



Sexual Assault and Sexual Violence Policy

Purpose:

City College of Business Health & Technology (hereafter referred to as “City College” or “the College”) are committed to the elimination of sexual assault and sexual violence to all members of the diverse City College community. City College is committed to supporting those affected by sexual assault and sexual violence.

All members of the College community have a right to study, work and live in an environment that is free from any form of sexual assault and sexual violence. This policy and related procedures set out the way the College addresses sexual assault and sexual violence. The College has a process of investigation that protects the rights of both the complainant and the respondent/s.

Scope:

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

Whereas, anyone can be the target or perpetrator of sexual assault and sexual violence, City College recognizes that:

- I. Women and girls, including Trans women and girls, indigenous women, racialized women, women with disabilities, young and senior women are much more likely to be the targets and survivors of sexual assault and sexual violence.
- II. The impact of sexual assault and sexual violence is experienced differently by different survivors based on their identities and lived experiences; and
- III. Males are also targets and survivors of sexual violence.

Definitions:

Sexual violence: Sexual violence means any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, 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. Sexual violence is about power and control, not about sexual desire.

Anyone, regardless of race, age, disability, gender identity, gender expression, or sexual orientation can experience and be affected by sexual violence. Sexual violence impacts the well-being of individuals and communities.

Sexual assault: Sexual assault is a form of sexual violence and is a criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the person that it is done to and involves a range of behaviours from any unwanted touching to penetration.



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Sexual harassment: Sexual Harassment is a form of sexual violence prohibited by the *Ontario Human Rights Code* (Code). Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and/or gender that is known or ought to be known as unwelcome. Under *Ontario's Occupational Health and Safety Act* (OHSA), workplace harassment has been expanded to include sexual harassment:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Gender-based harassment is a subset of sexual harassment and prohibited by the Code. It refers to behaviours that regulate and reinforce traditional heterosexual gender norms.

Sexual harassment includes, but is not limited to the following:

- Any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestion or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- A sexual advance or solicitation made by a person to another, where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome;
- A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal or threat is made by a person in a position to confer, grant or deny a benefit or advancement to the other person;
- Unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Display and/or distribution of pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological devices, equipment and services provided by City College or other service providers;
- Unwanted and unnecessary physical contact such as touching, patting, or pinching;
- Expressions of gender bias which may include remarks that are discriminatory, degrading, or derogatory and create a poisoned work environment;
- Requests for sexual favors; and/or
- Sexual assault.

Please note that the behaviours and actions described above are not an exhaustive list of examples of sexual harassment.

Consent: Consent is the voluntary agreement of an individual to engage in the sexual activity in question. No consent is obtained, where:



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

Considerations related to consent:

- should never be assumed or implied
- is not silence or the absence of “no”
- cannot be given when someone is incapable of consenting (by virtue of intoxication, being asleep or being unconscious, for example)
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity.

Acquaintance sexual assault: Acquaintance sexual assault is a form of sexual violence that includes forced, manipulated, or coerced sexual contact by a friend or acquaintance.

Intimate partner sexual violence: Intimate partner sexual violence is a form of sexual violence that includes 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 the partners are married or not.

Age of consent for sexual activity: Age of consent for sexual activity in Canada indicates that a person can legally consent to sexual activity at the age of 16 years. Children under 12 can never legally consent to sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Children between 12 and 13 years of age can consent to non-exploitative sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to non-exploitative sexual activity that is mutual with a person, who is less than 5 years older than them. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Note: Non-exploitative activity is defined as sexual activity that does not involve prostitution, trafficking or pornography, and where there is no relationship of power, authority or dependency between the persons involved.

Coercion: Coercion is the use of emotional manipulation, pressure, blackmail, or threats, or the promise of rewards or special treatment, to persuade someone to engage in sexual acts.

Rape: This policy uses the term sexual assault to align with the current language used in the *Criminal Code*. The term “sexual assault” provides a much broader definition and criminalizes unwanted behaviors, such as touching and kissing, as well as unwanted oral sex and vaginal and anal intercourse. Although the term rape no longer has legal meaning in Canada, it is still commonly used.



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Stalking: Stalking is a form of sexual violence prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear or threaten one's safety or mental health. Stalking can also include threats of harm to an individual's friends and/or family. These behaviours include non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures or language; surveillance; sending unsolicited gifts; cyber-stalking; and uttering threats.

Survivor: Some persons who have experienced sexual assault and sexual violence may choose to identify as a survivor. Individuals may be more familiar with the term "victim". City College uses the term "survivor" throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

Policy:

1. Policy Statement

All forms of sexual violence are unacceptable and will not be tolerated at City College. City College is committed to challenging and preventing sexual assault and sexual violence. The College is committed to creating a safe learning, working and living environment for everyone in the College community. This policy aims to encourage individuals who have been affected by or witnessed incidents of sexual assault and sexual violence to make a report to the College. All reported incidents of sexual assault and sexual violence will be investigated in a manner that ensures due process.

City College recognizes that sexual assault and sexual violence can occur between individuals regardless of sex, sexual orientation, gender, and gender identity or relationship status as defined in the *Ontario Human Rights Code (Code)*^[1] and the *Ontario Occupational Health and Safety Act (OHS Act)*. The College also recognizes that individuals who are affected by sexual assault and sexual violence may experience emotional, academic, employment and/or other difficulties.

City College is committed to:

1.1 assisting those who have been affected by sexual assault and 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, employment and other accommodation.

1.2 ensuring those who disclose that they have been sexually assaulted are treated with dignity and respect and are supported throughout the process of disclosure, investigation and institutional response.

1.3 addressing harmful attitudes and behaviors that blame the person who has experienced and/or is affected by sexual assault and sexual violence.

1.4 treating individuals who disclose sexual assault and sexual violence with compassion, recognizing that their sense of control over their physical and sexual integrity is compromised through no fault of their own;



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- 1.5 ensuring that on-campus internal investigation procedures are available in the case of sexual assault and sexual violence;
- 1.6 engaging in appropriate procedures for investigation and adjudication of a complaint that are in accordance with College policies, standards and applicable collective agreements to ensure fairness and due process;
- 1.7 ensuring coordination and confidential communication among the various departments who are most likely to be involved in the response to sexual assault and sexual violence on campus;
- 1.8 engaging in education and prevention activities in the College community including on how to respond to the disclosure of sexual assault and sexual violence;
- 1.9 providing information to the College community about City College 's sexual assault and sexual violence policies and protocol.
- 1.10 enabling the creation of a campus environment in which sexual assault and sexual violence is not tolerated; and
- 1.11 monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies.

2. Disclosures and Incident Reporting of Sexual Assault and Sexual Violence

- 2.1 Responses to disclosures of sexual assault and sexual violence will be non-judgemental, supportive, empathetic and with unconditional regard and respect.
- 2.2 Individuals who have experienced or have been affected by sexual assault and sexual violence are encouraged to come forward to report as soon as they are able to do so and to the avenue that they feel most comfortable to report.
- 2.3 If students, in good faith, report an incident of, or make a complaint about, sexual violence, they will not be subject to discipline or sanctions for violations of the private career college's policies relating to drug or alcohol use at the time the alleged sexual violence occurred;
- 2.4 Students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by the private career college's staff or investigator, including irrelevant questions relating to student's sexual expression or past sexual history.

Students can report incidents of sexual assault and sexual violence to the Office of Student Conduct at 416-675-6622, extension 4357 and the Department of Public Safety at 416-675-6622, extension 4000 (or extension 8500 non-emergency line).



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Employees and other members of the College community can report incidents of sexual assault and sexual violence to the Department of Public Safety, their respective manager/supervisor, Human Resources Business Partner or Human Resources Client Services Manager, Centre for Human Rights, Equity & Diversity, Health and Safety Services, Union representative, Dean, or Associate Dean.

2.5 Members of the College community who are faculty, employees and contractors have a duty to immediately report all incidents and suspected incidents of sexual assault and sexual violence.

2.6 Students are strongly encouraged to report incidents of sexual assault and sexual violence, but do not need to report such incidents to obtain supports, services or accommodation from the College.

2.7 Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual assault and sexual violence from occurring.

The College takes seriously the failure to report and/or to take action when it affects the safety of people.

Where the College becomes aware of incidents of sexual assault and sexual violence by a member of the College community or against a member of the College community, that occur on or off College property and 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.

3.0 Complaint Process and Investigations

3.1.1 Complaint Investigation

A complaint of sexual assault and sexual violence can be filed under this Policy by any member of the College.

The College has established procedures related to investigating and making decisions about formal complaints. For further information regarding responsibilities for intake, investigation and decision making regarding the students and employees' sexual assault and sexual violence procedures refer to the applicable procedures:

- **Employee Sexual Assault and Sexual Violence Procedure**
- **Student Sexual Assault and Sexual Violence Procedure**
- **Appendix A: Reporting Procedures Flowchart**

Where a complaint of sexual assault or 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. Except as otherwise stated in this Policy or the relevant Procedure, the College provides those whose rights, privileges or interests may be affected by a decision with notice of the decision to be made, disclosure of facts relevant to the decision and an opportunity to be heard. The College may decide how it meets these obligations in different circumstances and will do so with a view to providing a fair process, making 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.



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Appropriate actions may be taken by the College to ensure the safety of the individuals involved in the complaint. No disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy.

A report of sexual assault and sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the College community or otherwise where appropriate.

In any case, the College may decide to use an external investigator when appropriate in the circumstances.

3.1.2 Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. The College understands that individuals who have experienced or been affected by sexual assault and sexual violence may wish to control if 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 assault and sexual violence may choose not to request an investigation and has the right not to participate in any investigation that may occur. In certain circumstances however, if the College believes that the safety of other members of the College community is at risk, the College may be required to initiate or continue an internal investigation and/or inform the police of the need for a criminal investigation, even when the survivor has exercised their right to withdraw a complaint. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

3.1.3 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(s) for:

- having pursued rights under this Policy, the *Ontario Human Rights Code*; the *Occupational Health and Safety Act*; and/or under the *Criminal Code of Canada*;
- having participated or co-operated in an investigation under this Policy or the *Ontario Human Rights Code*; and/or the *Occupational Health and Safety Act*; and/or
- having been associated with someone who has pursued rights under this Policy; the *Ontario Human Rights Code*; and/or the *Occupational Health and Safety Act*.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.



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3.1.4 Vexatious Complaints Following an investigation, complaints that are found to be frivolous, vexatious or made in bad faith, may result in sanctions and/or discipline against the complainant.

3.2 Confidentiality

Confidentiality is important to those who have disclosed sexual assault and sexual violence. The confidentiality of all persons involved in a report of sexual assault and sexual violence will be strictly observed, and the College will restrict routine access to information to individuals with a need for such access and will 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 service areas/departments to prevent harm, and the name of the survivor would not be released to the public.

The nature of complaint investigation precludes anonymity; hence confidentiality has limitations in the investigation processes. However, due diligence shall be exercised to protect the rights of the complainant, respondents, and witnesses.

Where the College becomes aware of an allegation of sexual assault and sexual violence by a member of the College community against another member of the College community, the College may also be obliged 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, specific 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.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* as applicable.

3.3 Support and Representation

Complainants and respondents may attend meetings with a single (non-participating) support person. 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.



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3.4 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 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 assault and sexual violence. 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.

3.5 Outcomes

The College will determine, based on its investigation and hearing as appropriate, what happened and whether it constitutes sexual assault and sexual violence. 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 penalties, cancellation of contracts and other sanctions. The College may also impose non-punitive measures.

The College will inform the complainant and respondent of the results of its investigation as per the applicable procedure.

3.6 Appeals

Appeals of student violations may be pursued based on limited grounds as set out in the Code of Student Conduct Policy.

College employees may file an objection as permitted by their contract.

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

3.7 Training

The College community shall participate in ongoing education and training on the interruption and prevention of sexual assault and sexual violence.

3.7.1 City College will provide regular trainings on the Sexual Assault and Sexual Violence policy and applicable procedures to all its constituents.

3.7.2 Training and information about the Policy is available at City College front desk or calling 416 240 8080

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3.8 Collection and Reporting of Sexual Assault and Sexual Violence Statistics

In accordance with Bill 132, *Sexual Violence and Harassment Action Plan Act*, 2016, Post-secondary institutions in Ontario are required to report aggregate data to the Ministry of Advanced Education and Skills Development on student disclosures of sexual assault and sexual violence.

3.9 Policy Review

This Sexual Assault and Sexual Violence policy shall be reviewed annually in consultation with the City College community including City College 's Joint Occupational Health and Safety Committee.

[1] Protected Relationships: Section 10(1) of the *Code* broadly defines the ground of “marital status” as the status of being married, single, widowed, divorced or separated and includes the status of living in a conjugal relationship with a person outside of marriage. This definition includes both same-sex and opposite-sex relationships.

The ground of “family status” is more narrowly defined in section 10(1) as “the status of being in a parent and child relationship”.

These two grounds intersect to cover a range of family forms, including lone-parent and blended families, and families where parents are in same-sex or “common-law” relationships.

References:

[Colleges Ontario, Sexual Assault and Sexual Violence Policy and Protocol Template \(link is external\)](#)

[Criminal Code of Canada](#)

[Dispelling Myths and Misconceptions about Sexual Assault](#)

[Freedom of Information and Protection of Privacy Act, 1990](#)

[METRAC discussion paper on sexual assault policies on campuses](#)

[Personal Health and Information Protection Act, 2004](#)

[The Ontario Coalition of Rape Crisis Centres'](#)

[The Ontario Human Rights Code](#)

[The Ontario Occupational Health and Safety Act – amendments to the definition of workplace violence and sexual harassment grounds](#)

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The Ontario Women's Directorate resource: "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities"

Employees' Sexual Assault and Sexual Violence Procedure

Purpose:

The purpose of this procedure is to assist employees of the City College of Business Health & Technology (hereafter referred to as "City College" or the "College") community in knowing how and where to report any incident of sexual assault and sexual violence, to highlight resources available to assist employees both on and off campus, and to encourage reporting of sexual assault and sexual violence.

The procedure outlines the step by step process involved in the resolution of all incidents of sexual assault and sexual violence for employees and the responsibility of City College in the resolution process of complaints related to sexual assault and sexual violence.

All reported incidents of sexual assault and sexual violence will be investigated to the best of City College's ability and in a manner that ensures due process for all parties involved i.e. complainant/s, respondent/s and witness/es.

Investigations into reported incidents of sexual assault and sexual violence will proceed to Step 4 of the investigation procedure outlined below.

Definitions:

See Appendix A.

Procedures:

1. If you Have Experienced or Have Been Affected by Sexual Assault and Sexual Violence on City College property

As an employee if you have experienced or have been affected by sexual assault and sexual violence on City College's property or in relation to City College activities, it is entirely up to you if you choose to report the incident(s); however you are strongly encouraged to do so. If you need assistance please follow the steps outlined below:

Step 1- Immediate Response

If you have experienced sexual assault and sexual violence on City College's property:



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- i. Go to a safe place, including your work site, or your home.
- ii. For immediate support by telephone:
 1. Hope 24/7 for the Region of Peel: 1-800-810-0180; or
 2. Toronto Rape Crisis Centre/Multicultural Women Against Rape: 416-597-8808 3. Police 911
- iii. Seek medical attention if necessary. Go to your local emergency room that has a domestic violence and sexual assault care centre such as: [Chantal's Place at Trillium Health Centre \(link is external\)](#), [Women's College Hospital \(link is external\)](#), or a local hospital in your region.
- iv. Seek out counselling and other supports.

Step 2 - Options for Follow-up

It is often difficult to disclose and report incidents of sexual assault and sexual violence. It is entirely up to you if you choose to report the incident; however, we strongly encourage you to do so. A number of resources on campus are available to explore next steps for employees based on their comfort level such as:

- Your Manager/Supervisor
- The Director of Operations

Anyone who has experienced sexual assault and sexual violence has the right to:

- be treated non-judgmentally, in a supportive manner, with empathetic and unconditional regard and respect;
- be believed;
- be informed about on and off-campus services and resources;
- decide whether or not to access available services and to choose those services they feel will be most beneficial;
- decide whether to report to Department of Public Safety and/or local police;
- have an on-campus investigation with the College's full co-operation;
- meet with their Human Resources representative and/or Director of Operations Safety to develop a plan of action in order to better equip oneself to deal with a situation that potentially puts the employees safety at risk;
- have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s); and
- have interpreters available for accessible services such as American Sign Language, and/or lingual interpretation services for those for whom English is a second language.



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Report

Step 3 - Filing a report

1. Informal

Informal Reports help the College community to have an informed understanding of occurrences and needs within its community. Reports assist to create a safer environment for everyone. If you disclose an incident of sexual assault and sexual violence to any College employee, they have to report to the Campus Manager; however, you can remain anonymous. (Please see Section 5 of this document if you have received a disclosure of sexual assault and sexual violence).

In certain circumstances, 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 are at risk. In such instances, action will be taken, respecting confidentiality as outlined in the Sexual Assault and Sexual Violence Policy.

2. Formal Report

If you would like to make a formal report of having experienced sexual assault and sexual violence, call:

i. **Campus Manager at 4162408080 ext 3**

ii. **Director, of Operations 4162408080 Ext 5**

You may wish to bring a supportive person with you, this may be a friend, family member or colleague.

3. Formal Police report

Employees who have experienced sexual assault and sexual violence may also wish to pursue charges under the *Criminal Code of Canada*. If you wish to pursue charges, The Campus Manager can assist you with contacting the local police line. You may make both a formal college report as well as a formal police report.

Step 4 - Investigating the Complaint Formal Investigation

If and when the complainant decides to proceed to Step 4, Campus Manager , shall meet with the complainant and upon a disclosure and report of sexual assault and/or sexual violence the Campus Manager ,shall:

- refer the matter to the Director of Operations to investigate;
- where appropriate, external/independent investigative resources may be engaged to conduct the investigation on behalf of the College; and



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The Human Resources Representative will enable the employee to:

- inform the Human Resources representative of the employee.

The process for managing the investigative findings provided by the Campus Manager will be determined by the applicable policy and procedure.

2. Where the Respondent is a Student

Sexual assault and sexual violence is a violation of the Code of Student Conduct. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences. Please see the Code of Student Conduct for more details on the Code process.

2.1 Where the Respondent is an Employee

Sexual assault and sexual violence is a violation of the Workplace Violence Prevention Policy & Procedure and the Human Rights Policy & Procedure. Allegations against employees will be addressed in accordance with the procedures set out in the applicable policy, , and/or in any other College policies. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable procedures regarding discipline.

2.2 Where the Respondent is not a Student or an Employee

Contractors, suppliers, volunteers or visitors who attend on campus or are involved in college related activities 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. Incidents of this nature should be reported to the Human Resources Department

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



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3. How will the College respond to a report of Sexual Assault and Sexual Violence

Where a complaint of sexual assault and 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. Except as otherwise stated, the College provides those whose rights, privileges or interests may be affected by a decision with notice of the decision to be made, disclosure of facts relevant to the decision and an opportunity to be heard. The College may decide how it meets these obligations in different circumstances, and will do so with a view to providing a fair process, making a sound decision and preserving the dignity of survivors. The College has the right to withhold disclosure early on its process to obtain a person's independent recollection of events.

The College understands that individuals who have experienced sexual assault and 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. However, in certain circumstances, 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.

A report of sexual assault and sexual violence may also be referred to the police or to other community resources at the complainant's request, where the persons involved are not members of the College community; in circumstances where the College is unable to initiate an internal investigation or if the College believes that the safety of other members of the College community is at risk.

City College is committed to:

- assisting those who are affected by sexual assault and 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 employment and other accommodation.
- ensuring that those who disclose they have been sexually assaulted are treated with dignity and respect and are supported throughout the process of disclosure, investigation and institutional response;
- addressing harmful attitudes and behaviours that blame the person who has experienced and/or is affected by sexual assault and sexual violence;
- treating individuals who disclose sexual assault and sexual violence with compassion, recognizing that their sense of control over their physical and sexual integrity is compromised through no fault of their own;
- ensuring that on-campus (internal) investigation procedures are available in the case of sexual assault and sexual violence;
- engaging in appropriate procedures for investigation and adjudication of a complaint that are in accordance with College policies, standards and applicable collective agreements to ensure fairness and due process;
- ensuring coordination and confidential communication among the various departments who are most likely to be involved in the response to sexual assault and sexual violence on campus;



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- engaging in education and prevention activities in the College community including on how to respond to the disclosure of sexual assault and sexual violence;
- providing information to the College community about our sexual assault and sexual violence policies and procedures;
- contributing to the creation of a campus environment in which sexual assault and sexual violence is not tolerated; and
- monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies.

4. Roles and Responsibilities of the College Community

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

- Human Resources to assist with any incidents relating to employees, especially related to accommodation and provisioning of resources;
- The Campus Manager to assist with investigations and gathering evidence, to implement measures to reduce sexual assault and sexual violence on campus and collaborate with local police where appropriate; and
- Director of Operations may have a facilitative resource function.

When a disclosure and/or a report of sexual assault and sexual violence is made by an employee, regardless of whether it is investigated or not, the employee may require accommodation. Accommodations will be provided in compliance with City College's Accommodation Policy.

5. What to do if you have witnessed Sexual Assault and Sexual Violence

If you witness sexual assault and sexual violence, please call the Campus Manager at 416-2408080 and he/she will assist you by providing resources and necessary supports. If you want to speak to someone directly, please go to office of the Campus Manager

- Administrative Office

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

- Director of Operation – 416 240 8080 ext 05
- Education Consultant – 416 2408080 ext 02

If a member of faculty or staff of the College becomes aware of an allegation of sexual assault and sexual violence against another member of the College community, the faculty or staff is required to notify the alleged incident to one of the following:

- Campus Manager
- Police Services



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- Director of Operations
- Education Consultant

Faculty and staff will operate within the limitations outlined in Section 4: “Confidentiality” of the Sexual Assault and Sexual Violence Policy.

6. What to do if someone discloses allegations of Sexual Assault and Sexual Violence

6.1 Responses to disclosures of sexual assault and sexual violence must be non-judgmental, supportive, empathetic and with unconditional regard and respect.

6.2 Members who have experienced sexual assault and sexual violence are encouraged to come forward to report as soon as they are able to do so and to the avenue that they feel most comfortable to report.

6.3 Persons in a position of authority, including persons having responsible charge over the activities of others, shall take immediate action to respond to or to prevent sexual assault and sexual violence from occurring. Employees who witness or receive disclosures of sexual assault and sexual violence are required to notify one of the following:

- Campus Manager
- Police Services
- Directors

6.4 The College takes the failure to report and/or to take action seriously when it affects the safety of people.

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

6.6 A report of sexual assault and sexual violence may also be referred to the police, or to other community resources at the 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.



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7. Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. The College understands that individuals who have experienced sexual assault and 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. However, in certain circumstances, if the College believes that the safety of other members of the College community is at risk, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even when the survivor has exercised their right to withdraw a complaint. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

8. Protection for Reprisals, Retaliation or Threats

It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant, respondent or other individuals who exercise their rights under this policy for:

- having pursued rights under this Policy, the *Ontario Human Rights Code*; the *Occupational Health and Safety Act*; and/or under the *Criminal Code of Canada*
- having participated or co-operated in an investigation under this Policy or the *Ontario Human Rights Code*; and/or
- having been associated with someone who has pursued rights under this Policy; the *Ontario Human Rights Code*; and/or the *Occupational Health and Safety Act*.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

9. Vexatious Complaints

Following an investigation, disclosures or complaints that are found to be frivolous, vexatious or made in bad faith, may result in sanctions and/or discipline against the complainant.

10. Multiple Proceedings

Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual assault and sexual violence, the College shall conduct its own independent and concurrent 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.

11. Timeliness

Timelines set out in this procedure are subject to extension by the College official who is the prime decision maker in the step in which the extension is requested. However, extensions will be granted only in circumstances where the request for the extension is made in good faith and for extenuating circumstances and where there would be no prejudice to the other party or the College.



Sexual Assault and Sexual Violence Policy

12. Confidentiality

Confidentiality is important to those who have disclosed sexual assault and sexual violence. The confidentiality of all persons involved in a report of sexual assault and sexual violence must be strictly observed, and the College will do 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 service areas/departments to prevent harm, and the name of the survivor would not be released to the public.

The nature of complaint investigation precludes anonymity, hence confidentiality has limitations in the investigation processes. However, due diligence shall be exercised to protect the rights of the complainant, respondents and witnesses.

Where the College becomes aware of an allegation of sexual assault and sexual violence by a member of the College community against another member of the College community, the College may also be obliged 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, specific 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.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* as applicable.



Sexual Assault and Sexual Violence Policy

References:

[Ontario Human Rights Code](#)

[Freedom of Information and Protection of Privacy Act](#)

[It's Never Okay: An Action Plan to Stop sexual Violence and Harassment – March 2015](#)

Related Policies:

□ [Sexual Assault and Sexual Violence Policy](#)

Appendices:

Sexual violence: Sexual violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, 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. Sexual violence is about power and control, not about sexual desire.

Anyone, regardless of race, age, disability, gender identity, gender expression, or sexual orientation can experience and be affected by sexual violence. Sexual violence impacts the well-being of individuals and communities.

Sexual assault: Sexual assault is a form of sexual violence and is a criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviours from any unwanted touching to penetration.

Sexual harassment: Sexual Harassment is a form of sexual violence prohibited by the Ontario Human Rights Code (Code). Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and gender that is known or ought to be known as unwelcome. Under Ontario's Occupational Health and Safety Act (OHSA), workplace harassment has been expanded to include sexual harassment:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Gender-based harassment is a subset of sexual harassment and prohibited by the Code. It refers to behaviours that regulate and reinforce traditional heterosexual gender norms.

Sexual harassment includes, but is not limited to the following:

- Any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestion or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;



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- A sexual advance or solicitation made by a person to another, where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome;
- 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 person;
- Unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological
- devices, equipment and services provided by City College or other service providers; Unnecessary physical contact such as touching, patting or pinching;
- Expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- Requests for sexual favours; and/or
- Sexual assault

Please note that the behaviours and actions described above are not an exhaustive list of examples of sexual harassment.

Consent: Consent is the voluntary and explicit and ongoing agreement to engage in the sexual activity in question that starts with a yes and it can still be a no later. 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. It is imperative that those dealing with issues of sexual assault and sexual violence understand the following related to the issue of consent:

Consent & the Criminal Code of Canada

For survivors seeking legal redress, it is important to know that the *Criminal Code of Canada* uses the following definition of "consent":

Consent: Consent is 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 individual is incapable of consenting to the activity due to incapacitation;
- c. the accused induces the individual to engage in the activity by abusing a position of trust, power or authority;
- d. the individual expresses, by words or conduct, a lack of agreement to engage in the activity; or
- e. the individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.



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Considerations related to consent:

- should never be assumed or implied
- is not silence or the absence of “no”
- cannot be given when someone is incapable of consenting (by virtue of intoxication, being asleep or being unconscious, for example)
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement.

Acquaintance sexual assault: Acquaintance sexual assault is a form of sexual violence that includes forced, manipulated, or coerced contact by a friend or acquaintance.

Intimate partner sexual violence: Intimate partner sexual violence is a form of sexual violence that includes 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 the partners are married or not.

Age of consent for sexual activity: Age of consent for sexual activity in Canada indicates that a person can legally consent to sexual activity at the age of 16 years. Children under 12 can never legally consent to sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Children between 12 and 13 years of age can consent to non-exploitative sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to non-exploitative sexual activity that is mutual with a person, who is less than 5 years older than them. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Note: Non-exploitative activity is defined as sexual activity that does not involve prostitution, trafficking or pornography, and where there is no relationship of power, authority or dependency between the persons involved.

Coercion: Coercion is the use of emotional manipulation, blackmail, or threats, or the promise of rewards or special treatment, to persuade someone to engage in sexual acts.



Sexual Assault and Sexual Violence Policy

Rape: This policy uses the term sexual assault to align with the current language used in the *Criminal Code*. The term “sexual assault” provides a much broader definition and criminalizes unwanted behaviours, such as touching and kissing, as well as, unwanted oral sex and vaginal and anal intercourse. Although the term rape no longer has legal meaning in Canada, it is still commonly used.

Stalking: Stalking is a form of sexual violence prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear or threaten one’s safety or mental health. Stalking can also include threats of harm to one’s friends and/or family. These behaviours include non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; cyber-stalking; and uttering threats.

Survivor: Some persons who have experienced sexual assault and sexual violence may choose to identify as a survivor. Individuals may be more familiar with the term “victim”. City College uses the term “survivor” throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

Students’ Sexual Assault and Sexual Violence Procedure

Purpose:

The purpose of this procedure is to assist students of the City College of Business Health and Technology (hereafter referred to as “City College ” or the “College”) community in knowing how and where to report any incident of sexual assault and sexual violence, to highlight resources available to assist students both on and off campus, and to encourage reporting of sexual assault and sexual violence.

Definitions:

See Appendix A.

Procedures:

1. Supports for Students who have Experienced or Have Been Affected by Sexual Assault and Sexual Violence

It is often difficult to disclose and/or report incidents of sexual assault and sexual violence. It is entirely up to individual students to choose to disclose and/or report the incident/s; however, students are strongly encouraged to do so.

Students who require emergency support should call the Campus Manager at: 416-240-8080 or the Police (911 for emergency).

Students who require medical attention may wish to seek support at hospitals that provide full support for survivors (like Chantal’s Place at Trillium Health Partners – see section 10.) A complete medical evaluation will include evidence collection, a physical examination and treatment. If possible, do not change your clothes, bathe, or brush your teeth until the



Sexual Assault and Sexual Violence Policy

evidence on your body and clothes has been collected. Please note you have the opportunity to choose whether to continue or stop the medical examination at any time during the process. If you are in need of advocacy, counselling or medical support during business hours, the following resources are available:

- If you require advocacy and wish to discuss your options before making a decision, contact the Student Support and Intervention Coordinator;
- If you want to understand your rights at City College, learn more about the complaint process, or file a complaint under the Student Code of Conduct, contact the administrator. If you would like to access confidential health or counselling support contact the Campus Manager

Information about these resources is available in Section 8 of this Procedure: Resources and Supports Available.

Anyone who has experienced sexual assault and sexual violence can expect to:

- be treated non-judgmentally, in a supportive manner, with empathetic and unconditional regard and respect;
- meet with sensitive and well trained employees;
- be informed about on-and-off-campus services and resources;
- decide whether or not to access available services and to choose those services they feel will be most beneficial;
- have coordinated support that minimizes the retelling of stories to the extent possible;
- decide whether to report to campus manager/or local police;
- have their rights under City College's Code for Student Conduct explained to them;
- have an on-campus investigation with City College's full cooperation;
- have the investigation process explained;
- receive relevant information on the timing of City College's investigation process;
- have support in developing a safety plan;
- have reasonable and necessary actions taken to prevent further unwanted contact with the respondent(s); and
- have interpreters available for accessible services such as American Sign Language, and/or lingual interpretation services for those for whom English is a second language.

A student who has experienced sexual assault and sexual violence may choose not to file a report, request an investigation or participate in any investigation that may occur. A student does not need to file a report or complaint in order to obtain campus supports, services and academic accommodation.



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2. Filing a Formal Complaint within the College

Students who have experienced sexual assault and sexual violence are encouraged to come forward to report as soon as they are able to do so and to the avenue that they feel most comfortable to report.

Where the Respondent is a Student

Sexual Assault and Sexual Violence are breaches of the Student Code of Conduct at City College . The Campus Manager receive complaints of sexual assault and sexual violence. If the respondent is another student, you may file a complaint under the Student code of Conduct.

Where the Respondent is an Employee

Sexual assault and sexual violence is a violation of the Workplace Violence Prevention Policy & Procedure and the Human Rights Policy & Procedure. Allegations against employees will be addressed in accordance with the procedures set out in the applicable Policy, and/or in any other College policies. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable agreement and/or policies regarding discipline. Contact the Campus Manager

Where the Respondent is not a Student or an Employee

Contractors suppliers, volunteers or visitors who attend on campus or are involved in college related activities 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. Contact The campus Manager

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

Individuals who have experienced sexual assault and sexual violence may also wish to press charges under the *Criminal Code of Canada*. The Campus manager or the administrator can assist students with contacting the local police. Where criminal and/or civil proceedings are commenced in respect to the allegations of sexual violence, the College may 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.

Students who wish to discuss their options confidentially before reporting, are encouraged to meet with the Campus Manager or the Education Consultant.



Sexual Assault and Sexual Violence Policy

3. Reporting and Support Options for Students who Witness Sexual Assault and Sexual Violence

Students who have witnessed an incident of sexual assault and sexual violence, or who have reason to believe that sexual assault and sexual violence may occur are encouraged to call the Campus Manager) at: 416 2408080 or Police Services by dialling 911.

Students in need of less urgent support during business hours, may seek support from any of the following resources:

- International Student Support Coordinator
- Education consultant

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

4. What to Do if Someone Discloses Sexual Assault and Sexual Violence

Students may confide in other students or staff (coach, faculty, for example) about an act of sexual assault and sexual violence.

A supportive response involves:

- listening without judgement and accepting the disclosure as true;
- recognizing that disclosing can be difficult or traumatic;
- communicating that sexual assault and sexual violence is never the fault of the survivor;
- providing appropriate resource information or referral support to hospital, police, Department of Campus Manager and respecting the individual's right to choose the services they feel are most appropriate.
- Faculty and staff at City College will consult with their immediate supervisor, or Department of Campus Manager subsequent to student disclosures of sexual assault and sexual violence. In certain circumstances, if the College believes that the safety of members of the college community are at risk, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation. This step will be taken even when the survivor has chosen not to pursue a formal complaint or has exercised their right to withdraw a complaint.

Students do not need to disclose personal information to faculty in order to receive accommodation. If disclosure is made to any faculty or staff member by a student seeking support or academic accommodation, the faculty or staff shall refer the student to the Education Consultant to ensure that the student receives all necessary supports and academic accommodation if required.



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5. Roles and Responsibilities of the College Community

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

- the Campus Manager): responsible for maintaining campus safety. Officials provide incident response, facilitate reports and investigations, and collaborate with local police where appropriate.
- the Education Consultant: responsible for the Code of Student Conduct at City College . Officials explain the Code of Student Conduct, receive complaints of alleged breaches to the Code of Student Conduct, carry out due-process in investigation of complaints under the Code of Student Conduct, collaborate with the Campus Manager in developing safety plans, communicate outcomes of investigation processes under the Code of Student Conduct, outline appeal mechanisms.
- the Education Consultant: responsible for supporting student well-being and facilitating academic accommodations. Staff can provide confidential psychological and emotional support; confidential preliminary medical assistance and referral; assistance with safety planning; academic accommodation that respects student confidentiality, assistance with referrals to other services. Counselling is available to the survivors and student respondents. Efforts will be made to ensure that counsellor appointments with survivors and respondents respectively, are not booked concurrently or with the same counsellor;
- faculty, staff and administrators to support academic accommodations requested by Education Consultant on behalf of those who have been affected by or have experienced sexual assault and sexual violence, e.g., extensions on assignments, continuing studies from home.
- The campus manager to assist with any incidents of sexual assault and sexual violence relating to students who are also employees of the College;
- persons in a position of authority at the College, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual assault and sexual

violence from occurring and shall report such incidents. The College takes the failure to report and/or to take action seriously when it affects the safety of City College community members;

- where the College becomes aware of incidents of sexual assault and sexual violence by or against a member of the College community that occur on or off College property and 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;
- a report of sexual assault and sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the College community; in circumstances where the College is unable to initiate an internal investigation under this Policy or if the College believes that the safety of other members of the College community is at risk.

6. Complaint Investigations

Where a complaint of sexual assault or 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. Appropriate actions may be taken by the College to ensure the safety for the individuals involved in the complaint.



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No disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of the Policy. Except as otherwise stated, the College provides those whose rights, privileges or interests may be affected by a decision, a disclosure of facts relevant to an investigation, an opportunity to be heard, notice of the decision made and mechanisms for appeal, as defined in the Code of Student Conduct.

The College may decide how it meets these obligations in different circumstances, and will do so with a view to providing a fair process, making a sound decision and preserving the dignity of survivors/complainants. Investigations will traditionally be carried forward by staff in the Office of Student Conduct, but may also involve staff from the Department of Public Safety, and/or third party investigators.

Decisions on whether a student has engaged in prohibited conduct will be based on the review of information and facts provided by the parties involved, and assessed on the standard of **balance of probabilities**.

Full detail on the investigation process, interim measures, potential outcomes/sanctions (ranging from no action, to various restrictions to campus access, to expulsion from the College), and the appeal process are available in the Code of Student Conduct

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, 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 Code of Student Conduct. 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.

Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. The College understands that students who have experienced sexual assault and 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 student will retain this control. However, in certain circumstances, if the College believes that the safety of other members of the College community is at risk, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even when the complainant has exercised their right to withdraw a complaint. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.



Sexual Assault and Sexual Violence Policy

Protection from Reprisals, Retaliation or Threats

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

- having pursued rights under this Policy, the Code of Student Conduct, the *Ontario Human Rights Code*; the *Occupational Health and Safety Act*, and/or under the *Criminal Code of Canada*;
- having participated or co-operated in an investigation under this Policy, the Code of Student Conduct, the *Ontario Human Rights Code*, or the *Occupational Health and Safety Act*; and
- having been associated with someone who has pursued rights under this Policy; the Code of Student Conduct, the *Ontario Human Rights Code*; and/or the *Occupational Health and Safety Act*.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

Appeals

Respondents may request an appeal of decisions made through Student Code of Conduct investigations. In order to do so, the respondent must complete the Non-Academic Appeal Form within ten (10) business days of receipt of the written decision of the Investigating or Hearing Officer. A right of appeal is available where at least one of the following conditions/grounds is met: 1. There is new information that is likely to change the outcome 2. There is evidence of procedural error or bias in the process 3. The sanction imposed is not consistent with the nature of the offense.

Vexatious Complaints

Following an investigation, disclosures or complaints that are found to be frivolous, vexatious or made in bad faith, may result in sanctions and/or discipline against the complainant.

7. Confidentiality

Confidentiality is important to those who have disclosed sexual assault and sexual violence. The confidentiality of all persons involved in a report of sexual assault and sexual violence must be strictly observed, and the College will do its best to respect the confidentiality of all persons, including the complainant, respondent/s, 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 will only be shared with necessary service



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areas/departments to prevent harm; and the name of the survivor would not be released to the public.

The nature of complaint investigation precludes anonymity, hence confidentiality has limitations in the investigation processes. However, due diligence shall be exercised to protect the rights of the complainant, respondents and witnesses.

Where the College becomes aware of an allegation of sexual assault and sexual violence by a member of the College community against a student, the College may also be obliged 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, specific 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.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* as applicable.

OTHER:

- Training and information about the Policy & Procedures is available on campus

8. Resources and Other Supports Available

On Campus International Student Support and Intervention

Coordinator:

416 240 8080

Off-Campus

Assaulted Women's Helpline

1-866-863-0511; available 24 hours a day, in 200 languages

www.awhl.org/ (link is external)

The Assaulted Women's Helpline serves as a free, anonymous and confidential 24-hour telephone and TTY crisis telephone line to all women in the province of Ontario who have experienced any form of abuse. They provide crisis counselling, safety planning, emotional support, information and referrals accessible 7 days a week, 365 days a year.



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Chantel's Place

Trillium Health Centre 100 Queensway West, Mississauga

905-848-7580 ext. 2548; available 24 hours a day, via Trillium's Emergency Department

<http://trilliumhealthpartners.ca/patientservices/womens/Pages/Chantels-Place.aspx> (link is external)

Chantel's place is a partner in an Ontario network of sexual assault and domestic violence treatment centres. All services are free and individuals can obtain a physical examination, an assessment and treatment of injuries, medication to prevent or limit the risk of contracting a sexually transmitted infection or HIV. Staff may also take forensic evidence such as photographs, in the event of abuse; the hospital may be able to provide some immediate and long term counselling. A medical record is confidential.

Central Toronto Youth Services (CTYS) - Pride & Prejudice

<http://www.ctys.org/category/programs/#pride-amp-prejudice> (link is external)

P&P offers unique programs, including individual and group counseling, for lesbian, gay, bisexual, Trans, queer and questioning youth, ages 13-24.

David Kelley Lesbian and Gay Community Counselling Program

<https://familyservicetoronto.org/our-services/programs-and-services/david-kelley-services/> (link is external)

The David Kelley Lesbian, Gay, Bisexual, Trans, Queer (LGBTQ) Counselling

Program provides professional, short-term, individual, couple and family counselling to people who identify as lesbian, gay, bisexual, trans or queer. The David Kelley program also provides **Partner Assault Response (PAR)** (link is external) services for court- and probation-mandated individuals charged with assault to a same-sex partner.

Good2Talk

1-866-925-5454 or 2-1-1;

Available 24 hours a day.

www.good2talk.ca/ (link is external)

Good2Talk is a free, confidential and anonymous helpline providing professional counselling and information and referrals for mental health, addictions and well-being to post-secondary students in Ontario.

Hope24/7

1-800-810-0180

Crisis Line is Available: Monday, Tuesday, Wednesday 8:00 am-8:00 pm



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Thursday, Friday 8:00 am-12:00 am

Saturday and Sunday 10:00 am-12:00 am

2250 Bovaird Drive East, Suite 610, Brampton

www.hope247.ca (link is external)

Hope 24/7 offers a free confidential crisis intervention. Crisis Line staff are trained in trauma and crisis intervention. All callers to the Crisis Line will be referred to their in-person services.

Police Services – Emergency, Call 911

Toronto: 416-808-2222

York: 1-866-876-5423

Peel: 905-453-3311

Halton: 905-825-4777

The 519 Community Centre (Toronto)

www.the519.org/ (link is external)

For over 35 years, The 519 has been working with our neighbours and our lesbian, gay, bi, Trans and queer (LGBTQ) communities to build healthy, welcoming spaces to meet, participate and celebrate together.

The Sexual Assault and Domestic Violence Care Centre at Women’s College Hospital

416-323-6040

<http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domestic-violence-care-centre/> (link is external)

The Sexual Assault/Domestic Violence Care Centre (SA/DVCC) available 24 hours a day, seven days a week, is a comprehensive service that assists women, men, and Trans people who are survivors/survivors of sexual assault and domestic/intimate partner violence.



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Sunrise Program

<http://www.sunriseprogram.ca/> (link is external)

The Sunrise Program offers three programs through one website – including medical and crisis support, and counseling for children, youth, and adults, in the Dufferin county area.

Toronto Rape Crisis Centre/Multicultural Women Against Rape

416-597-8808; available 24 hours a day.

<http://trccmwar.ca/> (link is external)

A confidential community support group that can provide referrals, information and resources. They can also offer a support group or one-on-one counseling. A crisis line can provide immediate support and information anonymously.

Additional resources for Peel Region (Brampton, Mississauga, and Caledon, including Orangeville) can be found at: <http://www.peelregion.ca/health/sexual-assault/help.htm> (link is external)

Within Ontario, the Women's Assault Helpline (www.awhl.org/ (link is external)) can assist in finding local resources.

To find a local sexual assault centre in Ontario, visit <http://www.sexualassaultsupport.ca/> (link is external) Free, confidential counseling is available.

References:

Colleges Ontario, Sexual Assault and Sexual Violence Policy and Protocol Template

“Dispelling Myths and Misconceptions About Sexual Assault”

The Ontario Women's Directorate resource: “Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities”

Related Policies:

- [Sexual Assault and Sexual Violence Policy](#)

Appendices:

Appendix A: Definitions

Sexual violence: Sexual violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, 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. Some examples of sexual violence are sexual assault and rape, (date, marital, partner, stranger, gang, and armed conflict, trafficking and forced marriage, etc.); ritual abuse; sexual harassment; stalking; incest, childhood sexual abuse, molestation; indecent/sexualized exposure (flashing), voyeurism; dissemination of sexual photographs electronically (cyber harassment), trafficking, etc. Sexual violence is about power and control, not about sexual desire.

Anyone, regardless of race, age, ability, gender identity, gender expression, or sexual orientation



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can experience and be affected by sexual violence. Sexual violence impacts the well-being of individuals and communities.

Sexual assault: Sexual assault is a form of sexual violence and is a criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviours from any unwanted touching to penetration.

Sexual harassment: Sexual Harassment is a form of sexual violence prohibited by the Ontario Human Rights Code (Code). Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and gender that is known or ought to be known as unwelcome. Under Ontario's Occupational Health and Safety Act (OHSA), workplace harassment has been expanded to include sexual harassment:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Gender-based harassment is a subset of sexual harassment and prohibited by the Code. It refers to behaviours that regulate and reinforce traditional heterosexual gender norms.

Sexual harassment includes, but is not limited to the following:

- Any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestion or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- A sexual advance or solicitation made by a person to another, where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome;
- 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 person;
- Unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological devices, equipment and services provided by City College or other service providers; Unnecessary physical contact such as touching, patting or pinching;
- Expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- Requests for sexual favours; and/or
- Sexual assault



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Please note that the behaviours and actions described above are not an exhaustive list of examples of sexual harassment.

Consent & the Criminal Code of Canada: For survivors seeking legal redress, it is important to know that the *Criminal Code of Canada* uses the following definition of “consent”:

Consent: Consent is 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 individual is incapable of consenting to the activity;
- c. the accused induces the individual to engage in the activity by abusing a position of trust, power or authority;
- d. the individual expresses, by words or conduct, a lack of agreement to engage in the activity; or
- e. the individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Considerations related to consent:

- should never be assumed or implied
- is not silence or the absence of “no”
- cannot be given when someone is incapable of consenting (by virtue of intoxication, being asleep or being unconscious, for example)
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity



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Acquaintance sexual assault: Acquaintance sexual assault is a form of sexual violence that includes forced, manipulated, or coerced sexual contact by a friend or acquaintance.

Intimate partner sexual violence: Intimate partner sexual violence is a form of sexual violence that includes 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 the partners are married or not.

Age of consent for sexual activity: Age of consent for sexual activity in Canada indicates that a person can legally consent to sexual activity at the age of 16 years. Children under 12 can never legally consent to sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Children between 12 and 13 years of age can consent to non-exploitative sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to non-exploitative sexual activity that is mutual with a person, who is less than 5 years older than them. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Note: Non-exploitative activity is defined as sexual activity that does not involve prostitution, trafficking or pornography, and where there is no relationship of power, authority or dependency between the persons involved.

Coercion: Coercion is the use of emotional manipulation, blackmail, or threats, or the promise of rewards or special treatment, to persuade someone to engage in sexual acts.

Rape: This policy uses the term sexual assault to align with the current language used in the *Criminal Code*. The term “sexual assault” provides a much broader definition and criminalizes unwanted behaviours, such as touching and kissing, as well as, unwanted oral sex and vaginal and anal intercourse. Although the term rape no longer has legal meaning in Canada, it is still commonly used.

Stalking: Stalking is a form of sexual violence prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear or threaten one’s safety or mental health. Stalking can also include threats of harm to one’s friends and/or family. These behaviours include non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; cyber- stalking; and uttering threats.

Survivor: Some persons who have experienced sexual assault and sexual violence may choose to identify as a survivor. Individuals may be more familiar with the term “survivor”. City College uses the term “survivor” throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.



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Appendix B: Sexual Assault Centres (Ontario)

<i>Region in Ontario</i>	<i>Sexual Assault Centre</i>	<i>24-hr Crisis Line</i>	<i>Office Phone</i>
Toronto	Multicultural Women Against Rape/Toronto Rape Crisis Centre (link is external)	(416) 597-8808	416-597-1171