

Procedure Number: SS612	Procedure Title: <b>Sexual Assault and Sexualized Violence - Students</b>
Supersedes Existing Procedure? Y	Procedure Owner: <b>Vice-President, Student Life and Leadership</b>
Associated Policy: Y	Date Last Approved by: February, 2022

### **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.

The purpose of this procedure is to set 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 Getting Immediate Help**

**If you require emergency services, please call 9-1-1.**

**If you are on campus, call Security (ext. 2222) as well.**

**If you want to speak to someone, call Sexual Assault Centre Quinte & District Crisis Line which operates 24 hours a day, 7 days a week at 1-877-544-6424.**

### **3 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 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.

### **4 Loyalist Community Member Responsibilities**

If a student survivor discloses an incident of sexual violence to Loyalist College faculty, staff, or students, please offer a referral to Loyalist College Counselling Services to ensure that the student receives support, accommodations, and advisement of 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 campus, they are required to report it by calling Call Campus Security at 613-969-1913 extension 2222. A Violence Prevention Incident Report (VPIR) form must also be completed.

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 are required to cooperate with any College investigation.

## **5 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/sexualized violence or not. 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.

Student survivors may also choose to:

- Request a Formal Investigation,
- 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.

If the alleged perpetrator is not a member of the College community, Loyalist College can facilitate the student survivor in obtaining support from Police.

## **6 Formal Report Process**

### **6.1 Reporting**

- All allegations of sexual assault or sexualized violence that relate to the College should be referred to the Risk Assessment Review Committee (RAR) by completing a Violence Prevention Incident Report (VPIR) form, available from Campus Security or Counselling Services.
- The College typically engages the services of an external investigator for reports of sexual assault and sexualized violence. The investigator is vetted to confirm their qualifications. No investigators will ask questions related to past sexual history or sexual expression.
- Formal reports are not anonymous; the alleged perpetrator will be informed of the investigation.
- Where the alleged perpetrator is a student, RAR will work with the external investigator to facilitate the investigation. The student will be notified and will have the opportunity to participate in the investigation.
- Where the alleged perpetrator is an employee, the external investigator will work with the People & Culture Team to facilitate the investigation. The employee will be notified and will have the opportunity to participate in the investigation.

- Where the alleged perpetrator is a contractor, supplier, volunteer, or visitor, the Vice-President of Corporate Services will delegate a College employee to work with the external party to facilitate the investigation.

## 6.2 Review and Decision

- RAR is responsible for reviewing investigation information to determine whether or not a complaint of sexual violence has been made in good faith and whether or not the incident reported constitutes sexual violence or another form of misconduct, and the appropriate sanction(s).
- 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 as a result of its investigation.

## 6.3 Enforcement

- For students, incidents of sexual assault and sexualized violence are violations of Loyalist College's Sexual Assault and Sexualized Violence Policy and the Student Code of Conduct (Academic Operational Policy 209). These incidents are serious offences and normally assessed at Level 3 or Level 4 of the Loyalist College Behavioural Responsibility Protocol.
- For employees, incidents of sexual assault and sexualized violence are violations of the Loyalist College's Sexual Assault and Sexualized Violence Policy. Employees may face discipline, up to and including discharge. Allegations against employees will be addressed in accordance with the procedures set out in this procedure, and in any applicable collective agreement, and/or other College policies.
- Contractors, suppliers, volunteers, and visitors may face penalties, cancellation of contracts and other agreements. The College may also impose non-punitive measures such as but not limited to:
  - Behavioural Contract
  - Restitution
  - Location/space restrictions

## **7 Procedural Fairness and Appeals**

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.

### 7.1 Support and Representation

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

### 7.2 Appeals

The appeal process for student respondents is outlined in the Student Code of Conduct (AOP 209). Appeals of student violations may be pursued based on limited grounds and are heard by the Senior Vice-President Academic.

Appeals for full-time employees can be made through their respective collective agreements or terms and conditions of employment. Employee appeals can be made by writing to the Vice-President of People and Culture.

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

### 7.3 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 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. 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.

## **8 Informal Reporting**

A survivor may opt to provide an Informal Report of an incident of sexual assault and/or sexualized violence. This type of report may not result in a formal investigation unless the College's assessment identifies risk to the safety of the survivor or the College community. If so, RAR will investigate and may inform the police of the need for a criminal investigation.

The survivor has the right to choose not to participate in any investigation arising from an Informal Report.

## **9 Related Documents or Links**

SS 612 Sexual Assault Sexualized Violence Policy  
SS 612 Appendix A Sexual Assault Sexualized Violence Resource Document  
OHS 007 Workplace Violence Prevention  
OHS 007(A) Violence Protection Incident Report  
OHS 007(B) Response Guidelines  
OHS 008 Respectful College Community

## **10 References**

*Ontario Human Rights Code*