human Rights Tribunal of Ontario where those processes may be applicable. When a report of sexual violence results in civil or criminal proceedings, the College will conduct an independent investigation and make its own determination in accordance with its policies and procedures. The College will cooperate with any external investigations.
- b. **Procedural Fairness:** Except as otherwise stated in this protocol, the College provides those whose rights, privileges or interests may be affected by a decision with notice of the decision to be made, disclosure of facts relevant to the decision and an opportunity to be heard. The College may decide how it meets these obligations in different circumstances, and will do so with a view to providing a fair process, making sound decisions and preserving the dignity of Complainants. The College has the right to withhold disclosure early on in its process to obtain a person's independent recollection of events.

- c. **Support and Representation:** The College's investigation and decision-making processes include individual meetings with the Complainant and Respondent. Each may attend these meetings accompanied by support persons of their own choosing whose role is providing support rather than participating.
- d. **Informal Resolution:** The College will support a process of informal resolution if both Complainant and Respondent agree to participate. If an attempt at informal resolution breaks down, the Complainant has the right to choose to continue with a formal investigation.
- e. **Investigation: In situations where police are not the primary investigators,** the St. Clair College College Resolution Officer (CRO) will lead the investigation by collecting evidence and statements from the Complainant, Respondent, witnesses, and others as necessary. This is often done with College Security Services as a co-investigator. This may require more than one interview with each person. At no point during the investigation will the Complainant be expected to meet face-to-face with the Respondent. Complainants have the right to choose not to participate in the investigation after their initial disclosure or report. The Respondent may also choose not to participate. The College reserves the right to hire a third-party investigator to lead an investigation or provide advice during an investigation as required.
- f. **Investigation Timelines:** The Complainant and Respondent will each be informed about the progress of the investigation at least once every seven working days. The College will aim to complete its investigation within 10 working days.
- g. **Investigation Findings:** The standard of proof used by the College to conclude that a violation of this Policy has occurred is the “Balance of Probabilities”, which means the information and evidence gathered in the investigation indicates that the allegation is more likely to be true than not to be true.

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

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

- h. **Formal Decisions and Sanctions:** The identity of the decision maker is determined by the Respondent's role in the College, as outlined below. The decision maker will review the summary investigative report and any relevant supporting documentation to determine whether a violation of the Policy has occurred, and will determine appropriate outcomes in consultation with others as required.

- **Where the Respondent is a Student** - If findings of the investigation substantiate a report of sexual violence, the Vice President, International Relations, Students Services and Campus Development (or designate) will determine the appropriate disciplinary action. In keeping with the Code of Student Rights and Responsibilities, this may include measures up to and including expulsion.
  - **Where the Respondent is a College Employee** - If findings of the College's investigation substantiate a report of sexual violence, the Vice President Human Resources, Safety and Facilities Management (or designate) will determine the appropriate disciplinary action consistent with any applicable laws, College policies and their specific Terms and Conditions of Employment. Discipline could include measures up to and including termination.
  - **Where the Respondent is not a Student or a College Employee** - Contractors, suppliers, volunteers or visitors to College property who engage in prohibited conduct will be subject to this policy. If a report of sexual violence against the Respondent is substantiated, the Vice President, Human Resources, Safety and Facilities Management (or designate) will determine appropriate College action, including imposition of penalties, cancellation of contracts, and other sanctions.
- i. Written Decision:** The decision maker will inform the Complainant and Respondent of the results of the College's investigation within seven (7) days of its conclusion in a written communication that includes a brief description of any corrective action that the College has taken or will take as a result of its investigation.
- j. Appeals:** Procedures for appeals differ based on the Respondent's role in the College:
- **Where the Respondent is a Student:** Students have the right to appeal. Appeals of violations of the Policy are governed by the appeal process as outlined in the Code of Student Rights and Responsibilities.
  - **Where the Respondent is a College Employee:** College employees who are members of a union may file a grievance as permitted by the applicable collective agreement. Administrative employees may appeal under the Terms and Conditions of Employment for Administrative Staff
  - **Where the Respondent is not a Student or a College Employee:** There is no formal appeal process for violations by suppliers, volunteers or visitors.

**5. Sources of Information and Support for Students at St. Clair College and in the Community**

The following internal resources are available to you to identify and facilitate referrals as appropriate. These resources can provide you with information on both internal and external supports that you can access, regardless of whether or not you want to report the incident to the College or the Police, ask for counselling or accommodations, require a health assessment or just to talk. It will remain your decision, which, if any, supports you choose to engage, however, you will at the very least have the information that you need when you are ready to make a decision.

<b>At St. Clair College</b>	
<p><b>St. Clair College Sexual Violence Lead</b></p> <p><b>St. Clair College Campus Security</b></p> <ul style="list-style-type: none"> <li>● Responds to calls 24 hours per day 7 days per week.</li> <li>● Takes a report and sends to the Behaviour Assessment and Care Team. The SV Lead will connect with you during business hours.</li> <li>● Can assist you with reporting to the Police should you choose to do so</li> <li>● Involved in risk assessment process</li> <li>● Can assist you with development of a safety plan</li> <li>● May participate on investigation team</li> </ul>	<p>Rebecca Demchuk, Associate Vice President, Safety, Security and Facilities Management 519-972-2727 x 4686</p> <p>24 Hour Emergency Phone: 519-972-2727 x 4911 24 Hour Non-Emergency Line: 519-972-2741</p>
<p><b>Student Rights and Responsibilities Office</b></p> <ul style="list-style-type: none"> <li>● provides accurate information about your options</li> <li>● explains rights and responsibilities to anyone affected by sexual violence, including Complainants, witnesses and Respondents</li> <li>● leads process to interview, collect information and make recommendations of outcomes</li> <li>● will help you access supports and services and develop a safety plan if required.</li> <li>● has an Obligation to Report that an incident occurred, but will not share identifying information without the Complainant's consent.</li> </ul>	<p>Monday to Friday 8:30AM-4:30PM</p> <p>Call 519-972-2727 x4372 South Campus, Room 274</p>



<b>At St. Clair College</b>	
<p><b>Counselling Services</b></p> <ul style="list-style-type: none"> <li>• Counsellors assist with academic accommodations; make referrals to other services including ongoing counselling and medical services.</li> </ul>	<p><b>South Campus</b> Room 206 519-972-2727 x 4226</p> <p><b>Chatham Campus</b> Room 133 519-354-9100 x 3306</p> <p><b>Downtown Campus</b> Room 127 519-972-2727 x 4348</p>
<p><b>Health Centre</b></p> <ul style="list-style-type: none"> <li>• Provides holistic wellness and medical services for students, staff and the Community.</li> </ul>	<p>For appointments at any campus, Call 519-972-2380</p> <p><b>South Campus</b> Room 165 Main Lobby</p> <p><b>Chatham Campus</b> Room 138</p> <p><b>Downtown Campus</b> Room B014</p>
<p><b>Residence Life Staff</b></p> <ul style="list-style-type: none"> <li>• Are available 24/7 to assist you if you live in residence, or if the incident took place in Residence.</li> <li>• Can provide safe living arrangements when necessary.</li> <li>• Have an Obligation to Report that an incident occurred, but will not share identifying information without the Complainant's consent unless required after a risk assessment has been conducted by the College</li> </ul>	<p>Talk to Front Desk staff, Residence Advisor or call 519-966-1601</p>

<b>In the Community</b>	
<p><b>Windsor Sexual Assault Crisis Centre</b></p> <ul style="list-style-type: none"> <li>• Confidential counseling for anyone who has experienced sexual violence</li> <li>• Will not report to the College unless a greater risk is identified which obligates them to do so (with the full knowledge of the Complainant).</li> </ul>	<p><b>Contact Information</b>                      1770 Langlois Ave, Windsor, ON N8X 4M5                      (519) 253-3100                      24 Hour Emergency Hotline: 519-253-9667  <a href="https://saccwindsor.net/">https://saccwindsor.net/</a></p>
<p><b>Windsor Regional Hospital Sexual Assault/Domestic Violence Treatment Center (SA/DVTC)</b></p> <ul style="list-style-type: none"> <li>• Medical assessments</li> <li>• Documentation of injuries</li> <li>• Referrals to community agencies</li> <li>• Nurse consultations</li> </ul>	<p><b>Contact Information</b>                      Windsor Regional Hospital                      Metropolitan Campus, 4th Floor                      1995 Lens Avenue                      Windsor, Ontario, N8W 1L9                      (519) 254-5577  <a href="https://www.wrh.on.ca/SADVTC#OVERVIEW">https://www.wrh.on.ca/SADVTC#OVERVIEW</a></p>
<p><b>Chatham-Kent Sexual Assault Crisis Centre</b></p> <ul style="list-style-type: none"> <li>• Confidential counseling for anyone who has experienced sexual violence</li> <li>• Will not report to the College unless a greater risk is identified which obligates them to do so (with the full knowledge of the Complainant).</li> </ul>	<p><b>Contact Information</b>                      405 Riverview Drive                      Unit 101, R.R. #5                      Chatham, Ontario N7M 5J5                      519-354-8908                      24 Hour Emergency Hotline: <b>519-354-8688</b>  <a href="https://cksacc.org/">https://cksacc.org/</a></p>
<p><b>Chatham-Kent Health Alliance Sexual Assault/Domestic Violence Treatment Centre</b></p> <ul style="list-style-type: none"> <li>• Medical assessments</li> <li>• Documentation of injuries</li> <li>• Referrals to community agencies</li> <li>• Nurse consultations</li> </ul>	<p><b>Contact Information</b>                      Health Alliance                      80 Grand Ave W                      Chatham, ON N7M 5L9                      519-352-6400 Ext 6382                      After Hours: Emergency Department 519-437-6047  <a href="https://windsorsex.cioc.ca/record/CHK0043">https://windsorsex.cioc.ca/record/CHK0043</a></p>

<b>In the Community</b>	
<b>Windsor Police</b>	<b>Contact Information</b> 519-258-6111 Emergencies: 911 On-Line Reporting System for Sexual Assaults: <a href="https://www.police.windsor.on.ca/services/reporting/Pages/Report-Sexual-Assault.aspx">https://www.police.windsor.on.ca/services/reporting/Pages/Report-Sexual-Assault.aspx</a>
<b>Chatham-Kent Police</b>	<b>Contact Information</b> 519-436-6600 Emergencies: 911 <a href="https://ckpolice.com/">https://ckpolice.com/</a>