

Queen's College of Business, Technology and Public Safety



SEXUAL VIOLENCE & HARASSMENT POLICY & PROCEDURE

Created: January 2020.

Last Revision Date: February 10, 2022.

1. Purpose:

All Queen's College employees and students have the right to work and study in an environment that is free from any form of sexual violence as defined in the **Appendix A** of this document. This document outlines the Queen's College's policy and response protocol to sexual violence in any of its forms, providing support to survivors and ensuring them that they will be listened to without judgement, respecting their rights, and accepting any disclosure or report of events of this nature as true.

Queen's College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence in any of its forms accountable. This process has been created to help ensure that our college community can develop their activities safely, free from threat and fear to experience sexual violence and harassment, while also ensuring that individuals who report any occurrence will be supported, respected, and safe.

2. Policy Statement:

Queen's College has zero tolerance for sexual violence in any of its forms. Queen's College is expected to be a safe space where employees and students feel able to work, learn and express themselves in an environment free from sexual violence. 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.

Queen's College acknowledges that sexual violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the Ontario Human Rights Code. Occurrences of sexual harassment and/or sexual violence are understood to potentially lead to emotional difficulties, academic complications, and other complexities. Queen's College is committed to create a safe and positive space where all employees and students feel able to work, learn, and express themselves in an environment free from sexual and gender-biased harassment and/or violence.

3. Definitions:

3.1. Sexual Violence: The legislation defines sexual violence as 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, an includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation. The definition draws on definitions

used in Ontario and the definition of each type of sexual violence mentioned can be found in the **Appendix A** of this document.

3.2. Consent: It is imperative that all understand the following additional information:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious, incapacitated or otherwise unable to communicate.
- A person who has been threatened or coerced (e.g., is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person may be unable to give consent when they are impaired by and/or 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.
- A person may be incapable of giving consent to a person in a position of trust, power, or authority.
 - i. Any sexual relationship between an employee and a student, where the employee teaches or has professional contact with the student as part of their employment responsibilities, is prohibited.
 - ii. Any sexual relationship between an employee with supervising responsibilities and an employee who reports to them, directly or indirectly, must be reported to their manager (including the President at Queen’s College) who will work with the parties to address any potential conflict of interest.
- Consent cannot be given on behalf of another person.

3.3. Survivor: Someone who has experienced sexual harassment and/or sexual violence may choose to identify as a “survivor”, rather than a “victim”. The term survivor is used throughout this policy because some who have experienced sexual harassment and/or sexual violence 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.

3.4. Respondent and Complainant: The person accused of engaging in sexual violence will be referred to as Respondent, and the person making the allegation as the Complainant.

4. Application:

This policy applies to all individuals working for Queen’s College and studying at Queen’s College, identified as employees and students. The term, “employees” considers all front-line employees, temporary employees, full and part time employees, contract service providers, contractors, volunteers, all supervisory personnel, managers, and directors. Any contractor, supplier, volunteer, or visitor who attends on campus will be subject to the proceedings of this Policy, including Section 7, if they engage in a prohibited conduct. If any employee or student report an incident or make a complaint about sexual violence, the college will open an investigation accordingly.

5. Commitments:

Queen's College is fully committed to:

5.1. Assisting those who have survived or witnessed sexual violence by providing them with action choices, information, and support. These choices include provision of and/or referral to counselling and medical care, appropriate academic methods for reporting prohibited conduct, legal options, and other accommodations.

5.2. Ensuring that those who disclose they have been sexually harassed or experienced sexual violence are believed, and that their right to dignity and respect is protected throughout the process of disclosure, investigation, and institutional response.

5.3. Avoiding harmful attitudes and behaviours that reinforce that the person who experienced sexual violence is somehow to blame for what happened.

5.4. Treating individuals who disclose sexual harassment or sexual violence with compassion, recognizing that they are the final decision makers about their own best interests.

5.5. Ensuring that internal (on-campus) investigation procedures are available in the case of sexual violence, even when the individual chooses not to take outside legal action.

5.6. Engaging in an appropriate investigation process that ensures fairness and due process.

5.7. Contributing to the creation of a college atmosphere in which sexual violence is not tolerated.

5.8. Monitoring and updating our policies and procedures to ensure that they remain effective and in line with other best practices.

6. Training, Reporting and Responding to Claims of Sexual Violence:

6.1. Queen's College will include a copy of the Sexual Violence & Harassment Policy in every student enrollment contract. Queen's College will provide a copy of the Sexual Violence & Harassment Policy to all managers (including corporate directors, owners, partners, other persons who manage or direct the college's affairs, and their agents), Instructors, employees, and contractors, and will train them about the policy and its processes of reporting, investigating, and responding to complaints of sexual violence involving its students.

6.2. Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in compliance with all applicable legislation, including the Ontario Human Rights Code and the Occupational Health and Safety Act, and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.

6.3. The Sexual Violence and Harassment Policy will be published on our website.

6.4. Any Queen's College management, instructor, employee, contractor, and/or student will immediately report incidents of sexual harassment and/or sexual violence upon becoming aware of them.

6.5. Any Queen's College management member, instructor, employee, contractor, and/or student that experiences sexual harassment and/or sexual violence is encouraged to come forward to report sexual violence incidents as soon as they are aware of occurrence. Incidents should be reported to Student Services or the Queen's College Health & Safety Committee, and if deemed necessary, to the President & CEO of the college.

6.6. Student Services or the Health & Safety Committee shall take immediate action to respond any reports related to sexual violence and these will be escalated to the President & CEO.

6.7. At any point where Queen's College becomes aware of incidents of sexual violence by a management member, instructor, employee, contractor, or student, or against a management member, instructor, employee, contractor, Queen's College will take all reasonable steps to ensure the safety of all employees and students.

6.8. Queen's College recognizes the right of the Complainant not to report an incident, or make a complaint, or not to request an investigation and not to participate in any investigation that may occur because of a sexual violence event.

6.9. Notwithstanding point 6.8 (above), Queen's College may be required by law or its internal policies to initiate an internal investigation, and/or inform the police without the complainant's consent if the college believes the safety of any members of its campus or the broader community is at risk.

6.10 In all cases, including point 6.8 (above), Queen's College will appropriately accommodate the needs of its employees and/or students who are affected by sexual violence. Students seeking accommodation should contact Student Services, as indicated in point 7 (seven) of this document. In this regard,

6.11. Queen's College will assist survivor employees and/or students in obtaining counseling and medical care and providing them with information about sexual violence support and available services in the community, as set out in the **Appendix B** attached hereto. Employees and/or students are not required to file a formal complaint in order to access supports and services.

6.12. 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.

6.13. 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 investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

If you have experienced sexual violence:

6.14. If you are a survivor and require support, you may contact Student Services, or a member of the Health and Safety Committee, who will provide the guidance and information you may need.

Contact: Student Services (Front Desk) 905-890-7833 ext. 221 or 222; email: studentservices@queenscollege.ca

6.15. If you need urgent attention and help, go to a safe place where you can find physical safety and support, by:

- Finding a trusted friend or colleague.
- Contacting Student Services
- Calling your local crisis centre (see some resources available in **Appendix B**).
- Calling 911.

If you have received a report of an incident of sexual violence:

6.16. As an employee or student of Queen's College, you may be the first person to whom a survivor discloses an act of sexual violence of an employee. As the person hearing the disclosure, you should not go beyond your own comfort level or expertise when responding to a disclosure.

6.17. 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, by itself, be traumatic and that supports are available to help you cope.

6.18. If an employee or student reports to you an incident of sexual violence, you need to immediately assess the situation, and if you think the employee or student is at risk you must contact a Student Services Representative, or a member of the Health and Safety Committee. They will provide an immediate response to safety concerns. Contact: Student Services (Front Desk) 905-890-7833 ext. 221 or 222; email: studentservices@queenscollege.ca

7. Complaint Process and Investigations:

7.1. A complaint of sexual harassment and/or sexual violence can be brought forward under this policy by any employee or student. All formal complaints should be made in writing to a Student Services representative, or a member of the Health and Safety Committee.

Contact: Student Services -Tel. 905-890-7833 ext. 221 or 222; email: studentservices@queenscollege.ca; or on-campus front desk.

7.2. Upon receipt of a report of an incident or a complaint of alleged sexual violence, Student Services or the staff member appointed by the President & CEO, will respond promptly and:

- a. Provide immediate assistance & support.
- b. Explain the sexual harassment and sexual violence policy and procedure to the employee or student and provide them with all relevant materials.
- c. Explain how their complaint could be shared with other parties on a need-to-know basis only. We will limit the 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. If the survivor decides to issue a formal written complaint, Student Services will assist in preparing and filing their internal complaint
- d. Determine whether an investigation should proceed and ask the Complainant if they wish to participate in the corresponding investigation.
- e. Ask the Survivor if they wish to report the incident to the police and if they wish to report it externally. If they do, contact the local Police Services to arrange for them to come to the campus to take the report.
- f. Determine whether the incident should be referred immediately to the police.
 - i. In such cases where civil proceedings are commenced in respect of allegations of sexual violence, Queen's College may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.
- g. Support and accompany the employee or student when they meet with the police. The survivor also has the right to have a friend or advocate with them when they report their case.
- h. Determine who should conduct the internal investigation having regard to the seriousness of the allegation and the parties involved.
- i. Determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies when involving a student.
- j. Once the investigation is initiated, the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation.
- k. Queen's 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 details of the allegations and an opportunity to answer to the allegations.

- l. Interview the Complainant to ensure a complete understanding of the allegation and gather additional information that may not have been included in the written complaint such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred.
- m. Inform and interview the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations, and call any witnesses the Respondent feels are essential to the investigation. The Respondent will be provided with a copy of the complaint, and any written response to the complaint received will be shared with the Complainant within **seven (7)** working days.
- n. Interviewing any persons involved or who have, or may have, knowledge of the incident and any identified witnesses.
- o. Providing reasonable updates to the Complainant and the Respondent about the status of the investigation.
- p. Ensure the Complainant and the Respondent(s) are kept up to date on the progress of their complaint.
- q. Make every effort to complete the investigation within the timeframe of **thirty (30)** working days.
- r. Ensure the Complainant has a safety plan and knows who to call if they are approached by the Respondent.
- s. Work with relevant internal college departments to put in place any interim measures necessary to alleviate pressure academically and emotionally on the involved employee or student.
- t. Ensure that the internal complaint investigation is fair and follows due process and timeliness.
- u. Upon completion of the investigation, the Student Services representative, or the member of the Health and Safety Committee will:
 - i. Review all the evidence collected during the investigation;
 - ii. Determine whether sexual violence in any of its forms occurred. And if so,
 - iii. Determine what disciplinary action, if any, should be taken as set out in section 8 below.

Right to Withdraw a Complaint

7.3. A Complainant has the right to withdraw a complaint at any stage of the process. However, Queen's 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.

8. Disciplinary Measures:

8.1. If it is determined by Queen's College that the Respondent(s) did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

- a. Disciplinary action up to and including termination of employment of instructors or staff; or,
- b. Expulsion of a student; and/or,
- c. The placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or,
- d. Any other actions that may be appropriate to the circumstances.

8.2. Individuals who violate this Sexual Violence & Harassment Policy are subject to disciplinary and/or corrective action up to and including termination of employment of instructors or staff, or expulsion of a student.

9. Appeal to an Investigation Decision:

Should the Complainant or the Respondent(s) not agree with the decision resulting from the investigation, they may appeal the decision within seven (7) business days by submitting a letter addressed to the President and CEO of Queen's College.

10. Making False Statements:

10.1. It is a violation of this policy to make a false complaint or to provide false information about a complaint.

10.2. If a person, in good faith, discloses or files a sexual harassment and/or sexual violence complaint that is not supported by evidence gathered during an investigation, no record will be placed in the Complainant's or Respondent's file.

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

Protection from Reprisals, Retaliation or Threats

10.4. It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a Complainant or other individual for:

- i. Having pursued rights under this Policy or the Ontario Human Rights Code;
- ii. Having participated or co-operated in an investigation under this Policy or the Ontario Human Rights Code; or
- iii. Having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.

10.5. Individuals who violate the Sexual Harassment and Sexual Violence Policy are subject to disciplinary and/or corrective action, up to and including termination of employment of instructors and staff or expulsion of a student.

11. Confidentiality

Confidentiality is particularly important to those who have disclosed sexual harassment and/or sexual violence concerns. The confidentiality of all persons involved in a report of sexual harassment and/or sexual violence must be strictly observed, and Queen's College respects the confidentiality of all persons, including the Complainant, Respondent, and witnesses. Information provided by Complainants is treated as confidential. However, it can be shared as deemed necessary to investigate the complaint and/or as may be required by Queen's Policy and/or applicable law.

11.1. Confidentiality cannot be assured in the following circumstances:

- i. An individual is at imminent risk of self-harm;
- ii. An individual is at imminent risk of harming another; and/or
- iii. There are reasonable grounds to believe that others in the Queen's or greater community may be at risk or harmed.
- iv. In such circumstances, information will only be shared with necessary services to prevent harm, and the name of the survivor is not to be released to the public.

11.2. Confidentiality will be maintained by:

- i. Ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for the purposes of the investigation, implementing safety measures and other circumstances that arise from any given case; and

- ii. Ensuring that the documentation is kept in a separate file from that of the Complainant or the Respondent(s).

12. Review

Queen's College shall ensure that student input is considered in the development of its Sexual Violence and Harassment Policy, and every time it is reviewed or amended. Queen's College will review its Sexual Harassment and Sexual Violence Policy three (3) years after it is first implemented and amend it when appropriate. **This date will be January 2023.**

13. Collection of Student Data

Queen's College shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Subsections 32.3 (8), (9) and (10) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

Appendix A

Sexual Violence Types and Definitions

- Sexual Assault - (Non-consensual sexual contact or activity, including the threat of such activity, done by one person or a group of persons to another. Sexual assault can range from unwanted sexual touching, kissing, or fondling to forced sexual intercourse. Sexual assault can involve the use of physical force, intimidation, coercion, or the abuse of a position of trust or authority).
- Sexual Harassment - (A course of vexatious comment, conduct and/or communication based on sex, sexual orientation, gender, gender identity, or gender expression that is known or should have been known to be unwelcome. Sexual harassment includes making unwelcome sexual solicitations, attentions, or advances; the implied or expressed promise of benefits or advancement in return for sexual favours; threats of reprisals for rejecting unwelcome solicitations or advances; engaging in comment or conduct that creates a hostile or poisoned environment to persons of a specific sex, sexual orientation, gender identity, or gender expression; and incidents that occur through electronic means).
- Stalking - (Behaviours that occur on more than one occasion, and which collectively instill fear in the person or threaten the person's safety or mental health, or that of their family or friends. Stalking includes non-consensual communications (e.g., face to face, phone, electronic); threatening or obscene conduct or gestures; surveillance and pursuit; and sending unsolicited gifts).
- Voyeurism - (The surreptitious observing of a person without their consent and in circumstances where they could reasonably expect privacy. Voyeurism may include direct observation, observation by mechanical or electronic means or visual recordings).
- Sexual Exploitation - (Taking advantage of another person through non-consensual or abusive sexual control. This may include the digital or electronic broadcasting, distributing, recording and or photographing of people involved in sexual acts without their consent).
- Indecent Exposure - (The exposure of the private or intimate parts of the body in a lewd or sexual manner, in a public place when the perpetrator may be readily observed. Indecent exposure includes exhibitionism).
- Human Trafficking - (Involves the recruitment, transportation, harbouring and/or exercising control, direction, or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour).

Appendix B

Crisis Support Centres.

The following are some Sexual Assault and Sexual Violence Crisis Centres that could be used as a resource:

- CMHA Mental Health helpline - (866) 531.2600
- Good2Talk helpline - (866) 925.5454
- keep.meSAFE - (844) 451.9700
- Care Centre at the Women's College Hospital - (416) 323.6040
- Assaulted Women's Helpline at (1-866) 863.0511. This is a 24-hour crisis line.
- Peel Region's Hope Place (24-hour sexual assault crisis line) at (1-800) 810.0180
- Oasis Centre des Femmes (Francais) – (416) 591.6565 – services@oasisfemmes.org
- Women's Support of York Region 24/7 Crisis Line (English) – (1-800) 263.6734
- Assaulted Women's Helpline – (1-866) 863.0511
- Toronto Rape Crisis Centre – Multicultural Women Against Rape – (416) 597.8808;
[www. crisis@trccmwar.ca](http://www.crisis@trccmwar.ca)