



COLLEGE OPERATIONAL PROCEDURE

Procedure Number: ADMIN 125	Procedure Title: Procedure for Responding to Sexual Assault and Sexualized Violence — Students
Supersedes Existing Procedure: Yes	Procedure Sponsor: Vice-President, Students
Associated Policy: Yes	Procedure Owner: Vice-President, Students
Next Review Date: June 2024	Date Last Approved by: June 21, 2023

1. Purpose

All members of the Loyalist College community have a right to work and study in an environment that is free from any form of sexualized violence.

This procedure sets out how students may report an instance of sexual assault and sexualized violence. This includes ensuring that those affected by sexualized violence are believed and appropriately accommodated and that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexualized violence accountable.

2. Application

This procedure applies to Loyalist College students who have encountered instances of sexual assault and/or sexualized violence and the College community members who may assist them to report it or obtain support.

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

3. Loyalist College Community Member Responsibilities

Community members will:

- listen holistically, putting aside bias and judgment, and protect students’ human rights with dignity at all times.
- safeguard students’ privacy while being transparent about our obligations to share their information.
- serve in a way that is trauma aware, culturally sensitive, and rooted in consent.
- facilitate fair outcomes that redress harm, promote justice, and prevent victimization on individual, community, and systemic levels.
- improve and welcome constructive feedback with respect and consideration.

If a student survivor discloses an incident of sexual violence to Loyalist College faculty, staff, or other

students, they should be referred to Loyalist College Counselling Services to ensure that they receive support, accommodations, and advice about reporting options. A student survivor is not required to file a formal complaint to obtain these supports.

If Loyalist College faculty, staff, or students *witness* an incident of sexualized violence on any campus, they are required to report it by calling Campus Security at 613-969-1913 extension 2222. Security can assist in the completion of a report to ensure that the College has a record. Initial follow-up may be initiated.

For sexual violence witnessed off campus, Loyalist community members are encouraged to report by calling Belleville Police Services at 9-1-1.

All members of the College community who have witnessed sexual violence must cooperate with any College investigation.

4. Student Survivors Disclosing and Reporting an Incident of Sexual Assault or Sexualized Violence

Student survivors have the choice to disclose and/or report an incident of sexual assault or sexualized violence. If a student survivor chooses to disclose, they will be offered support, counselling, accommodation, and referral assistance. Additionally, the College will undertake a risk assessment in response to the disclosure. Only in the event of the risk of ongoing harm to members of the College community will the College act independently of a survivor's desire to not lodge a complaint.

Student survivors may also choose to:

- Initiate a complaint under the College's *Student Code of Conduct*.
- File a police report.
- Report the assault to police anonymously, via Loyalist College Counselling Services.
- Change their formal complaint to an informal complaint at any point during the reporting process.
- Launch their own legal action.

If the respondent is not a member of the College community, Loyalist College can facilitate the student survivor obtaining support from police.

5. Formal Report Process

Note: Where the respondent is an employee, the student survivor will be supported in filing a complaint with the People & Culture department and the matter will be handled in accordance with *ADMIN 125 Procedure for Responding to Sexual Assault, Sexual Misconduct, and Sexualized Violence — Employees* and the *Strengthening Post-secondary Institutions and Students Act, 2022*.

5.1 Reporting

- For complaints that are between students, please complete the Student Code of Conduct Complaint Form found here: [Student Code of Conduct: Loyalist College](#). The process will follow the *Student Code of Conduct* and the Vice-President, Students, or designate, will follow up as required.
- The College may engage the services of an external investigator for reports of sexual assault

and sexualized violence. The investigator is vetted to confirm their qualifications. The investigator will not ask questions related to a student's past sexual history or sexual expression.

- Formal reports are not anonymous. The respondent will be informed of the investigation and may be placed under restrictions as outlined in the *Student Code of Conduct*.
- Where the respondent is a student, they will be notified and have the opportunity to participate in the investigation and to have the case against them outlined.
- Where the respondent is a contractor, supplier, volunteer, or visitor, the Senior Vice-President, Corporate Services will designate a College employee to work with the external party to facilitate the investigation.

5.2 Review and Decision

- The *Student Code of Conduct* outlines the process for review and decision making. Students are advised to make themselves familiar with the code and, if they have any questions, to follow up with the Vice-President, Students or their designate.
- The College will inform the complainant and respondent of its decision in writing. The written decision summary will include a brief description of any corrective action that the College has taken or will take because of its investigation.

5.3 Enforcement

- For students, incidents of sexual assault and sexualized violence are violations of the *Student Code of Conduct*. These incidents are serious offences and normally assessed at Level 3 or Level 4 of the *Student Code of Conduct*.

6. Procedural Fairness and Appeals

For details related to procedures under the *Student Code of Conduct*, please consult the Code.

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 ensure parties' recollection of events remain independent.

6.1 Support and Representation

The *Student Code of Conduct, Appendix K — Guidelines for Natural Justice* states that each party may have an Advisor present who, normally, will be a member of the College community. An Advisor may be legal counsel outside the College. Advisors are there to support their respective party and shall have no active role (i.e., not be permitted to ask, or answer questions during any hearing and shall be present in a support capacity only).

Students must inform the party conducting the hearing, in writing, including the contact details, and according to the timelines and format set out in this Code, if they plan to bring an Advisor.

6.2 Appeals

The appeal process for student complainants and respondents is outlined in the *Student Code of Conduct*.

6.3 Interim Measures

The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be moved from a complainant's on-campus residence, restricted from entering certain parts of campus, and/or 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/or sexualized 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 but, rather, are imposed to protect the interests of both parties. 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.

7. Informal Party-to-Party Resolution

Students are advised to see the *Student Code of Conduct, Appendix A — Direct Party-to-Party Procedure* for informal resolution to a complaint.

8. Related Documents or Links

- *ADMIN 125 Responding to Sexual Assault Sexualized Violence Policy*
- *ADMIN 125 Procedure for Responding to Sexual Assault, Sexual Misconduct, and Sexualized Violence — Employees*
- *Student Code of Conduct*

9. References

- *Ontario Human Rights Code*
- *Strengthening Post-secondary Institutions and Students Act, 2022*