

Sexual Assault and Sexual Violence Policy and Protocol

Category: Human Resources / Human Rights

Policy Number: ### (to be assigned by Academic Excellence)

Responsible Authority: Diversity, Equity & Human Rights Services
 Approval Authority: Office of the President

Date of Original Policy Approval: 2005-02-25
 Last Reviewed: 2016-12-15

Mandatory Review Date: 2018-03-31

CONTENTS

Sexual Assault and Sexual Violence Policy and Protocol 1

CONTENTS 1

PURPOSE 2

SCOPE 2

DEFINITIONS 2

POLICY 7

PRINCIPLES GOVERNING THIS POLICY 8

PROCEDURES 9

INITIATING A COMPLAINT RESOLUTION PROCESS 14

CROSS REFERENCES to OTHER POLICIES and/or LEGAL REQUIREMENTS 16

APPENDIX I, OTHER RESOURCES 16

APPENDIX II, Sexual Assault Centres (Ontario) AND SERVICES IN TORONTO 20

APPENDIX III, FORMAL COMPLAINT RESOLUTION PROCESS (GBC HUMAN RIGHTST DISCRMINATION AND HARASSMENT POLICY 24

PURPOSE

Purpose and Intent of the Policy

All members of the George Brown College community have a right to work and study in an environment that is free from any form of sexual violence. This policy and protocol sets out the way in which we address sexual violence. It ensures that those affected by sexual violence are believed and appropriately accommodated and 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.

SCOPE

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

DEFINITIONS

Use of the term “Rape” in the context of Sexual Violence

This policy refers to the offence of sexual assault to align with the current offence contained in the *Criminal Code*. The word “rape” is no longer used in criminal statutes in Canada. The term was replaced many years ago to acknowledge that sexual violence is not about sex but is about acts of psychological and physical violence. The term “sexual assault” provides a much broader definition and criminalizes unwanted behaviour such as touching and kissing as well as unwanted oral sex and vaginal and anal intercourse. Although the term no longer has a legal meaning in Canada, the term rape is still commonly used.

Definition	Description
Sexual Assault and Sexual Violence	<p>Sexual violence: means any sexual act or act targeting a person's sexuality, gender identify or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.</p> <p>Sexual assault: Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the survivor 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 assault is also an offence under the <i>Criminal Code</i> of Canada.</p>
Consent	<p>The voluntary and explicit agreement to engage in the sexual conduct in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity.</p> <p>It is also imperative that everyone understands the following:</p> <ul style="list-style-type: none"> • Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgement cannot consent. • A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate. • A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it. • A person who has been drugged without their consent is unable to consent if their capacity is diminished. • A person is usually unable to give consent when under the influence of alcohol and /or drugs. • A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts. • The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity. • A person can withdraw consent at any time during the course of a sexual encounter. • It is presumed that consent cannot be obtained by a person in a position of trust, power or authority, such as a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position. • Consent cannot be given on behalf of another person.

Note: It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

For information purposes only, the *Criminal Code* defines circumstances where there is no consent

The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where:

- a) The agreement is expressed by the words or conduct of a person other than the complainant.
- b) The complainant is incapable of consenting to the activity.
- c) The accused induces the complainant to engage in the activity by abusing a position of trust, power or authority.
- d) The complainant expresses, by words or conduct, a lack of agreement to engage in the activity, or
- e) The complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Acquaintance sexual assault

Sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

Age of consent for sexual activity

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

Coercion

In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, extortion, 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	The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a survivor for purposes of sexual assault.
Stalking	A form of criminal harassment prohibited by the <i>Criminal Code</i> of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear in the survivor or threaten the survivor/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include, but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media/cyber-stalking; and uttering threats.
Survivor	Some who have been affected by sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim". We use the term survivor throughout this policy where relevant because some who have been affected by sexual assault believe they have overcome the violent experience and do not wish to identify with victimization. It is the prerogative of the person who has been affected by these circumstances to determine how they wish to identify.
Sexual Harassment	A broad range of actions not including assault as it is described in the Criminal Code, but that can include sexual assault (unwanted physical acts). Sexual harassment refers to one or a series of comments or behaviours related to gender, or of a sexual nature that is known or ought to reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate. Human Rights Discrimination and Harassment Policy George Brown College (see: www.georgebrown.ca/diversity/). Harassment and Bullying are both covered under Ontario's Health and Safety Act. The definition of workplace harassment in the Ontario Health and Safety Act includes harassment which is prohibited under the Ontario Human Rights Code as well as what is often called psychological harassment or personal harassment. Specifically, the Ontario Health and Safety Act has workplace violence and workplace harassment policies.
Gender-based harassment	Gender-based harassment is one type of sexual harassment. Gender-based harassment is "any behaviour that polices and reinforces traditional heterosexual gender norms". In some cases, gender-based harassment may look the same as harassment based on sexual orientation, or homophobic bullying / transphobia.
Gender-based violence	Any form of behaviour, including psychological, physical, and sexual behaviour that is based on an individual's gender and is intended to control, humiliate, or harm the individual. The form of violence is generally directed at women and girls. It reflects an attitude or prejudice at the

individual or institutional level that aims to subordinate an individual or group on the basis of sex and/or gender identity or gender expression.

Acquaintance sexual assault Includes partner, friend, date, peer, colleague or anyone already known to the person. Sexual gender-based violence is most often perpetrated by an acquaintance. The term “date rape” is interchangeable with “acquaintance sexual assault.”

Bystander For the purposes of sexual violence prevention, a bystander is anyone who is neither a survivor nor an offender, but who could potentially get involved to make a difference. It refers to anyone who is in a position to intervene before, during or after the sexual act.

Cyber bullying and harassment Often used interchangeably, cyber harassment and cyber bullying are defined as repeated, unsolicited, reasonably known to be unwelcome, by a person or group using cell phone or Internet technology with the intent to bully, harass, and intimidate a survivor. The harassment can take place in any electronic environment where communication with others is possible, as on social networking sites, on message boards, in chat rooms, through text messages or through email.

Member of the College Community Includes but is not limited to all employees, governors, students, contractors, suppliers of service, individuals who are directly connected to college initiatives, volunteers and visitors.

Upstander For the purposes of sexual violence prevention, an Upstander is anyone who is neither a survivor nor an offender, but who gets involved to make a difference. It refers to anyone who intervenes before, during or after the sexual act.

POLICY

Sexual assault and sexual violence in all its forms are unacceptable and will not be tolerated at George Brown College. All reported incidents of sexual violence will be appropriately investigated to the best of the administration's ability and in a manner that is fair and equitable. Sexual violence is pervasive and affects most members of society, directly or indirectly, and has significant social and individual consequences. Sexual violence can occur between individuals regardless of sexual orientation, gender identity, and gender expression or relationship status as articulated in the Ontario *Human Rights Code*. We are committed to challenging and preventing sexual violence by: creating a safe space for anyone in our College community who has been affected by sexual violence and, in keeping with our core value of being a learning community, by raising awareness of sexual and gender violence as a social problem. George Brown College is committed to creating a safe and positive space where all members of the College community feel able to work, learn and express themselves in an environment free from sexual and gender-based violence.

In accordance with Bill 132, Sexual Violence and Harassment Action Plan Act, 2016 this policy will be reviewed and amended as necessary at least once every three years and shall ensure that student input is considered. Furthermore, in accordance with the Act, the college will collect data and other information relating to the following:

- The number of times support services and accommodation relating to sexual violence were requested and obtained by students.
- Information about the support services and accommodation.
- Any initiatives and programs established by our college to promote awareness of the supports and services available to students.
- The number of incidences and complaints and the implementation and effectiveness of this policy.

The college will take the necessary measures to ensure information provided to the Ministry does not disclose personal information with the meaning of section 38 of the Freedom of Information and Protection of Privacy Act.

We are committed to:

- 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.
- Ensuring that those who disclose that they have been sexually assaulted are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- Addressing harmful attitudes and behaviours (e.g., adhering to myths of sexual violence) that reinforce that a person who is affected by sexual violence is somehow to blame for what happened.
- Treating individuals who disclose sexual violence with compassion, recognizing that they are the final decision-makers about their own best interests.
- 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.
- Ensuring co-ordination and communication among the various departments that 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 protocols.

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

PRINCIPLES GOVERNING THIS POLICY

1.0 General Information

- Members of the College community should immediately report sexual and gender-based violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur.
- Members who have been affected by sexual violence are encouraged to come forward to report as soon as they are able to do so to the Diversity, Equity and Human Rights Services office.
- Managers, decision makers, supervisors and those who have significant responsibility for guiding students and employees, shall take immediate action to respond to or to prevent sexual violence from occurring, and make the appropriate referral to Diversity, Equity and Human Rights Services office.
- Where the College becomes aware, or should be reasonably 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 of 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.

2.0 Complaint Process and Investigations

A complaint of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the College community.

The College will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy. Respondents will be given reasonable notice, with full detail of the allegations, and provided with an opportunity to answer to the allegations made against them.

- **Right to Withdraw a Complaint**

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.

- **Not reporting an incident**

A complainant is not required to report an incident, or make a complaint in order to obtain the supports, services and accommodations referred to in this policy. The complainant will notify the Sexual Response Violence Advisor that they wish not to pursue a formal complaint under this policy.

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

It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- Having pursued their 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*.
- Having been associated with someone who has pursued their rights under this Policy or the Ontario *Human Rights Code*.

The College takes reasonable steps to protect persons from reprisals, retaliation and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing a reprisal and sanctioning individuals for a breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

- **Unsubstantiated or Vexatious Complaints**

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during the investigation, that complaint will be dismissed and no record of it will be placed in the complainant's or respondent's file.

Disclosures or complaints that are found following an investigation to be frivolous, vexatious or bad faith complaints, that is, are made to purposely annoy, embarrass or harm the respondent, are considered frivolous, vexatious, or bad faith complaints and may result in sanctions and/or discipline against the complainant.

3.0 Confidentiality

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses.

However, confidentiality cannot be assured in the following circumstances:

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

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

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.

4.0 Student Input Process

In accordance with Ontario Regulation 131/16, section 4: Sexual Violence at Colleges and Universities, George Brown College is committed to receiving student input about this policy and the protocol established under this policy in addressing complaints of sexual violence and in providing services and supports to those affected by sexual violence. Students may provide input to the Diversity, Equity and Human Rights Office directly.

PROCEDURES

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

Go to a Safe Place

- Find a trusted friend or colleague or speak with a counsellor in the Counselling Department, found at all three campuses.
- If you live in residence speak to your residence advisor, who will support you and arrange counselling if requested.
- Call the Toronto Rape Crisis Centre/ Multicultural Women Against Rape 416-597-8800.

- Go to or call the Sexual Assault/ Domestic Violence Care Centre Women's College Hospital- 416-323-6040.
- Call the Toronto Police Services Division closest to you.

2. IF SOMEONE IS REPORTING AN INCIDENT TO YOU

As a member of the George Brown College community you may be the first person to whom a survivor discloses about an act of sexual assault or sexual violence. If you require support during this time you may contact the College's Sexual Violence Response Advisor in the Diversity, Equity and Human Rights Services office, who will provide the guidance and information you may need. As the person hearing the disclosure you should not go beyond your own comfort level or expertise when responding to a disclosure. It is important to be supportive while referring survivors to the right person who can provide the help they need. You also need to know that receiving a disclosure can, itself, be traumatic and that supports are available to help you cope.

Students may access support through the college's Counselling Services, http://www.georgebrown.ca/current_students/counselling/. Employees may access the Employee Assistance Program (1-800-387-4765) or the Human Resources Office for support.

- If a student or employee reports to you an incident of sexual assault or sexual violence you will immediately assess the situation and if you think the student or employee is at risk, you will contact Public Safety & Security services immediately and contact the Sexual Violence Response Advisor. Public Safety & Security services will provide an immediate response to safety concerns.
- If the person reporting is a student, they should be informed that they can access counselling services. These services are provided on all three campuses. If the person reporting is an employee, they should be informed they can access counselling through the college's employee assistance program.
- If you are an employee who does not have access to the college's employee assistance program, and have been affected by sexual violence, please refer to Appendix II for a list of the community support services.
- If the student is in the George Brown College residence you will escort the student to the Residence Advisor who will follow the residence protocol for sexual assault, arrange for counselling at one of the campuses, if requested, and inform a Sexual Violence Response Advisor of the report.
- If disclosure is made to faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to a Sexual Violence Response Advisor, and work with the Advisor to ensure that the student receives all necessary academic and other accommodations.
- As indicated above, if faculty or staff of the College becomes aware of an allegation of sexual violence against another member of the College community, the faculty or staff is required to report the alleged incident to a Sexual Violence Response Advisor or Campus Public Safety & Security immediately.

3. WHAT TO DO IF YOU WITNESS SEXUAL VIOLENCE

If you witness sexual violence, please call Campus Public Safety & Security ex: 8000, Student Counselling or the Diversity, Equity & Human Rights Office on your campus and we will assist you by providing all the resources and necessary support.

A number of other resources are available to you, including:

- If you live in Residence, please contact your resident assistant.
- Contact your manager or Academic department.

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

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

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

A person may choose to confide in someone about an act of sexual violence, such as to a student, instructor, coach, or staff from housing, counselling or Public Safety & Security. An individual who has experienced sexual violence may also disclose to staff or faculty members when seeking support and/or academic accommodation. A supportive response involves:

- Listening without judgment and accepting the disclosure as true; communicating that sexual violence is never the responsibility of the survivor.
- Helping the individual identify and/or access available on or off-campus services, including emergency medical care and counselling.
- Respecting the individual's right to choose the services they feel are most appropriate and to decide whether to access student counselling on their campus; report to the police and/or an Advisor at the Diversity Equity & Human Rights office at your campus at 416-415-5000: Casa Loma ex 4715, St. James ex 3450 / 4609, Waterfront ex 5385.
- Recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited.
- Respecting the individual's choices as to what and how much they disclose about their experience.
- Making every effort to respect confidentiality and anonymity.

5. COMMUNICATING WITH INDIVIDUALS WHO HAVE EXPERIENCED SEXUAL VIOLENCE

Sensitive and timely communication with individuals who have experienced sexual and gender-based violence and their family members (when an individual consent to this communication) is a central part of the College's first response to sexual violence. To facilitate communication, the College will:

- Ensure that designated employees in the Diversity, Equity & Human Rights Services department are available who are knowledgeable about sexual violence, are responsible for advocacy on campus on behalf of employees, students or any other member of the College community who have experienced sexual violence.
- Ensure designated employees respond in a prompt, compassionate, and personalized fashion.
- Ensure that the person who has experienced sexual violence and the respondent are provided with reasonable updates about the status of the College's investigation of the incident when such investigations are undertaken.

6. ROLES AND RESPONSIBILITIES OF THE COLLEGE COMMUNITY

While everyone on campus has a role to play in responding to incidents of sexual violence, some campus members will have specific responsibilities which may include:

- Sexual Violence Response Advisor will be the case manager and main support to the person who has experienced sexual violence.

- Counsellors are available to provide psychological and emotional support and make referrals to other services.
- The Diversity, Equity and Human Rights Services office is able to provide an alternative Advisor to answer questions the respondent may have as it pertains to process and policy.
- Faculty, staff and administrators support the facilitation of academic accommodations and other needs of those who have been affected by or who have experienced sexual violence and those who have been accused of sexual violence.
- Residence staff are to ensure they report any incident to the Resident Assistant and to follow residence protocol as it relates to sexual violence and inform the Sexual Violence Response Advisor.
- Human Resources staff to assist in incidents involving employees.
- Public Safety & Security to assist in providing safety plans and support in investigations

7. COLLEGE CONTACTS

Diversity, Equity and Human Rights Services Offices:

- St. James Campus (main office at St. James), 200 King Street East, Room 126, ext. 3450 /4609
- St. James Campus, 200 King Street East, Room 423A, ext. 5715
- Casa Loma Campus, 500 MacPherson, Room 102, ext. 5715 / 4646
- Waterfront Campus, Dockside Drive, Room 230, ext. 5385

Public Safety and Security:

- 416.415.4000
- 416.415.5000 ext. 8000
- St. James Campus, 200 King Street East
- Casa Loma Campus, 146 Kendal Ave.
- Waterfront Campus, 51 Dockside Ave.
- Ryerson University

Counselling Services:

- St. James Campus, 200 King Street, Room 582C, 416-415-5000, ext. 2107
- Casa Loma Campus, 160 Kendal Ave., E., Room C317, 416.415.5000 ext. 2107
- Waterfront Campus, 51 Dockside Dr., Room 225, 416.415.5000 ext. 5370
- George Brown students at Ryerson, Room JOR 07C

8. HOW WILL THE COLLEGE RESPOND TO A REPORT OF SEXUAL ASSAULT AND SEXUAL VIOLENCE?

Where a complaint of sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have been affected by sexual violence may wish to control whether and how their experience will be dealt with by the police and/or the College. In most circumstances, the person will retain this control. A person who has experienced sexual violence may choose not to request an investigation and has the right not

to participate in an investigation that may occur. In certain circumstances, however, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the person's consent, if the College believes that the safety of other members of the College community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances. The College adheres to the following in investigating and making decisions about formal complaints. If an entitlement set out below conflicts with something set out in another College policy, the entitlement set out below shall prevail.

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

- **Where the Respondent is a Student**

Sexual violence is a violation of the Sexual Assault and Sexual Violence Policy and Protocol. It is considered a serious offense and will be addressed in a manner which is consistent with other serious offences. Please see the Human Rights and Discrimination Policy for more details on each disciplinary process.

As set out in the Human Rights Discrimination and Harassment Policy, appeals of student violations may be pursued based on limited grounds and are heard by the Human Rights Advisor to the President.

- **Where the Respondent is an Employee**

Sexual violence is a violation of the Occupational Health and Safety Prevention of Workplace Violence and Harassment Policy. Allegations against employees will be addressed in accordance with the procedures set out in this Policy, and in any applicable collective agreement, and / or other College policies. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and / or policies regarding discipline.

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

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

- **Where the Respondent is not a Student or an Employee**

Contractors, suppliers, volunteers or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct. Where a complaint against the respondent is substantiated, the College will take appropriate action.

All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the Ontario *Human Rights Code*, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

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

- **Multiple Proceedings**

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

- **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 of providing a fair process, making a sound decision and preserving the dignity of survivors. The College has the right to withhold disclosure early on in its process to obtain a person's independent recollection of events.

- **Support and Representation**

Complainants and respondents may attend meetings with a single (non-participating) support person or legal representation. The College considers requests to attend meetings with additional support persons and with legal or other representation on a case-by-case basis, with a view to promoting a fair and expeditious process. The College may still question and expect direct answers from an individual who is represented.

- **Interim Measures**

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

Such 'interim measures' will be imposed only as necessary to meet the needs of complainants and persons who report incidents of sexual violence or otherwise under the College's Violence Threat Risk Assessment (V-TRA) Protocol. The College will also take steps to minimize the impact of interim measures on respondents.

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

- **Outcomes**

The College will determine, based on its investigation, what happened and whether it constitutes sexual violence or another form of misconduct. If the College finds there has been misconduct, it will determine the appropriate penalty. Students may face discipline, up to and including expulsion. Employees may face discipline, up to and including discharge. Contractors, suppliers, volunteers and visitors may face penalties, cancellation of contracts and other sanctions.

INITIATING A COMPLAINT RESOLUTION PROCESS

The Diversity, Equity and Human Rights Services Office is responsible for intake. In accordance with the Complaint process outlined in the Human Rights Discrimination and Harassment Policy of the College, the Sexual Violence Response Advisor will work with and or support the appropriate administrator(s) during an investigation and decision-making.

The College may also decide to use an external investigator when appropriate in the circumstances.

The Sexual Violence Response Advisor will be the complaint case manager. They will:

1. Immediately provide appropriate assistance and support.
2. Ensure all reports of Sexual Violence are documented.
3. Work with Public Safety & Security staff to set up a safety plan for the survivor.

4. Ensure the survivor has access to a counsellor in student services or through the Employee Assistance Program.
5. Explain the sexual assault/ sexual violence policy and protocol to the student and or employee and provide them with a copy of all relevant materials.
6. Work with departments within the college to ensure the student is not impacted academically by the incident, or work with Human Resources staff to ensure the employee's employment status is not impacted.
7. Ask the survivor if they wish to report the incident to the police and if they wish to report, contact Public Safety and Security to arrange for Toronto Police Services to come to campus to take the report. The Sexual Violence Response Advisor and or Public Safety & Security will be with the student or employee when they meet with the police. The survivor also has the right to have a friend or advocate with them when they report to police.

If the survivor wishes to file an internal complaint the Sexual Violence Response Advisor will provide the following assistance:

1. Explain the options available for dealing with the complaint; informal or formal- the complainant has the right to decide how they wish to address their complaint- see the *Human Rights Discrimination and Harassment Policy of George Brown College*- georgebrown.ca/diversity
2. Ensure the survivor knows they have a right to have a support person with them throughout any process that may develop to address their complaint.
3. Explain how their complaint could be shared with Public Safety & Security and other parties on a need to know basis only. As a College we will attempt at all times to limit knowledge of the complaint to only those at the college who need to know in order to process the complaint or to assist in the investigation.
4. If the survivor decides to issue a formal written complaint the Sexual Violence Response Advisor will assist in preparing and filing their internal complaint.
5. Once the complaint is written and approved by the complainant the Sexual Violence Response Advisor in conjunction with the Human Rights Advisor to the President will contact Public Safety & Security and Human Resources (in the case of employees) for assistance.
6. Timeline for investigation is 30 working days.
7. Ensure the complainant is kept up to date on the progress of their complaint.
8. Ensure the complainant has a safety plan and knows who to call if they are approached by the alleged perpetrator.
9. Work with the student's academic department or the employee's department to put in place any interim measures necessary to alleviate pressure academically or emotionally on the student or employee.
10. Ensure that the internal complaint investigation and adjudication are in accordance with College policies and standards and that ensure fairness and due process and timeliness.
11. Ensure that the respondent student or employee is given reasonable notice, with full details of the allegations, and provided a copy of this policy. The Diversity, Equity, Human Rights office will provide the respondent with an alternative Advisor who can provide information and policies, answer questions the respondent may have on the process.
12. The investigation of the complaint will be coordinated by the Sexual Violence Response Advisor in conjunction with Public Safety & Security, managers or Academic Chairs of the areas identified and Human Resources if the complaint has an employee mentioned or named.
13. The respondent will be provided with a copy of the complaint, and be required to provide a written response to the complaint which will be shared with the complainant within 7 working days, in accordance with the process outlined in the Human Rights Discrimination and Harassment Policy (see Appendix III for the formal complaint resolution process).
14. Upon completion of that investigation the Chair / manager; with the assistance of Public Safety & Security, when required, the Human Rights Advisor to the President and in the case of an employee

Human Resources, will inform the student or employee of the outcome of the investigation. A written decision that summarizes the complaint, the response, evidence and the reasons for the decision will be provided to the complainant and the respondent. Recommend disciplinary actions (as per the [Student Code of Conduct](#) and Discipline Policy – (see: www.georgebrown.ca/policies/) or with Human Resources in the case of discipline related to employee respondents, will be carried out by the College.

Please note that you are not required to file a formal complaint to obtain supports, services or appropriate accommodation from the College.

Important: in the case of employee complainants or respondents, the Occupational Environmental Health and Safety Workplace Violence and Harassment Policy and Procedures will also apply- (see: insite.georgebrown.ca/human_resources/ohs/violence-and-harassment.asp)

This sexual assault and sexual violence procedure coincides with the College's Human Rights Discrimination and Harassment Policy - (see: www.georgebrown.ca/diversity/)

CROSS REFERENCES to OTHER POLICIES and/or LEGAL REQUIREMENTS

Student Disciplinary Policy

George Brown College Human Rights Discrimination and Harassment Policy

Occupational Environmental Health and Safety Workplace Violence and Harassment Policy

Violence Threat Risk Assessment (V-TRA) Protocol

Codes of Conduct- Student, Support Staff, Administrative and Academic

Student Disciplinary Procedures

Risk of Harm Policy

College Collective Agreements

Residence Community Living Standards (RCLS)

APPENDIX I, OTHER RESOURCES

DISPELLING THE MYTHS AND MISCONCEPTIONS ABOUT SEXUAL ASSAULT

Myth	Fact
It wasn't rape, so it wasn't sexual violence.	Sexual assault and sexual violence encompasses a broad range of unwanted sexual activity. Any unwanted sexual contact is considered to be sexual violence. A survivor can be severely affected by all forms of sexual violence, including unwanted fondling, rubbing, kissing, or other sexual acts. Many forms of sexual violence involve no physical contact, such as stalking or distributing

Myth	Fact
	intimate visual recordings. All of these acts are serious and can be damaging.
Sexual assault can't happen to me or anyone I know.	Sexual assault can and does happen to anyone. People of all socioeconomic and ethnic backgrounds are survivors of sexual assault, but the vast majority of sexual assaults happen to women and girls. Young women, Aboriginal women and women with disabilities are at greater risk of experiencing sexual assault.
Sexual assault is most often committed by strangers.	Someone known to the survivor, including acquaintances, dating partners, and common-law or married partners, commit approximately 75 per cent of sexual assaults.
Sexual assault is most likely to happen outside in dark, dangerous places.	The majority of sexual assaults happen in private spaces like a residence or private home.
If an individual doesn't report to the police, it wasn't sexual assault.	Just because a survivor doesn't report the assault doesn't mean it didn't happen. Fewer than one in ten survivors report the crime to the police.
It's not a big deal to have sex with someone while they are drunk, stoned or passed out.	If a person is unconscious or incapable of consenting due to the use of alcohol or drugs, they cannot legally give consent. Without consent, it is sexual assault.
If the person chose to drink or use drugs, then it isn't considered sexual assault.	This is a prominent misconception about sexual assault. No one can consent while drunk or incapacitated.
<p>If the survivor didn't scream or fight back, it probably wasn't sexual assault.</p> <p>If the survivor does not fight back, the sexual assault is their fault.</p>	When an individual is sexually assaulted they may become paralysed with fear and be unable to fight back. The person may be fearful that if they struggle, the perpetrator will become more violent.
If you didn't say no, it must be your fault.	People who commit sexual assault/abuse are trying to gain power and control over their survivor. They want to make it extremely difficult, if not impossible, for their survivor to say no. A person does not need to actually say the word "no" to make it clear that they did not want to participate. The focus in consent is on hearing a "yes".
If person isn't crying or visibly upset, it probably wasn't a serious sexual assault.	Every one responds to the trauma of sexual assault differently. They may cry or be calm. They may be silent or very angry. Their behaviour is not an indicator of their experience. It is important not to judge a person by how they respond to the assault.

Myth	Fact
If someone does not have obvious physical injuries, like cuts or bruises, they probably were not sexually assaulted.	Lack of physical injury does not mean that a person wasn't sexually assaulted. An offender may use threats, weapons, or other coercive actions that do not leave physical marks. The person may have been unconscious or been otherwise incapacitated.
If it really happened, the survivor would be able to easily recount all the facts in the proper order.	Shock, fear, embarrassment and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma. Memory loss is common when alcohol and/or drugs are involved.
Individuals lie and make up stories about being sexually assaulted; and most reports of sexual assault turn out to be false.	According to Statistics Canada, fewer than one in 10 sexual assault survivors report the crime to the police. Approximately 2% of sexual assault reports are false. The number of false reports for sexual assault is very low. Sexual assault carries such a stigma that many people prefer not to report.
Persons with disabilities don't get sexually assaulted.	Individuals with disabilities are at a high risk of experiencing sexual violence or assault. Those who live with activity limitations are over two times more likely to be survivors of sexual assault than those who are able-bodied.
A spouse or significant other cannot sexually assault their partner.	Sexual assault can occur in a married or other intimate partner relationship. The truth is, sexual assault occurs ANY TIME there is not consent for sexual activity of any kind. Being in a relationship does not exclude the possibility of, or justify, sexual assault. A person has the right to say "no" at ANY point.
People who are sexually assaulted "ask for it" by their provocative behaviour or dress.	This statement couldn't be more hurtful or wrong. Nobody deserves to be sexually assaulted. Someone has deliberately chosen to be violent toward someone else; to not get consent. Nobody asks to be assaulted. Ever. No mode of dress, no amount of alcohol or drugs ingested, no matter what the relationship is between the survivor and the perpetrator or what the survivor's occupation is, sexual assault is always wrong.
Sexual assault only happens to women	Not true. The majority of sexual assaults are committed against women by men, but people of all genders, from all backgrounds have been/can be assaulted.
Sexual abuse of males is rare.	According to Statistics Canada, six per cent of males 15 or over reported that they had experienced sexual survivorization. Sexual assault/abuse occurs in every economic, ethnic, age and social group.

Myth	Fact
If you got aroused or got an erection or ejaculated you must have enjoyed it.	It is normal for your body to react to physical stimulation. Just because you became physically aroused does not mean that you liked it, or wanted it or consented in any way. If you experienced some physical pleasure, this does not take away the fact that sexual abuse happened or the effects or feelings of abuse.

APPENDIX II, Sexual Assault Centres (Ontario) AND SERVICES IN TORONTO

<i>Region in Ontario</i>	<i>Sexual Assault Centre</i>	<i>24-hr Crisis Line</i>	<i>Office Phone</i>
Algoma (Sault Ste. Marie)	Women In Crisis Algoma	1-877-759-1230	705-759-1230
Belleville-Quinte	Sexual Assault Centre for Quinte & District	1-877-544-6424	613-967-6300
Brant	Sexual Assault Centre of Brant	519-751-3471	519-751-1164
Bruce County	Women's House Serving Bruce and Grey: Sexual Assault Services	1-866-578-5566	519-372-1113
Chatham-Kent	Chatham-Kent Sexual Assault Crisis Centre	519-354-8688	519-354-8908
Cornwall	Sexual Assault Support Services for Women, Cornwall	English: 613-932-1603 French: 613-932-1705	613-932-1755
East Algoma (Elliot Lake)	Counselling Centre of East Algoma	1-800-721-0077	705-848-2585
Guelph-Wellington	Guelph-Wellington Women in Crisis	519-836-5710 1-800-265-7233	519-836-1110
Halton (Oakville)	Sexual Assault & Violence Intervention Services of Halton	905-875-1555	906-825-3622
Hamilton	Sexual Assault Centre Hamilton & Area (SACHA)	905-525-4162	905-525-4573
Kawartha (Peterborough & Area)	Kawartha Sexual Assault Centre	705-741-0260	705-748-5901
Kenora	Kenora Sexual Assault Centre	807-468-7233 1-800-565-6161	807-468-7958
Kingston	Sexual Assault Centre Kingston	613-544-6424 1-877-544-6424	613-545-0762
Waterloo	Sexual Assault Support Centre of Waterloo Region	519-741-8633	519-571-0121
London-Middlesex	Sexual Assault Centre London	519-438-2272 1-877-529-2272	519-439-0844
Muskoka	Athena's Sexual Assault Counselling & Advocacy Centre	705-737-2008 1-800-987-0799	705-737-2884
Niagara	Niagara Region Sexual Assault Centre	905-682-4584	905-682-7258
Nipissing	Amelia Rising Sexual Assault Centre of Nipissing	705-476-3355	705-840-2403
Oshawa-Durham	Oshawa-Durham Rape Crisis Centre	905-668-9200	905-444-9672
Ottawa SASC	Sexual Assault Support Centre of Ottawa	613-234-2266	613-725-2160
Ottawa RCC	Ottawa Rape Crisis Centre	613-562-2333	613-562-2334
Peel	Hope 24/7: Sexual Assault Centre of Peel	1-800-810-0180	905-792-0821
Renfrew	Women's Sexual Assault Centre of Renfrew County	1-800-663-3060	613-735 – 5551

<i>Region in Ontario</i>	<i>Sexual Assault Centre</i>	<i>24-hr Crisis Line</i>	<i>Office Phone</i>
Sarnia-Lambton	Sexual Assault Survivors' Centre Sarnia-Lambton	519-337-3320	519-337-3154
Sudbury	Voices for Women Sudbury		705-523-7100 ext. 2647
Thunder Bay	Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre	807-344-4502	807-345-0894
Timmins	Timmins and Area Women in Crisis	1-877-268-8380	705-268-8381
Toronto	Multicultural Women Against Rape/Toronto Rape Crisis Centre	(416) 597-8808	416-597-1171
Windsor-Essex	Sexual Assault Crisis Centre of Essex County	519-253-9667	519-253-3100
York	Women's Support Network of York Region	1-800-263-6734 905-895-7313	905-895-3646

**Pour le support francophone aux femmes survivores d'agression sexuelle:
CALACS (Francophone Sexual Assault Centres) in Ontario**

Centre Passerelle pour femmes: CALACS du Nord de l'Ontario
www.centrepasserelle.ca
 C.P. 849 Timmins (Ontario) P4N 7G7
 705 360-5657

Centre francophone d'aide et de lutte contre les agressions à caractère sexuel d'Ottawa
www.calacs.ca
 40, rue Cobourg
 Ottawa (Ontario) K1N 8Z6
 613 789-8096
calacs@calacs.ca

Centre Novas : Centre francophone d'aide et de lutte contre les agressions à caractère sexuel de Prescott-Russell
www.centrenovas.ca
 C.P. 410
 Casselman (ON) K0A 1M0
 613 764-5700
 1 866 772-9922 poste 221
administration@centrenovas.ca

Carrefour des femmes du Sud-Ouest de l'Ontario: CALACS de la région du Sud-Ouest
www.carrefourfemmes.on.ca
 Casier Postal 774, London (ON) N6A 4Y8519 858-0954
 1 888 858-0954
bienvenue@carrefourfemmes.on.ca

Centre Victoria pour femmes
www.centrevictoria.ca
 C.P. 308
 Sudbury (ON) P3E 4P2
 705 670-2517
info@centrevictoria.ca
 Centr'Elles, centre des Femmes Francophones du Nord-Ouest de l'Ontario

www.centrelles.com

P.O. Box 26058

Thunder Bay (Ontario) P7B 0B2

807 684-1955

1 888 415-4156

admin@centrelles.com

Oasis Centre des femmes

www.oasisfemmes.org

465 Yonge Street PO Box 73022 Wood Street PO Toronto ON M4Y 2W5

Toronto

416 591-6565

services@oasisfemmes.org

Colibri - Centre des femmes francophones du comté de Simcoe

www.centrecolibri.ca

80, rue Bradford, bureau 340

Barrie (ON) L4N 6S7

Barrie

705 797-2060

1 877 797-2050

admin@centrecolibri.ca

Centre de santé communautaire Hamilton/Niagara - Espace entre Elles

www.centredesantecommunautaire.com

1320 rue Barton Est

Hamilton (Ontario) L8H 2W1

905 528-0163

1 866 437-7606

cschn@cschn.ca

Pour le support francophone aux femmes survivores d'agression sexuelle, se il vous plaît visitez (*for French-language support to women survivors of sexual assault, please also visit*): Action ontarienne contre la violence faite aux femmes.

SERVICES IN TORONTO:

Emergency Services (Police, Ambulance, Fire) dial 911

Women's College Hospital Sexual Assault / Domestic Violence : 416.323.6040

Toronto Rape Crisis Centre : 416.597.8808

YWCA Toronto 416-497-7151 ext. 266: Healing from Violence and Trauma Groups

The Gatehouse (in case there are historical issues of childhood sexual abuse that compound a recent incident) 416-255-5900

Tropicana Community Services (Counselling for the Black Community) 416-439-9009

Scarborough Hospital Sexual Assault/Domestic Violence Care Centre 416-495-2555

Barbara Schlifer Commemorative Clinic (Counselling and legal support): 416-323-9149

Assaulted Women's Helpline: 1.866.863.0511

Support Services for Male Survivors of Sexual Abuse: 1-866-887-0015

211 (information and referral line)

Anishnawbe Health: 416-891-8606

Toronto Family Services Association: 416-595-9618

Distress Line: 416-408-4357

David Kelly Services (LGBTQ): 416-595-9618

519 Church Street Community Centre (LGBTQ Counselling and Legal Support): 416-392-6874

LGBTQ Youthline: 1-800-268-9688

Gerstein 24 hour Crisis Line: 416-929-5200

Victim Services: 416-808-7066

Acknowledgements:

A number of resources contributed to the development of this document, including the sexual assault policies and procedures from several colleges and universities in Ontario, notably, Durham College, University of Guelph and Lakehead University, as well as the METRAC discussion paper on sexual assault policies on campuses. The Ontario Women's Directorate resource, "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities" served as a reference and the "Dispelling Myths and Misconceptions about Sexual Assault" chart is based on it. In addition, the Ontario Coalition of Rape Crisis Centres provided a list of sexual assault centres in Ontario and their hotline numbers.

APPENDIX III, FORMAL COMPLAINT RESOLUTION PROCESS (GBC HUMAN RIGHTS DISCRIMINATION AND HARASSMENT POLICY)

8.0 Step Three: Formal Complaint

*note: Advisor in this process may be any advisor working in the Diversity, Equity & Human Rights Services office (Human Rights Advisor to the President, Human Rights Advisor, Sexual Violence Response Advisor)

8.0.1 A complainant may lodge a formal complaint if:

- circumstances are such that the complainant cannot or does not choose to approach the respondent for informal resolution (See 4.5);
- informal resolution does not resolve the conduct/behavior of concern;
- the complainant does not choose to use mediation;
- mediation is unsuccessful;
- the complaint is such that neither informal resolution nor mediation is an appropriate response;
- the conduct of concern is repeated; or
- the complainant chooses this avenue for seeking resolution.

8.0.2 In the case of unionized employees, they may make a formal complaint under this policy or lodge a grievance. Only one avenue of complaint may be used at a time.

8.1 Upon the Advisor (Sexual Violence Response Advisor) receiving notice from the complainant that they want to pursue a formal complaint, In consultation with the Advisor, the complainant and or Advisor on behalf of the complainant will notify the appropriate Administrator (e.g., Chair, Dean, Manager), as set out below, of their intent to lodge a formal complaint of discrimination or harassment:

- students should notify the Chair of their program of study;
- faculty members should notify the Chair of their department;
- members of the support staff should notify the manager of their department;
- members of the administrative staff should notify the Vice-President of their department; and
- members who have a complaint about their immediate manager should notify their manager's manager.

8.1.1 After receiving this notification, the Administrator must inform the Human Rights Advisor to the President.

8.2 The complainant must submit a signed, written complaint to the Administrator and the Advisor (Sexual Violence Response).

8.2.1 The complaint must include 1) the name of the respondent, and 2) as full an account as possible of the conduct of concern including:

- a detailed description of the event(s) or situation;
- the date(s) and time(s) of the event(s) or situation;
- where the event(s) or situation happened with as much specificity as possible (e.g., in xxx classroom, the hallway, on or off campus);
- the names of witnesses, if any; and
- any supporting documentation, such as email messages, as an attachment.

8.2.2 If the complainant has a disability or another reason that prevents them from preparing the written statement independently, the complainant may submit the complaint verbally, through an interpreter, or in any other format which meets their communicative needs. The Advisor will arrange to provide the complainant with assistance in preparing a written complaint within four (4) working days of receiving the original complaint.

8.3 The complainant may withdraw a formal complaint at any stage of the complaints resolution process by notifying the Administrator and Advisor in writing. George Brown College may choose to continue to investigate the complaint at its discretion.

8.4 The Administrator and the Advisor, will meet with the complainant to:

- clarify any questions the Administrator has with respect to the written complaint;
- explore the remedy that the complainant is seeking to resolve the complaint;
- ensure that the complainant has received a copy of this policy;
- answer any questions the complainant may have about this policy and its procedures; and
- answer any questions the complainant may have about related resources available to them at the college, or provide appropriate direction so the complainant can secure answers to such questions.

8.5 The Administrator with support from the Advisor must provide the respondent with a copy of the signed, written complaint within four (4) working days of receiving it and provide a copy of the Prevention of Discrimination and Harassment Policy, outlining the time frame in which the respondent has to respond to the written complaint.

8.5.1 The Advisor will ask unionized employees if they wish to consult with their union for advice prior to entering into the formal complaint process.

8.6 The Administrator, and the Advisor (separate from the Advisor advising the complaint), will meet with the respondent to:

- ensure that the respondent has received a copy of this policy;
- advise the respondent regarding the time frames for responding in accordance with this policy;
- answer any questions the respondent may have about this policy and its procedures; and
- answer any questions the respondent may have about resources available to them at the college, or provide appropriate direction so the respondent can obtain answers to their questions.

8.7 The respondent must submit a signed, written response to the Administrator within seven (7) working days of receiving the complaint.

8.7.1 If the respondent has a disability or another reason that prevents them from preparing the written response independently, the respondent may submit the response verbally, through an interpreter, or in any other format which meets their communicative needs. The Advisor will arrange to provide the respondent with assistance to put the response in writing within four (4) working days of receiving it.

8.8 After receiving the signed response, the Administrator with support from the Advisor will provide a copy of the response to the complainant within four (4) working days.

8.9 If appropriate to the complaint, the Administrator may attempt to resolve the complaint through informal resolution or mediation without further investigation.

8.9.1 If the complaint is resolved, the Administrator with support from the Advisor must:

- prepare a written Memorandum of Agreement setting out the terms of resolution to be signed by the complainant, the respondent and the Administrator;
- provide copies of the signed Memorandum of Agreement to the complainant and respondent; and
- forward all documentation related to the complaint, including a copy of the signed Memorandum of Agreement, to Diversity, Equity and Human Rights Services.

8.10 If further investigation is required to resolve the complaint, the Administrator must identify whether any conflict of interest or bias could prevent the Administrator from conducting an objective investigation.

8.10.1 If a conflict of interest or bias exists, the Administrator must inform the Human Rights Advisor to the President. The Human Rights Advisor to the President will designate an alternative investigator to conduct the investigation.

8.11 In investigating a complaint, and with the assistance of the Advisor, the Administrator may:

- collect and review documents that may contain information relevant to the complaint;
- interview individuals, including witnesses, who may have information relevant to the complaint;
- conduct additional interviews with the complainant or the respondent;
- consult with the Advisor and relevant college resource persons (e.g., Human Resources Consultants, Labour Relations, Disability Services, Public Safety and Security); and
- take any other steps consistent with college policy.

8.12 Investigations should be completed within thirty (30) working days, subject to extenuating circumstances.

8.12.1 The Administrator in consultation with the Advisor may extend this time frame if it is deemed reasonably necessary.

8.12.2 The Administrator must inform the complainant, respondent and Advisor of any extension.

8.12.3 A complainant or respondent who is dissatisfied with the timeliness of the complaints resolution process should advise Diversity, Equity and Human Rights Services of their concern.

8.13 The Administrator with support from the Advisor must prepare a written decision within 4 working days that summarizes:

- the complaint;
- the response;
- the Administrator's conclusion about whether the complaint was 1) substantiated, 2) partially substantiated, 3) unsubstantiated, or 4) frivolous, vexatious or made in bad faith; and
- the reasons for the decision.

8.13.1 In making a decision, the Administrator will consider:

- the complaint;
- the response;
- the results of meetings with the complainant and respondent;
- the results of the steps taken to investigate the complaint; and
- the balance-of-probabilities civil legal test: Based on the evidence presented, is it more reasonable than not that discrimination or harassment took place?

8.13.2 The remedy will remain confidential between the Administrator, the Advisor and the respondent.

8.13.3 In cases involving intersectionality, the decision will detail how the competing human rights were reconciled and why they were reconciled in that way.

8.14 The Administrator will provide the complainant, the respondent and the Advisor with a copy of the decision, including a notice about the parameters and process for initiating a review.

8.15 Once the complaints resolution process is completed, the Administrator must send all documentation related to the complaint to Diversity, Equity and Human Rights Services.

* note all time lines in the formal complaint process may be adjusted in extenuating circumstances

9.0 Opportunity for Review

9.0.1 The complainant or respondent may request a review of the complaints resolution process by the Human Rights Advisor to the President and or their designate on the following grounds:

- that the procedures outlined in this policy were not followed; or
- that there were compelling or extraordinary circumstances that were not considered.

9.1 The complainant or respondent must request a review within ten (10) working days of receiving the copy of the Decision. The request must include the reasons for requesting the review, and evidence to support the request.

9.2 The Human Rights Advisor to the President and/or their designate will review the decision with the Administrator to identify whether there is evidence that:

- the procedures outlined in this policy were not followed;
- procedural fairness was not demonstrated; or
- compelling or extraordinary circumstances that were beyond the complainant's or respondent's control, and that could have had a bearing on the decision, were not considered.

9.2.1 If such evidence is identified, the Human Rights Advisor to the President and or their designate, in consultation with the Administrator, will make amendments to the decision. If no evidence is identified, the decision will stand.

9.3 The Human Rights Advisor to the President and or their designate will provide a letter to the complainant and respondent that sets out the outcome of the review, and informs both parties that the decision is final with no internal avenue for further review.

9.4 In the case of unionized employee they may consult with their union on the steps available to them, as set out in their collective agreement, about any discipline that may be a result of the investigation.