



# Sexual Harassment and Sexual Violence Policy

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# 1. Introduction

Sexual violence in all forms will not be tolerated at George Brown College (“George Brown” or “the College”). Sexual violence is an abuse of power and impacts all members of the George Brown community. Sexual violence is rooted and propped up by various forms of oppression, such as inequality, rape culture, misogyny, colonialism, racism, including anti-Indigenous and anti-Black racism, sexism, homophobia, transphobia and ableism. While sexual violence is targeted toward people of all genders and gender identities, it is also indisputable that sexual violence is predominately committed against women, particularly young women, and women who are also Indigenous, Black, racialized, newcomers to Canada, queer, trans, gender non-conforming or gender diverse and who live with varying abilities. Finally, there is no one way to respond to sexual violence, as sexual violence impacts people differently based on the intersection of their identities, social location, and personal and community history.

This Policy is to be read and interpreted in accordance with the College’s legal obligations under the Ontario Human Rights Code, R.S.O. 1990, c. H.19, the Occupational Health and Safety Act, R.S.O. 1990, c. O.1, and the Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M19. Moreover, this policy furthers the College’s aim at building a culture of equity, reconciliation and belonging for all students and staff, as outlined in the College’s [A Roadmap to the Future: Vision 2030](#), [Strategy 2026](#), the College’s [Indigenous Education Strategy](#), the College’s [Anti-Racism Strategy & Action Plan](#), the College’s [AODA Accessibility Policy](#) and the College’s [Human Rights Discrimination and Harassment Policy](#)

# 2. Purpose

This Policy aims to:

- Outline George Brown’s commitment to providing education on consent, sexual violence, and this Policy.
- Prevent sexual violence and promote a culture of consent by establishing expectations for all members of the George Brown College Community
- Outline the process to make a disclosure, seek support, report, and make a complaint.
- Provide clarity and transparency to the College’s complaint resolution process, which is fair, equitable, transparent and trauma informed.
- To comply with the requirements of Strengthening Post-secondary Institutions and Students Act, 2022.

### 3. Application & Scope

This policy applies to all George Brown community members engaged in college-related affairs. This includes registered students, faculty, staff, administration, volunteers, contract workers members of the Board of Governors, visitors, guests, alumni, agents and third-party contractors representing the College-on-College premises, organizations that provide goods and services to the College-on-College premises, organizations or individuals working on College premises, and organizations in contractual relationships with the College to provide work-integrated or experiential learning.

This policy applies to incidents of sexual violence:

- On-campus and in-residence (i.e., the George)
- In virtual environments, if the activities are related to college affairs, for example, online learning or Learning Management Systems (ex. Blackboard).
- Off-campus activity where the activity is a college-related function, including a course, work-integrated experiential learning, organized class activities or George Brown College sponsored events.
- Related to individuals in positions of power- (ex. academic or employment relationship) at the time of the reported incident.

This policy may apply to other off-campus incidents of sexual violence, including on virtual social environments such as texts, Facebook, Snapchat, Instagram and TikTok and in-person gatherings, where the incident may affect the safety, integrity, and interest of the college community.

This policy and procedures may continue to apply when a person's relationship with the College changes or terminates after the incident (s) giving rise to the complaint. Procedures under this policy may be initiated or completed even if the Complainant or Respondent is no longer a George Brown College member.

Procedures set out under this policy may be carried out prior to, simultaneously with, or following criminal arrest or civil or criminal proceedings at the discretion of the Office of Anti-Racism, Equity and Human Rights Services (OAREHRS). The College is not necessarily bound by the outcome of any external proceedings.

If a conflict arises between the provisions of this policy and any relevant collective agreement, the terms of the collective agreement prevail, other than as required by section 16.1 of the *Ministry of Training, Colleges, and Universities Act* ("MTCUA").

## **4. Definitions**

### **4.1. Sexual Violence**

An umbrella term that covers any sexual act or acts targeting a person's sex, sexual orientation, gender identity or gender expression, whether the act is online, physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent.

Sexual violence includes a range of behaviours, including, but not limited to, sexual assault, sexual harassment, sexual abuse, sexual misconduct, stalking, indecent exposure, human trafficking, voyeurism, sexual exploitation, drug-facilitated sexual assault, sexual coercion, cyber sexual harassment, technology-facilitated sexual abuse, recording and distribution of a sexually explicit photograph, stealthing, sexual solicitation, sexual innuendos, stalking, intimate partner violence etc.

### **4.2. Sexual Assault**

Any form of sexual contact without consent. Sexual assault includes unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature.

### **4.3. Sexual Harassment**

Engaging in a course of vexatious comment or conduct against a person 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. In some circumstances, a single incident, if serious, can constitute harassment.

### **4.4. Sexual Misconduct**

In relation to a student of the College,

- 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 any employee sexual misconduct policy or contravenes the policy or any other policy, rule or other requirement of the College respecting sexual relations between employees and students, or

- b. any conduct by an employee of the College 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. <sup>1</sup>

#### **4.5. Additional Definitions**

See Appendix A for additional definitions.

### **5. Policy Violations**

It is a breach of this policy to engage in any form of sexual misconduct, sexual violence, sexual assault and sexual harassment as defined in this policy.

Reprisal, and/or breach of interim measure are also violations of this policy.

### **6. Our Commitments**

The College is committed to:

- Preventing sexual violence, sexual harassment, and sexual misconduct (“sexual violence”) by promoting a culture of consent through education and accountability.
- Fostering a community where members can work, learn, live, and express themselves free of sexual violence.
- Addressing systemic oppression and recognizing the systemic and intersecting factors that allow for and perpetuate gender-based violence, including anti-oppression, antiracist, anti-sexist, and anti-ableist statements and behaviour.
- Dismantling barriers to disclosing, reporting, and initiating a complaint of sexual violence.
- Supporting community members affected by sexual violence by providing support, services, and reasonable accommodations for Survivors, Complainants, and Respondents.
- Responding and addressing disclosures, reports, and complaints of sexual violence fairly, expeditiously, in a manner that reduces harm and minimizes re-traumatization to all parties, and in accordance with the College’s legislative and/or regulated obligations while recognizing that the Survivor or Complainant has the autonomy to decide what is in their best interest.
- Progressive discipline and accountability for those who have engaged in sexual violence.
- Collecting data about sexual violence disclosure, reports, and complaints as required by legislation or regulation.

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<sup>1</sup> See section 16.1 of the Ministry of Colleges and Universities Act, R.S.O. 1990, c. M. 19 as amended by Bill 26.

## **7. Guiding Principles and Key Concepts**

### **7.1. Consent**

- An agreement between participants to engage in sexual activity. It is an individual's informed, voluntary, ongoing, clear, and explicit acceptance to engage in a specific sexual activity. Consent requires that a person is able to freely choose between two options: yes and no.
- Consent is about communication. It is an ongoing conversation between parties. This means there must be an understandable conversation or communication indicating a willingness to participate in agreed-upon sexual activity. Communication can be verbal or non-verbal.
- A person can withdraw consent at any time during the course of a sexual encounter.

#### **What is not consent:**

- Silence or non-communication will not be interpreted as consent.
- Consent cannot be given on behalf of another person.
- Consent given in the past to sexual activity does not mean that consent exists for future sexual activity.
- A person who has been threatened or coerced into engaging in sexual activity is not consenting to it.
- A person who is “incapacitated” due to the ingestion of drugs or alcohol or due to some other reason cannot give consent.
- Someone who is sleeping, or unconscious cannot give consent.
- Consent cannot be obtained by a person in a position of trust, power, or authority (e.g., a faculty member who teaches a student or a manager who supervises an employee).

### **7.2. Procedural Fairness**

- The College is committed to ensuring that its complaints resolution processes for addressing incidents of sexual violence are procedurally fair.
- Procedural fairness is context-specific and includes the parties' right to:
  - notice of the allegations against them;
  - a reasonable opportunity to respond to the allegations;
  - an impartial decision-maker; and
  - being provided with the reasons for the decision.

- Procedural fairness that is equity-informed does not mean treating parties identically. It includes taking into account a person's social location to address any imbalances that result in barriers or disadvantages.

### **7.3. Trauma-Informed Practices**

- The College is committed to trauma-informed practices for addressing complaints of sexual violence. Trauma-informed processes are carried out to avoid re-traumatization and increase the effectiveness of interactions with Survivors, Complainants and Respondents. The College recognizes that both parties may have experienced trauma in their lives which may be triggered during a complaint resolution process.
- Being trauma-informed includes understanding how trauma affects a Survivor's response to an incident of sexual violence and the parties' response to services and investigations. Being trauma-informed also includes ongoing communication with the parties and transparency.
- If the Office Anti-Racism, Equity & Human Rights Services ("OAREHRS") initiates an investigation, it will appoint an investigator competent in conducting trauma-informed investigations.
- All personnel involved in the complaint resolution process, including staff in the OAREHRS and other offices assisting with complaints of sexual violence, investigators, and decision-makers, will be trained in trauma-informed processes.

### **7.4. Harm Reduction**

The College acknowledges that the processes designed to address sexual violence can cause harm. In response, the College is committed to a series of practices that, wherever possible, seeks to limit and reduce the negative consequences of sexual violence on the Survivor, the Complainant, and the Respondent.

### **7.5. Equity**

- The College recognizes how multiple systems of oppression, including colonialism, racism, heterosexism, ableism, classism, and other forms of discrimination, are operating to disadvantage or harm a party.
- The College will address power imbalances and intersectionality and is committed to mitigating and limiting their effect by decolonizing complaints processes, dismantling internal biases and structural oppression and inequities.

## 7.6. Protections from Reprisal

- No George Brown community member shall retaliate or threaten to retaliate against a person for disclosing or reporting an incident of sexual violence, for filing a complaint under this policy, for cooperating with or participating in a sexual violence investigation or adjudication or for otherwise pursuing their rights under this policy.
- The College will take reasonable steps to protect Complainants, witnesses, and others from retaliation. This may include directing individuals in writing to refrain from engaging in or threatening retaliation, and sanctioning individuals for breach of this duty.
- An alleged reprisal may be the subject of an investigation, and a finding of reprisal may be found to be a breach of this Policy.

## 7.7. Confidentiality

- The College is committed to maintaining the confidentiality of disclosures, reports, and complaints.
- The College is also legally required to assess and respond appropriately to disclosures, reports, or complaints, given its legal duty to maintain a working, learning, and living environment free of sexual violence. This means the College may be required to initiate a complaint, contact the police, or make further disclosures as required by law about the incident of sexual violence even where the Survivor does not consent.
- The College is committed to keeping personal information of persons involved in a disclosure, report, or investigation, confidential, except where it is reasonably necessary for the implementation of this Policy and the College's legal obligations. For example:
  - College employees (other than College health care providers) who receive disclosures are required to report those to the Sexual & Gender Based Violence Response Advisor (SGVRA) under this policy, which may lead to an investigation and/or other interventions that the College initiates.
  - The College has a duty to investigate under the Ontario Human Rights Code or the Occupational Health and Safety Act.
  - The College has a legal duty to inform the police or a regulator. For example, the duty is to inform local child and family service agencies when there is a perceived risk of harm to a child.
  - The sharing of information is necessary to implement interim measures, conduct an investigation, make decisions or impose accountability measures.
  - Where further disclosure is required by law.
- The retention of personal information will be in accordance with the College's [Privacy Policy](#), and [Guidelines on Secure Handling of Confidential Information](#).

## 7.8. Bystander Intervention

- A bystander is an individual who observes or witnesses an incident of sexual violence and has the opportunity to either condone, intervene, or do nothing. An upstander is a bystander who recognizes the sexual violence and takes a standby interrupting and challenging the situation.
- Bystander intervention involves a bystander becoming an upstander in incidents of sexual violence.

## 7.9. Disclosure of Past Sexual Misconduct

- An employee who has been discharged by the College or who has resigned as a result of committing an act of sexual misconduct against a student cannot be reemployed by the College.
- If the College determines that it has re-employed such an individual, it will discharge that employee in accordance with the Ministry of Training, Colleges and Universities Act.
- The College is prohibited from entering into an agreement that prohibits it, or any person related to it, from disclosing that an allegation or complaint of sexual misconduct against an employee by a student, subject only to those exceptions in the Ministry of Training, Colleges and Universities Act.
- When considering whether to hire a new faculty member or staff, the College will contact prior employers to inquire whether the faculty member or staff person has been found to have engaged in sexual violence while at that institution.

## 7.10. Data Governance

- Personal data will only be used for the purpose of its collection.
- George Brown will collect data and prepare annual statistics on the following:
  - The number of times supports, services and accommodation relating to sexual violence are requested and obtained by staff and students.
  - Any initiatives and programs established by the College to promote awareness of available supports and services.
  - The number of disclosures, reports and complaints of sexual violence reported.
- The College will use the above information for program development, reporting, and assessment of its services.
- The College will provide its Board of Governors and the [Ministry of Colleges and Universities](#) with an annual report of the information identified above and publish it on the College's' [Sexual Assault and Sexual Violence Policy, Prevention and Support website](#). No identifying information will be provided in the reports.

### **7.11. Vexatious Complaints and Abuse of Process**

- A complaint that is frivolous, vexatious, or in bad faith, for example, submitting a complaint knowing there has not been any Policy violation, or conduct that is an abuse of process, for example, causing undue delay, causes harm to the parties, the community, and the process.
- A finding of a vexatious complaint or an abuse of process may be referred to the respective Code of Conduct.

## **8. Prevention Through Education:**

- OAREHRS will develop an education strategy, including campaigns, programs and events and ensure education and prevention activities are accessible for all members of the George Brown community. The topics will include but are not limited to:
  - Understanding consent and sexual violence.
  - Understanding the Policy. This includes accessing support, making a disclosure or a report, making a complaint, and the complaint resolution processes under this Policy.
  - Trauma-informed responses to disclosures and investigations.
  - Supporting bystander intervention.
- In addition to the above, OAREHRS will develop an education strategy for decision-makers which will include understanding and counteracting bias, trauma, and procedural fairness.
- Faculties and Departments are encouraged to include education related to consent and sexual violence as well as the OAREHRS contact information in the curriculum and on the College's Learning Management System (ex. Blackboard/ D2L) where appropriate.
- The College will review its education plans every three (3) years to coincide with policy review timelines.

## **9. Support, Services, and Accommodations**

- Any person affected by sexual violence may contact the SGVRA to obtain support, services and accommodations. The experience of sexual violence need not have been at the College to access support, and there is no time limitation to making a disclosure.
- The SGVRA can be contacted by email at [SVRA@georgebrown.ca](mailto:SVRA@georgebrown.ca) or 416-415-5000, ext. 3450. A complaint is not required to receive support, services, and accommodations from the College. Examples of support, services and accommodations include counselling, a safety plan, extra time to complete assignments, etc.

- All parties in a complaint resolution process will be informed that they are entitled to be accompanied by a personal support person or will be referred to appropriate personal support resources.
- All parties and witnesses involved in an investigation have the right to attend meetings and interviews with a support person throughout the resolution process.
- A support person provides emotional support during disclosure and in the complaint resolution process. A support person can be a trusted friend, family member, Elder, spiritual adviser, union representative, counsellor, legal representative, etc. A support person should not be a possible witness in the dispute and is expected to comply with this Policy during the complaint resolution process.
- The appendices to this policy include more information about supports and services available to those who are affected by sexual violence:
  - Appendix I – Definitions
  - Appendix II – Key College Contacts
  - Appendix III – Community Supports and Service

## **10. Disclosures, Reports and Complaints of Sexual Violence:**

### **10.1. Disclosure of Sexual Violence**

- A Survivor or person affected by sexual violence may make a disclosure of sexual violence to any George Brown community member or the Sexual and Gender-Based Violence Response Advisor (SGVRA) at [SVRA@georgebrown.ca](mailto:SVRA@georgebrown.ca) or 416-415-5000, ext. 3450.
- A Survivor or person affected by sexual violence may choose to disclose an experience of sexual violence to receive support and understand the options available to them.
- A Survivor or person affected by sexual violence may choose to have a support person with them when making a disclosure.
- When disclosing sexual violence to any College staff member (other than College health care provider), the person who receives the disclosure, will:
  - Listen without judgement, show support. and not ask irrelevant questions (such as those related to past sexual history or sexual expression) or request details out of curiosity.
  - Believe the Survivor and not make excuses for the perpetrator's actions.
  - Treat the Survivor with compassion, dignity, and respect.
  - Ensure the Survivor is safe and help them seek any immediate medical attention.

- Advise the Survivor of this Policy.
- Advise the Survivor that they will refer the matter to the SGVRA, who will follow up with the Survivor.
- Ask the Survivor for consent to disclose the name of the Survivor or person affected by sexual violence.
- When disclosing sexual violence to the SGVRA, the SGVRA will also:
  - Provide information about supports and services available in the community or at the College, which is appropriate to their needs and disclosed identities, including Indigeneity, race, place of origin, gender identity, language, sexual orientation, age, ability, and/or faith.
  - Explain the concept of and limits to confidentiality.
  - Assess risks and facilitate safety planning.
  - Help to seek reasonable academic, workplace and/or living accommodations. For example, extensions for exams or assignments.
  - Explain available options for making a complaint to George Brown or the police.
- Public Safety and Security shall immediately share all reports of sexual violence with the SGVRA to obtain input on the next steps and for record-keeping purposes.
- There are no time limits to disclosing sexual violence; disclosure can be made even after a complaint has been made to the police.

## 10.2. No Irrelevant Questions

A College community member who makes a disclosure, report or complaint of sexual violence will not be asked irrelevant questions, including irrelevant questions about the individual's sexual expression or past sexual history.

## 10.3. Report of Sexual Violence

- Any College employee who witnesses an incident of sexual violence shall report it to the SGVRA. Students and others are strongly encouraged to do the same.
- Any College community member may submit an anonymous disclosure or report of sexual violence. To file an anonymous complaint, complete the [Anonymous Complaint Form](#).

## 10.4. Complaint of Sexual Violence

- Any College community member who has experienced sexual violence may file a complaint through the [Intake Form](#). Any College community member may also submit an anonymous and third-party complaint. To file an anonymous complaint, complete the [Anonymous Complaint Form](#).

- A Complaint of sexual violence initiates a complaint resolution process. There is no limitation period to filing a complaint.

## **10.5. Methods of Resolving Complaints**

There are two methods of resolving a complaint.

### **10.5.1. Alternative Resolution**

- Alternate Resolution (AR) refers to attempting a complaint resolution process that does not include investigation or decision-making.
- If the College deems it appropriate, considering the severity of the allegations and potential harm to the College community, and with the consent of the Complainant and Respondent, complaints of sexual violence can be resolved using AR processes.
- AR processes may include impact statements, training, education, mediation, a facilitated discussion between the parties or restorative justice.
- Anything said during an AR process is confidential and without prejudice.
- If the parties' consent to an AR process but are unable to resolve the complaint, the Complainant or College may choose to return to an investigation.
- If the parties agree to a resolution of the complaint, and a finding is later made that the Respondent has not complied with that agreement, the Complainant or College may choose to return to an investigation.
- AR processes can be initiated anytime during the complaint resolution process, up until the decision maker issuing final decision letter.

### **10.5.2. Investigation and Decision-Making**

- In most cases, complaints are resolved following the OAREHRS initiating an investigation and the decision-making complaint resolution process.
- This refers to a fact-finding process by which an internal or external investigator will gather and assess the evidence and make findings of fact. The investigator may also be mandated to make a determination of whether there has been a breach of this policy. The investigator prepares an investigation report which is referred to a decision-maker (see the Decision-Making section below)
- The decision-maker then issues a decision letter finding whether the allegations of sexual violence have been substantiated and, if so, imposes accountability measures.

### ***No discipline for breach of drug or alcohol policies (Amnesty Provision)***

Any person who makes a disclosure, report, or complaint of sexual violence will not be subject to discipline or sanction for violations of George Brown College's policies relating to drug or alcohol use at the time of the alleged sexual violence.

## **11. Complaint Resolution Process:**

The steps within the complaint resolution process are not necessarily linear.

### **11.1. Filing a Report or Complaint and Intake**

Complaint:

To file a complaint, or a third-party complaint, complete the Intake Form or contact the SGVRA at [svra@georgebrown.ca](mailto:svra@georgebrown.ca) or 416-415-5000 ext. 3450.

- To file an anonymous complaint, complete the Anonymous Complaint Form or contact the SGVRA at [svra@georgebrown.ca](mailto:svra@georgebrown.ca) or 416-415-5000 ext. 3450.
- A Complainant may withdraw a complaint at any time. However, the College may continue with a complaint resolution process in accordance with its legislative and/or regulated duties to maintain a working, learning, and living environment free of sexual violence.
- The SGVRA will meet with the Complainant as soon as reasonably possible to clarify the allegations, explain the different complaint resolution options and processes, determine the process and outcome the Complainant is seeking, discuss potential interim measures and explore the possibility of alternative resolutions.

### **11.2. Report:**

- To file a report of sexual violence, contact the SGVRA at [svra@georgebrown.ca](mailto:svra@georgebrown.ca) or 416-415-5000 ext. 3450.
- The SGVRA may meet with the person who provided the report, as soon as reasonably possible, to gather more information as needed.

### **11.3. Initial Assessment:**

- The OAREHRS will review the complaint and decide whether to initiate a complaint resolution process within five (5) business days of receiving a complaint, in most cases. If this assessment will take more than 5 business days, the Complainant will be advised.

- The OAREHRS may decide not to initiate a complaint resolution process where:
  - The OAREHRS does not have jurisdiction to proceed with the complaint.
  - The complaint does not name a Respondent who is a current college community member.
  - The allegations, if established, would not constitute a breach of the Policy. If this is the case, the OAREHRS will consider if a different College policy is relevant and, if so, refer the Complaint to the appropriate office.
- Where the complaint may properly fall under a different College policy, the Complainant will be advised of the relevant applicable policy and that the complaint will be referred to the appropriate George Brown College office for follow-up and jurisdiction determination.
- Where the complaint may fall under the SASV Policy, and another College policy, jurisdiction to address the complaint rests with the OAREHRS, and the principles and processes under this Policy will apply.
- The Complainant will be advised in writing of the OAREHRS decision on whether to initiate a complaint resolution process.

#### **11.4. College Initiated Complaint**

- In some cases, the OAREHRS may move forward with a complaint resolution process even where there is no complaint. In this case, the Complainant is the College. A College initiated complaint may occur when:
  - The OAREHRS receives a disclosure or report of sexual violence but not a complaint.
  - Where evidence about sexual violence is in the public realm.
  - Where the Respondent is a George Brown community member, but the alleged incident was perpetrated against a non-George Brown community member.
  - Where a Survivor wishes to be a witness and not a Complainant.
- Before initiating a college-initiated complaint, the OAREHRS will consider:
  - Whether there is a potential risk to the College community.
  - The wishes of the Survivor.
  - Whether an investigation is required under law, for example, under the Occupational Health and Safety Act or the Ontario Human Rights Code.

## **11.5. Determination of Interim Measures**

- In some situations, it may be necessary to implement interim measures. Interim measures are creative non-punitive, temporary and reasonable measures that are implemented to protect the parties, communities and the integrity of the process during the Complaints Resolution Process. Interim measures do not represent a finding of misconduct. Interim measures are without prejudice to the outcome of the process.
- Examples of interim measures include, but are not limited to:
  - No contact orders.
  - Separation of the parties.
  - Changes to residence.
  - Changes in employment reporting structures.
  - Changes to class and/ or section enrolments.
  - Change in learning or work environment from in-person to virtual, or vice versa.
- The OAREHRS may impose interim measures at the beginning of a complaint resolution process. The OAREHRS may impose or amend interim measures at any time in the process when having regard for the circumstances it is deemed necessary. The OAREHRS will consult with the Academic or Division Head on the need for and the nature of interim measures, and with Public Safety and Security if there are any safety concerns.
- An alleged breach of an interim measure may be the subject of an investigation, and finding of breach of an interim measure may be found to be a breach of this Policy.
- Either party may ask the OAREHRS to review and amend the imposed interim measures based on changing circumstances or the impact of the imposed measures.
- The OAREHRS will initiate a review of the imposed interim measure if the complaint resolution process has not been completed within 90 business days.

## **11.6. Notice of Complaint and Complaint Resolution Process**

- The OAREHRS will provide the Complainant and Respondent notice of the complaint. The Notice will include:
  - The Notice of Complaint.
  - The Summary of Allegations.
  - The proposed complaint resolution process.
- A Notice of Investigation, or
- A Notice of Alternative Resolution

- Any interim measures implemented, the consequence of violating the interim measures and advise the parties of their right to appeal the imposed interim measures with the OAREHRS.
- Potential sources of support for both parties.
- A link to this Policy.
- The name and contact of the investigator (if an investigation)
- The OAREHRS will meet with the Complainant and Respondent to explain the process.

## **11.7. Alternative Resolution**

- If the OAREHRS has deemed it appropriate, and the Complainant has indicated an interest in resolving the complaint by an AR process and has consented, the OAREHRS will speak to the Respondent to determine if they consent. A Complainant may request an AR process at any stage of a complaint resolution process up to the decision-maker issuing the decision letter.
- Upon the successful completion of an AR process, a resolution report will be signed by and shared with the parties, and the complaint will be closed.
- If the AR process is unsuccessful, the complaint will be referred to an investigation, and a Notice of Investigation will be issued to the parties.

## **11.8. Investigation**

### **The Scope of the Investigation**

The OAREHRS will determine the mandate and scope of the investigation. In most cases, the investigator will be mandated to make findings of credibility, findings of fact, and a determination if this Policy has been breached.

## **11.9. The Investigator**

- The OAREHRS will appoint an internal or external investigator. The investigator must be capable of conducting investigations which are timely, procedurally fair, equitable, trauma-informed, and free of discrimination.
- If the Complainant or Respondent reasonably believes the assigned investigator has a conflict of interest, they may request an alternative investigator. The OAREHRS will consider the concerns identified to determine whether to assign an alternative investigator.

## **11.10. Support Person**

- Throughout a disclosure, intake, and investigation, the Survivor, Complainant, Respondent, and witnesses may attend meetings or interviews with a support person.

- The investigator may exclude a support person from all or part of an interview if the investigator believes the presence of the support person will affect the quality of the evidence. For example, an investigator may believe that a student is unlikely to be forthright about sexual matters in the presence of a parent.

### **11.11. No requirement for Survivor Participation**

No person affected by sexual violence is required to participate in an investigation or the other aspects of the complaint resolution process. However, the investigator may be unable to find sexual violence without that evidence.

### **11.12. Investigation Requirements**

While an investigation process may vary depending on the circumstances, internal and external investigators will ordinarily be directed to:

- a. Review the confidentiality requirements and limitations with the parties and witnesses.
- b. Interview the Complainant, the Respondent and relevant witnesses.
- c. Record all interviews in writing.
- d. Provide the parties with an opportunity to reply to the relevant evidence of the other party, witnesses, and any documentary evidence.
- e. Offer the Complainant and the Respondent an opportunity to provide the investigator with relevant evidence (i.e., documents, images, etc.) and suggest relevant witnesses.
- f. Prepare a draft Investigation Report at the completion of the investigation for review by the OAREHRS. OAREHRS will review the draft report to ensure the evidence presented and the analysis of the evidence complies with the requirements of this Policy.
- g. Prepare a final Investigation Report.

### **11.13. Investigation Report Standards**

Investigation reports must include but is not limited to:

- A review of the evidence and documentation relevant to the allegations.
- Credibility findings.
- Findings of fact.
- If mandated, an analysis of whether this Policy has been breached.
- If mandated, any other issue under the scope of the investigation.

### **11.14. Timeliness**

While the time to investigate and complete an investigation may vary depending on the circumstances of the case, it is expected that the investigation report will be finalized within 90 business days of issuing the Notice of Investigation. The investigator will advise the parties if the investigation is expected to extend beyond 90 business days. If the parties have agreed to try alternative resolution, these timelines will be adjusted accordingly.

### **11.15. Determination of whether to Defer the Complaint Resolution Process**

- Complainants may report sexual violence to the police before or after filing a complaint with the College. In some situations, the College may need to suspend its complaint resolution processes while the police investigate or after charges are laid.
- The College may also choose to suspend its complaint resolution process if the substance of the complaint is being dealt with through other civil legal processes, for example, through arbitration.

### **11.16. Notice of Completion**

- The OAREHRS will provide the parties with a Notice of Completion together with a summary of the investigation findings once an Investigation Report has been received.
- The Notice of Completion will identify the decision maker and include information about the next steps in the complaint resolution process.
- Either party may ask the OAREHRS within three (3) business days to review the assigned decision-maker if they have concerns related to a real or perceived apprehension bias.

## **12. Decision Making:**

### **12.1. Referral to the Decision-Maker**

- The parties will be notified of the referral to a decision maker and when the investigation report is referred to them.
- Conflicts of interest must be raised as soon as possible, and a response will be provided in the interest of preserving the integrity of the process.
- The decision-maker must be a senior administrator and have no prior involvement in the case.
  - Where the Respondent is a faculty member, instructor or teaching assistant, the Dean will normally be the decision-maker.

- Where the Respondent is a staff member, the decision-maker will be one level above the Respondent's direct supervisor.
- Where the Respondent is a student, the Associate Vice-President Student Success (AVPSS) will normally be the decision-maker.
- The OAREHRS will provide the decision-maker with a package which includes:
  - The summary of allegations.
  - The investigation report.
  - Any written submissions by the Complainant or Respondent
  - Any other relevant information (i.e., relevant policies, etc.).

## **12.2. Making the Decision**

- The decision-maker will review and consider the information contained in the package received from OAREHRS and any other relevant information. Any new information that the decision maker intends to rely on, will be shared with the parties.
- The decision-maker may also request to meet with and ask questions of the OAREHRS, the investigator, the Complainant, the Respondent, and any witnesses before rendering a decision (e.g., clarification, additional information, etc.) The decision maker will take notes during the meeting. The Complainant will not be required to appear before a decision-maker in the presence of the Respondent.
- The decision-maker may seek legal advice.
- The decision-maker may request the investigator address issues identified in the investigation report.
- Based on their consideration of the investigation report and any additional information received by the decision-maker, the decision-maker will decide:
  - That the evidence supports a finding that the Respondent breached the policy and if so, what accountability measure is imposed,
  - That the evidence does not support a finding that the Respondent breached the policy, and the complaint is dismissed, or
  - That another decision is appropriate in the circumstances.
- The decision maker may make recommendations as reasonable and appropriate.

### **12.3. Accountability Measures and Progressive Discipline**

- Decision-makers have a range of possible accountability measures they can impose following a finding of a breach of this Policy. In considering what accountability measures to impose, the decision-maker may consider:
  - The respondent's disciplinary history.
  - The nature and severity of the incident.
  - The College's role as an educational institution.
  - The requirements under any collective agreement.
  - The sanction and/or remedies sought by the Complainant.
  - The impact of the incident on the Complainant and the George Brown College community.
  - Any applicable legislation.
  - Any other relevant factors.
- Accountability measures may include, without limitation, the imposition of education, training or counselling, a letter of expectation, a behavioural contract, relocation or change of duties or supervision, restrictions from a certain building, parts of campus or activities, no contact orders, change of class, program, or residence, change in work assignment, a written reprimand, suspension from school, suspension from work without pay, termination or expulsion.
- Accountability measures are intended to be corrective, where possible.
- Not all accountability measures are disciplinary.
- The principles of progressive discipline will be considered when applying disciplinary measures. Accountability measures that are disciplinary include a written reprimand, suspension, termination, or expulsion.

### **12.4. Implementation of the decision**

- Where the Respondent is an employee, the decision-maker will ensure the implementation of any accountability measures, whether disciplinary or non-disciplinary, and monitor the Respondent's compliance with any accountability measures and inform OAREHRS of the outcome. The decision-maker may refer any non-compliance to the department with oversight of the applicable Code of Conduct.
- Where the Respondent is a student, the decision-maker may request that the Registrar place a hold and/or a notation on the Respondent's student record that is commensurate with applicable accountability measures in the decision letter and in accordance with the College's policies and procedures.

## **12.5. OAREHRS Recommendations**

- As appropriate, the OAREHRS may make recommendations to the decision-maker to repair working/learning relationships or address systemic discrimination issues that have been identified in the investigation. For example, recommendations may include:
  - A process to restore working/learning relationships within the College.
  - Workplace restoration.
  - New training or education.
  - A change to practice, processes or policies assessment
- The decision maker will consider the recommendations of OAREHRS in their decision-making.

## **12.6. Decision-Letter**

- The decision-maker will issue a decision letter to the Complainant, the Respondent and the OAREHRS within fifteen (15) business days of receiving the package from the OAREHRS. If the decision expects to take more than 15 business days, the parties will be advised.
- The decision letter will include:
  - the decision,
  - whether they accept the findings of the investigation, in whole or in part,
  - whether the allegations have been substantiated,
  - whether the Policy has been violated,
  - the reason for their decision,
  - any accountability measures,
  - if applicable, their decision on the OAREHRS recommendations

# **13. Appeals:**

## **13.1. Employee Appeals**

- Unionized staff who are parties to a complaint may grieve the outcome under the applicable collective agreement.
- Where a party is a non-unionized employee, they may file a written appeal to the Vice President People and Culture within ten (10) business days of receiving the decision letter. The Vice President People and Culture may exercise their discretion whether to discuss the appeal with the employee before making a decision.
- An appeal is not a re-hearing. The grounds for appeal are limited to:

- The investigation or decision-making was not procedurally fair, which had a detrimental impact on the findings.
- The decision was unreasonable in light of the evidence received.
- There are new facts or evidence that could potentially impact the outcome of the complaint, which could not reasonably have been obtained earlier.
- The Vice President People and Culture may consult and seek legal advice as appropriate.
- In most cases, the Vice President People and Culture will normally issue their decision in fifteen (15) business days. The decision is final, and there is no further right to appeal. If the appeal is expected to take more than 15 business days, the parties will be advised.

### **13.2. Student Appeals**

- Parties to the complaint may file a written appeal to the provost within ten (10) business days of receiving the decision letter. The provost may use their discretion whether to discuss the written appeal with the party before making a decision.
- An appeal is not a re-hearing. The grounds for appeal are limited to:
  - The investigation or decision-making was not procedurally fair, which had a detrimental impact on the findings.
  - The decision was unreasonable in light of the evidence.
  - There are new facts or evidence that could potentially impact the outcome of the complaint, which could not reasonably have been obtained earlier.
- The provost may consult and seek legal advice as appropriate.
- In most cases, the provost will normally issue their decision in fifteen (15) business days. The decision is final, and there is no further right to appeal. If the appeal is expected to take more than 15 days, the parties will be advised.

## **14. Roles and Responsibilities:**

**Note:** Any reference to a role in this Policy includes their designate.

### **14.1. All George Brown Community Members:**

- Will review this Policy, to understand their responsibilities under the Policy.
- Will participate in educational programs related to this Policy.
- Foster and promote a culture of consent and an environment free of sexual violence, harassment and sexual misconduct.
- Use the rights in this Policy in good faith and do not initiate vexatious complaints or abuse the processes of this Policy.

- Co-operate in an investigation process and provide relevant information in a timely fashion.
- In an emergency, summon immediate assistance by calling **George Brown College Security Emergency Line: 416-415-4000**, or “0” from a George Brown College internal Cisco phone, through the **GBC Safe App**, or using Emergency Yellow boxes, or directly call 911.

#### **14.2. All College Staff**

- Must familiarize themselves with this Policy.
- Have a duty to report all disclosures of sexual violence and incidents of sexual violence they have witnessed to the SGVRA.
- Follow the guidelines under the Disclosures, Reports and Complaints of Sexual Violence section (section 9) of this Policy when they receive a disclosure or a report.
- Senior Leadership Directors, Associate Vice Presidents, Vice President, and others in similar positions are responsible for maintaining and communicating an ongoing commitment to foster and promote a culture of consent and an environment free of sexual violence, harassment and sexual misconduct.

#### **14.3. Office, Anti-Racism, Equity and Human Rights Services (“OAREHRS”) will:**

- Administer and oversee this Policy and the complaint resolution process.
- Act as a resource on the Freedom of Information and Protection of Privacy Act as it pertains to the disclosure of personal information where required.
- Provide advice, consultation and education on reporting, complaints, and investigation processes under this policy.
- Manage the complaint and investigations process, including inquiries, consultations, alternative resolutions, and investigations related to sexual violence.
- Gather data related to sexual violence disclosure and reports for the purpose of reporting to the Ministry of Colleges and Universities, Board of Governors, and College community.
- Work with various departments in the development and delivery of education opportunities available for employees and students and other contracted third-party employees.
- Establish a process, in consultation with elected student governing bodies, for the provision and considering of input from a diverse selection of students in all reviews of this Policy.
- Provide education on this Policy, consent, and sexual violence.

#### **14.4. Sexual and Gender-Based Violence Response Advisor (“SGVRA”) will:**

- Act as the first point of contact to review and assess disclosure of potential sexual violence incidents from college community members, including Public Safety and Security, supervisors and/or Senior Human Resources Consultants, and make a preliminary determination whether this policy applies.
- Provide and facilitate access to appropriate support for the parties.
- Provide Survivors with information about confidentiality and options for initiating the complaint resolution process.
- Gather detailed information about the alleged sexual violence incident from the Survivor and submit it to the Senior Manager, Human Rights and Equity or their delegate for a determination on whether the information provided engages this policy and triggers the complaint resolution process under the policy.
- Coordinate the process / liaise with the responsible administrator in the program area or college division and the involved parties to enact the interim measures (alternative housing, residence, personal safety plan).
- Provide statistics to the Health, Safety & Wellness Team on reported incidents of sexual violence under this policy.

#### **14.5. Decision Makers will:**

- Educate themselves on this policy, its guiding principles and their role as decision - makers.
- Work in partnership with OARHERS on interpretation and application of policy.
- Request information from the relevant department within the College as appropriate to support their decision making (i.e., student records, employee records, etc.).

#### **14.6. Employee Health and Wellness will:**

- Lead and coordinate monthly and annual reporting on the number of reported sexual violence incidents under this policy to the Health and Safety Advisory Committee and the Joint Health and Safety Committees.
- Report to the Ministry of Labour and/or Workplace Safety and Insurance Board, as prescribed in the Occupational Health and Safety Act and Workplace Safety and Insurance Act.
- Any other reporting requirements under different legislation, i.e., MTCU.

#### **14.7. Managers/Supervisors will:**

- Ensure an inclusive work, learning and living environment where people feel safe to disclose, make a report or make a complaint of sexual violence.

- Ensure employees are informed about and adhere to this policy and participate in sexual violence prevention training.
- Establish and communicate workplace expectations in accordance with this policy and encourage employees to report sexual violence incidents.
- Ensure the immediate safety of employees or students who report sexual violence incidents.

#### **14.8. Public Safety and Security will:**

- Assist the investigations under this policy if required.
- Ensure the safety of the Survivor(s), and that of anyone involved in the complaint resolution process (i.e., Complainant, Respondent, witnesses, investigator/s, etc.) and the College community, if required.
- Collaborate with the SGVRA in assessing risks and developing a safety plan for the Survivor as required and appropriate (i.e., Residence / alternative housing).
- Receive training related to sexual violence prevention, anti-racism and anti-oppression practices, trauma informed and harm reduction best practices.

#### **14.9. Senior Human Resources Consultants**

- Consult with the SGVRA on whether a harassment allegation is more appropriately dealt with under this policy (e.g., the allegation is related to sex/gender, gender identity/expression, sexual orientation).
- Support the decision maker in dealing with the outcome of an investigation into allegations of sexual violence where a Respondent is an employee.
- Be familiar with the supports and resources outlined in this Policy and offered by the College through benefits, programs and EAP.
- Support the responsible administrator in implementing an informal resolution dealing with a sexual violence incident involving a Respondent employee.

## **15. Communication**

This Policy and the consultation report will be available on the OARERHRS' website to all members of the George Brown College community identified in the scope section and will be provided to anyone upon request.

## **16. Review**

- This Policy will be reviewed by OAREHRS at minimum every three (3) years, and periodically in light of changes to legislation or policy, specific direction by senior management or as deemed appropriate by OAREHRS and/or an agreed recommendation by stakeholders.

- The policy review will include a consultative process (as outlined in the community consultation protocol) with key stakeholders, including students and those communities disproportionately affected by gender-based and sexual violence and harassment.
- The review will include establishing a process, in consultation with elected student governing bodies, for the provision and considering of input from a diverse selection of students in all reviews of this Policy.
- This policy is subject to the Board of Governors' approval and will be reviewed and amended once every three years with meaningful consultation with the George Brown College community.

## **17. Associated Resources**

- [Human Rights Discrimination and Harassment Policy](#)
- [Employee Code of Conduct - Academic Staff](#)
- [Employee Code of Conduct - Administrative Staff](#)
- [Employee Code of Conduct - Support Staff](#)
- [Code of Non-Academic Behaviour](#)
- [Workplace Accommodation Policy](#)
- [Accessibility Learning Policy](#)
- [AODA Accessibility Policy](#)
- [All Collective Agreements](#)
- [Academic Employees Collective Agreement](#)
- [Part-Time Support Staff Collective Agreement](#)
- [Support Staff Collective Agreement](#)
- [Occupational Health and Safety Workplace Violence and Harassment Policy](#)
- [Privacy Policy](#)
- [Guidelines on Secure Handling of Confidential Information](#)

## **18. Governing Laws and Regulations**

- [Ministry of Training Colleges and Universities Act](#)
- [Ontario Human Rights Code](#)
- [Occupational Health and Safety Act](#)
- [Sexual Violence and Harassment Action Plan Act](#)

# 19. Appendix

Appendix A – Definitions

Appendix B- Key College Contacts

Appendix C – George Brown Community Support and Services and External Support

## Appendix A – Definitions

TERM	DEFINITION
<b>Abuse of Process</b>	A principle in the law meant to protect the integrity of decision-making. For example, an individual may be abusing the process if they cause unnecessary delays or do not provide information in a timely manner.
<b>Bad Faith</b>	A complaint brought with an ulterior motive. For example, by ill will, hostility, malice, or personal animosity.
<b>Balance of Probabilities (BoP)</b>	The standard of proof in the College investigation of sexual violence allegations is the balance of probabilities. This test asks, “based on the evidence presented, is it more likely than not that an action that is alleged took place?” The standard is satisfied if there is a greater than 50% chance that the allegations are true.
<b>Business Days</b>	Any day other than Saturday, Sunday, statutory holidays, and days the College is not carrying on business functions.
<b>College Premises</b>	Any location at which a George Brown College community member works, lives, or learns. This may extend college-related off-campus functions such as conferences, trade fairs, school trips and travel for college-related business or online or telephone conduct with a reasonable connection to the College.
<b>Complaint</b>	An allegation by a college community member that they have experienced sexual violence or reprisal and wishes to commence a complaint resolution process under this Policy.
<b>Complainant</b>	An individual who makes a complaint under this Policy.

TERM	DEFINITION
<b>Community Member</b>	This includes registered students, faculty, staff, administration, volunteers, contract workers, members of the Board of Governors, visitors, guests, alumni, third-party contractors representing the College-on-College premises, organizations that provide goods and services to the College-on-College premises, organizations or individuals working on college premises, and organizations in contractual relationships with the College to provide work-integrated learning.
<b>Cybersexual Violence (or Technology-Facilitated Abuse)</b>	<p>The use of technology or technological platforms (e.g.: internet, cellular phones, emails, text messages, social media and/or software, etc.) to sexually abuse, harass, threaten, coerce, monitor, exploit and/or violate another individual. This may include:</p> <ul style="list-style-type: none"> <li>• Sexting, revenge porn, stalking/surveillance, and sexual exploitation</li> <li>• Producing, publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person without their consent. An intimate image includes but is not limited to a visual recording of a person, a photographic, digital or video recording in which the person is nude and/or engaged in sexual activity.</li> <li>• Making up an intimate image of a person without their consent (i.e., putting a person’s face on a sexual image).</li> <li>• Spreading information online regarding a person’s sexuality, sexual practices, behaviour, or activities, and sexual expression.</li> </ul>
<b>Decision-Maker</b>	Refers to the College official responsible for making a decision under this policy on the outcome of a complaint resolution process (i.e., investigation, alternative resolution etc.) and for communicating the decision to the parties in writing.
<b>Disclosure</b>	Information shared by a Survivor (or a third party) with the College about an incident of sexual violence to receive support, counselling, orientation, or other services or obtain information on how to make a complaint.

<b>TERM</b>	<b>DEFINITION</b>
<b>Drug-Facilitated Sexual Assault</b>	The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower, or subdue a person for purposes of sexual assault.
<b>Frivolous</b>	A complaint which appears from bare inspection to be lacking foundation as a Policy breach.
<b>Gender-Based Violence</b>	Violence that is experienced because of a person's gender, gender expression, gender identity or perceived gender.
<b>Indecent Exposure</b>	The exposure of the intimate parts of the body in a lewd or sexual manner in a public place when the perpetrator may be readily observed. Indecent exposure includes exhibitionism.
<b>Incapacity</b>	A person is incapable of consenting if they cannot understand the sexual nature of the activity or cannot understand that they may choose to decline to participate in the activity. Under this policy, a person who is significantly impaired (and not merely disinhibited) by alcohol or drugs is deemed incapable of consenting as is a person who is asleep, unconscious or otherwise unable to communicate.
<b>Intimate Partner Violence</b>	Sexual assault within an intimate relationship. It includes not only marital rape but all other forms of sexual assault that take place within a current or former intimate relationship, whether or not the partners are married.
<b>Mediation</b>	A voluntary negotiation between the parties to reach a mutually agreeable settlement, assisted by a neutral and impartial third party who has no decision-making power.
<b>Parties</b>	The Complainant and the Respondent.
<b>Report</b>	Refers to the obligation of any College employee who witnesses an incident of sexual violence to report it to the SGVRA. Students and others are strongly encouraged to do the same.
<b>Reprisal</b>	A retaliatory action or inaction against a person involved in the complaint resolution process under this policy (i.e., Complainant, Respondent, witnesses, etc.) because they asserted their right under this policy or due to their participation in the process.
<b>Respondent</b>	An individual subject to a complaint made under this policy.

TERM	DEFINITION
<b>Restorative Justice</b>	Restorative or transformative justice is an approach used in situations that require a deep understanding of the harm done, the needs of those affected, and the strategies for moving forward as a community and creating lasting change. Using processes such as accountability circles or community conferencing, those who have done harm and various stakeholders are actively engaged in understanding what happened and the impact of a harmful situation and hold those who have done harm accountable and responsible not only for their past actions but for shaping the future.
<b>Sexual Assault</b>	Any form of sexual contact without consent. Sexual assault includes unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature.
<b>Sexual Coercion</b>	Refers to the use of emotional manipulation, unreasonable and persistent pressure, blackmail, or threats, or the promise of rewards or special treatment, in order to persuade someone to engage in sexual acts.
<b>Sexual Exploitation</b>	Taking advantage of another person through non-consensual or abusive sexual control. This may include cyber sexual harassment or abuse.
<b>Sexual Harassment</b>	Engaging in a course of vexatious comment or conduct against a person 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. A single incident, if serious, may constitute sexual harassment.
<b>Sexual Innuendos</b>	Subtle and usually derogatory material (jokes, cartoons, memes, pictures, suggestive remarks, double-meaning comments, etc.) charged with sexual references.

TERM	DEFINITION
<b>Sexual Misconduct</b>	<p>In relation to a student of college is defined as,</p> <ul style="list-style-type: none"> <li>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, <ul style="list-style-type: none"> <li>(i) the act constitutes an offence under the Criminal Code (Canada),</li> <li>(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 made by a person in a position to confer, grant, or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome, or</li> <li>(iii) the act contravenes this policy or any other policy, rule or other requirement of the College respecting sexual relations between employees and students, or</li> </ul> </li> <li>b. any conduct by an employee of the College 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 where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the student. For the purposes of sexual misconduct, “employee” refers to someone engaged by or providing services to the College who is in a position of power, authority, or trust vis-à-vis the student.</li> </ul>
<b>Sexual Solicitation</b>	<p>Sexual solicitation or advance made by a person 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.</p>

TERM	DEFINITION
<b>Sexual Violence</b>	<p>Covers any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is online, physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent.</p> <p>Sexual violence includes a range of behaviours, including, but not limited to, sexual assault, sexual harassment, sexual abuse, sexual misconduct, stalking, indecent exposure, voyeurism, sexual exploitation, drug-facilitated sexual assault, sexual coercion, cyber sexual harassment, technology-facilitated sexual abuse, recording and distribution of a sexually explicit photograph, stealthing, sexual solicitation, sexual innuendos, stalking, intimate partner violence etc.</p>
<b>Stalking</b>	<p>Criminal behaviours that occur on more than one occasion and collectively instil fear in the target person or threaten the target person's safety or mental health. Stalking can also include threats of harm to the target person'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.</p>
<b>Stealthing</b>	<p>Non-consensual condom removal during sexual intercourse.</p>
<b>Supervisor</b>	<p>An administrative employee is responsible for managing an area or has direct reports.</p>
<b>Survivor</b>	<p>A person who has disclosed that they have experienced sexual violence. If the Survivor initiates a Complaint under this Policy, they will be referred to as a "Complainant".</p>
<b>Vexatious</b>	<p>Without reasonable or probable cause or excuse; intentionally harassing; annoying; instituted maliciously or on the bases of improper motives.</p>
<b>Voyeurism</b>	<p>The surreptitious observing of a person without their consent and in circumstances where they could reasonably expect privacy. Voyeurism may include direct observation, observation by mechanical or electronic means, or visual recordings.</p>
<b>Witness</b>	<p>A person with knowledge or information about an incident.</p>

## Appendix B – Key College Contracts

George Brown College sexual violence support services: [svra@georgebrown.ca](mailto:svra@georgebrown.ca)

George Brown College student counseling: contact the Counselling Office for support. Counselling Services is located at 200 King St. E., Room 582C, or by telephone at: 416.415.5000 Ext. 2107

Accommodations: Accessible Learning Services: [ALSregister@georgebrown.ca](mailto:ALSregister@georgebrown.ca)

George Brown Public Safety and Security: dial (416)415-5000 or “0” from George Brown College internal Cisco phone

## Appendix C – George Brown College Community Support and Services and External Support

- George Brown employee: contact LifeWorks Employee Assistance program. This is a confidential service that can be reached at Tel: 1 800 387-4765 or [lifeworks.com](http://lifeworks.com)
- [24-hour crisis line](#)
- [good2talk.ca/](http://good2talk.ca/) 1-800-925-5454 (Students in Distress)
- [Toronto Rape Crisis Centre/Multicultural Women Against Rape](#): 416-597-8808
- [Talk for Healing](#) (Confidential help line for Indigenous women)
- Emergency: 911

## 20. Revision History

VERSION	CHANGE	AUTHOR	DATE OF CHANGE
Original	–	OAREHRS	Dec 2019
Revised Policy	Alignment with statutory requirements re: 1. no actions against a Complainant for violations of the policies on drug and alcohol use at the time of alleged sexual violence incident.  2. no irrelevant questions to the Complainant during investigation.	OAREHRS	Feb 2022
Revised Policy	Alignment with Legislation and Community expectations, principles of procedural fairness, processes informed by best practices in SV, barriers removal, trauma informed approach, harm reduction.	OAREHRS	June 2023