



# POLICY AGAINST SEXUAL VIOLENCE

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*December 2018*

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This policy was adopted for the first time by Board of Governors' resolution Number 3163 on December 19, 2018.

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## **PREAMBLE**

Champlain Regional College recognizes that sexual violence is a complex and serious problem in society and on college and university campuses across the province, the country and internationally.

Sexual violence is not tolerated at the College. The College is committed to fostering a culture of consent and support through education, training and related initiatives, informed by survivor-centred and gender-inclusive approaches. The College recognizes a particular responsibility with regards to ensuring the security and well-being of minor students.

### **1. SCOPE**

The Policy applies to all Members of the College Community (see definitions in Article 3).

The Policy applies to all Champlain Regional College locations and activities including governance bodies, administrative and pedagogical activities, residence facilities and socio-cultural and athletic extracurricular activities supervised by, sponsored by, or affiliated with the College Community, and/or the campuses' respective Students' Association, whether they take place on or off College premises.

The College recognizes that sexual violence can occur between individuals regardless of sexual orientation, gender, gender-identity or expression, or relationship status. The Policy is hence established to ensure that all members of the College community are able to study, work and live in a campus environment free of sexual violence, regardless of sexual orientation, gender identity, ethnic identity, disability, or indigenous or cultural community of provenance.

The Policy is separate from any criminal or civil proceedings. The use of the Policy does not undermine the rights of an individual who wishes to file a police report or seek other recourse under law.

### **2. OBJECTIVES**

The College is committed to preventing and combatting sexual violence. As such, the objectives of the present Policy are:

- a) To prevent and address sexual violence in accordance with the laws and regulations in effect through the creation of the present Policy and relevant local procedures;
- b) To contribute to a safe and healthy environment free of sexual violence for all members of the College Community;
- c) To implement prevention and security measures for all educational, social and cultural activities of the College, whether on or off campus;
- d) To establish safe, confidential and effective mechanisms for individuals to disclose or make a complaint of sexual violence at each campus location;
- e) To provide timely, locally-coordinated support and accommodations for those who report and/or make a complaint of sexual violence.

### 3. DEFINITIONS

**Member(s) of the College Community:** All students, teachers and employees of Champlain Regional College. A student who is also an employee is first and foremost a student. For the purpose of the present Policy, it also includes third-party contractors and service providers, guests of students and employees, union representatives, student association representatives, volunteers, sponsors, and members of the governing bodies of the College.

**Complainant:** A member of the Champlain community who has experienced an incident which allegedly violates the present Policy and who files a complaint about the incident.

**Respondent:** A member of the Champlain community against whom an allegation of sexual violence as defined by the Policy has been made.

**Survivor or victim:** Any person who has experienced sexual violence who may be referred to as the complainant once they have filed a complaint under the present Policy.

**Gender-based violence (GBV):** Violence perpetrated against someone based on their gender expression, gender identity or perceived gender.

**Survivor-centred approach:** An approach aiming to reduce harm by prioritizing choices of survivors, facilitated by local procedures, specific to each College location.<sup>1 2</sup>

**Report:** An informal verbal or written account by any member of the College community disclosing that they have experienced sexual violence. A report does not trigger an

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<sup>1</sup> Our Turn. (2017). *A National, Student-Led Action Plan to End Campus Sexual Violence* [PDF file]. Retrieved from [https://ssmu.ca/wp-content/uploads/2017/10/our\\_turn\\_action\\_plan\\_final\\_english\\_web.pdf?x26516](https://ssmu.ca/wp-content/uploads/2017/10/our_turn_action_plan_final_english_web.pdf?x26516), p. 8

<sup>2</sup> Ending Violence Association of BC. (2016). *Campus Sexual Violence: Guidelines for a Comprehensive Response* [PDF file]. Retrieved from [http://endingviolence.org/wp-content/uploads/2016/05/EVABC\\_CampusSexualViolenceGuidelines\\_vF.pdf](http://endingviolence.org/wp-content/uploads/2016/05/EVABC_CampusSexualViolenceGuidelines_vF.pdf), p. 27

investigation.

**Complaint:** A formal and official step during which a written report or statement alleging sexual violence is made to a designated College resource person or administrator for the purpose of initiating an investigation and/or an alternative resolution process.

**Consent:** The word consent means to 'agree' or to 'give permission'. Thus, **sexual consent** means the voluntary agreement to engage in physical contact of a sexual nature or sexual activity.

Specifically, and under the Criminal Code of Canada<sup>3</sup>, sexual consent means that all parties involved:

- (a) Give consent at the outset and at all stages of physical contact or sexual activity (consent must be continuous);
- (b) Must obtain ongoing consent from all participants (consent is mutual);
- (c) Must know what they are consenting to (consent is informed);
- (d) Must be free of coercion, force, threats, intimidation or withholding of critical information when giving their consent (consent is voluntary);
- (e) Must not abuse a position of trust, power or authority over any participant (consent is balanced);
- (f) May withdraw their consent at any time. Past consent does not imply future consent (consent is specific to a certain time);
- (g) Must provide consent for themselves (consent cannot be given on behalf of another person);
- (h) Must be conscious and awake at the outset and at all stages of physical contact or sexual activity;
- (i) Must be sober and free from the influence of alcohol and/or drugs at the outset and at all stages of physical contact or sexual activity;
- (j) Must seek a 'Yes' from all participants, since silence, the absence of a verbal 'No', or the absence of perceived resistance, does not constitute consent (consent is explicit).

**Sexual violence**<sup>4 5 6</sup>: Any form of violence committed through sexual practices or by targeting sexuality or gender identity and/or expression. This includes, but is not limited to, sexual assault, sexual harassment, stalking, stealthing, indecent exposure, voyeurism, non-consensual exposure to sexual imagery, distribution of sexual images or video of an

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<sup>3</sup> Government of Canada. (2018). *Criminal Code of Canada* Retrieved from <http://laws-lois.justice.gc.ca/eng/acts/C-46/page-65.html#docCont>

<sup>4</sup>Sexual Assault Resource Center of Concordia University. *Understanding sexual violence*. Retrieved from <https://www.concordia.ca/students/sexual-assault/definitions.html#assault>

<sup>5</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 2-3

<sup>6</sup> National Assembly of Quebec. (2017). *Bill 151: An Act to prevent and fight sexual violence in higher education institutions*. [PDF file]. Retrieved from <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-151-41-1.html>, p. 3

individual without their consent, and cyber harassment or cyber stalking of a sexual nature. Sexual violence also includes unwanted direct or indirect gestures, comments, behaviours or expressed attitudes with sexual connotations, delivered through any form or means of communication, including technological means and social media.

**Sexual Assault:** Any unwanted, non-consensual contact of a sexual nature. Sexual assault includes, but is not limited to, unwanted penetration (rape), as well as any unwanted touching, kissing, grabbing, etc.

**Sexual Harassment and Cyber Sexual Harassment**<sup>7 8 9</sup>: Unwanted conduct, behaviour or communication of a sexual nature or based on a person's body, appearance, gender identity and/or expression, sexual orientation or sex life, which detrimentally affects the study, work or living environment or otherwise leads to adverse consequences for the target individual(s). It can be either one-time or repeated and:

- (a) is offensive, demeaning, intimidating, threatening, or abusive; and
- (b) serves no legitimate purpose within the study, work or living environment, and
- (c) undermines authority or respect in the study, work or living environment, or impairs learning or work performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive learning or work environment.

**Cyber Sexual Harassment** is included within the definition of Sexual Harassment but which is conducted in whole or part through electronic means such as email, web or social media platforms, and texting.

**Retaliation:** Taking, attempting or threatening to undertake any kind of retribution or cause harm to an individual involved in a sexual violence process such as a report, complaint or investigation.

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<sup>7</sup> Concordia University. (2017). *Code of rights and responsibilities* [PDF file]. Retrieved from <https://www.concordia.ca/content/dam/common/docs/policies/official-policies/BD-3.pdf>, p. 13 – 14

<sup>8</sup> University of Alberta. (2017). *Sexual Violence Policy* [PDF file]. Retrieved from <https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Sexual-Violence-Policy.pdf>, p.5

<sup>9</sup> Government of Canada. (2016) *Setting the stage for a Federal Strategy Against Gender-Based Violence*. Retrieved from <https://www.swc-cfc.gc.ca/violence/strategy-strategie/principle-principe-en.html?wbdisable=true>

## 4. ROLES AND RESPONSIBILITIES <sup>10 11</sup>

The College is dedicated to the proactive creation and maintenance of a positive learning and working environment. All Members of the College Community are responsible for respecting the Policy and fostering an environment in which individuals can be free of sexual and gendered-based violence. Location-specific procedures shall be developed at each location of the College to guide the application of the Policy.

The supervision of the local implementation of the Policy is under the joint responsibility of the respective Director and the Standing Committee on Sexual Violence.

### **Members of the College Community shall:**

- (a) Be aware of and respect the present Policy;
- (b) Refer and/or direct any individual impacted by sexual violence to the appropriate locally-designated resource and / or contact campus security as soon as possible upon witnessing sexual violence;
- (c) Participate in all trainings and / or prevention activities the College deems mandatory;
- (d) Cooperate with any investigation regarding an incidence of sexual violence.

### **In addition to the above, members of management shall:**

- (a) Refer or provide support for individuals who disclose and/or report incidents of sexual violence;
- (b) Ensure that interventions and responses to complaints are aligned with the Policy;
- (c) Participate in trainings required by the Policy.

### **In addition to the above, the local Director shall:**

- (a) Supervise the local implementation of the Policy in conjunction with the local Standing Committee on Sexual Violence;
- (b) Ensure all employees receive a copy of the Policy and that it is shared bi-annually with all students and employees of the given location;
- (c) Ensure that the Policy is available via the website;
- (d) Contribute to the development of local procedures;

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<sup>10</sup> Fédération des cégeps. (2018). *Gabarit de politique visant à prévenir et à combattre les violences à caractère sexuel dans les collèges*. p. 7-8

<sup>11</sup> Champlain Regional College. (2017). *Institutional Code of Student Conduct* [PDF file]. Retrieved from [http://admin.crcsher.qc.ca/wp-content/uploads/Institutional-Code-of-Student-Conduct-2017\\_Board-approved-BG20171027.pdf](http://admin.crcsher.qc.ca/wp-content/uploads/Institutional-Code-of-Student-Conduct-2017_Board-approved-BG20171027.pdf), p. 3

- (e) Designate local managers and / or other employees as responsible for given elements of the present Policy and of locally-developed procedures;
- (f) Serve as an *ex officio* member of the local Standing Committee on Sexual Violence;
- (g) Other responsibilities as may be conferred by the Director General.

**Representatives of Associations and Unions shall:**

- (a) Attend trainings as mandated by the Policy and offered by the College;
- (b) Collaborate as partners with the College in the application of the Policy.

**A local STANDING COMMITTEE on SEXUAL VIOLENCE shall:<sup>12</sup>**

- (a) Be established at each location of the College to oversee location-specific implementation and the development of local procedures and to contribute to future revisions of the present Policy and;
- (b) Be composed, for each College campus, of students, employees, managers, at the discretion of the local Campus Director, *ex officio*;

Be composed as follows for College Administrative Services:

- 1 support staff;
- 1 professional;
- 1 manager or director (as mandated by the Director General);
- Director General, *ex officio*.

Unless otherwise specified, the relevant union, employee group association shall elect their respective representative(s) to sit on this Committee.

Additional details regarding the mandate of the Standing Committee, the rules of order and terms of office shall be established locally, in conjunction with the Director and, where applicable, the respective unions.

**Said Committee shall:**

- (a) Ensure that students, officers, personnel members and their respective associations and unions are consulted during any review process of the present Policy;
- (b) Contribute to the development and revision of local procedures guiding the application of the present Policy;
- (c) Issue recommendations to support and ensure the implementation of the Policy;

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<sup>12</sup> National Assembly of Quebec. (2017). *Bill 151: An Act to prevent and fight sexual violence in higher education institutions*. [PDF file]. Retrieved from <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-151-41-1.html>, p. 6

- (d) Identify, organize and/or participate in campaigns, training, and awareness-building activities to prevent sexual violence within the College Community and specific to the College location;
- (e) Recommend members to the Director, as needed, to serve in investigative and/or appeal processes;
- (f) Collaborate with the College in the application of the Policy.

## 5. PROHIBITIONS

For members of the College Community, it is strictly forbidden:

- a) To instigate, engage or enable in any form of sexual violence toward any member of the College Community;
- b) To undertake any form of retaliation, directly or indirectly, against any individual or group of individuals who have authored a complaint, denounced a situation or otherwise reported a situation of sexual violence to authorities;
- c) For an employee to enter into any act falling under the continuum of sexual violence or any intimate relationship (amorous or sexual) with any student of the college without respecting Article 8 (Statement on Relationships).

## 6. EDUCATION AND AWARENESS <sup>13</sup>

Appropriate information campaigns and training opportunities shall be offered to all members of the community. These measures will be developed and implemented at each location, respective of local realities.

Annual training activities shall be offered to students and employees of the College as required by the Policy. Training activities may be mandatory and shall be adapted according to the needs and realities present at each location and appropriate to the target audience.

## 7. PREVENTION & SAFETY MEASURES

Sexual violence prevention and security measures are required for all orientation and social activities organized under the auspices of, or affiliated in any way with the College, including activities organized by unions, athletic groups or student associations.

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<sup>13</sup> National Assembly of Quebec. (2017). *Bill 151: An Act to prevent and fight sexual violence in higher education institutions*. [PDF file]. Retrieved from <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-151-41-1.html>, p. 4

The College shall periodically verify the security of its facilities.

## **8. STATEMENT ON RELATIONSHIPS**

### **Relationships between employees and students <sup>14</sup>**

Intimate relationships between teachers or staff members and students are not in harmony with the definition of consent as stated in the Policy and are counter to the pedagogical mission of the College. Thus, all employees must abstain from engaging in intimate relationships with students.

- (a)** The College may recognize exceptions such as relationships existing prior to a given student's admission or the hiring of an employee. These exceptions should be disclosed to the immediate supervisor or to local Human Resources management in a timely fashion and the employee may not be in a position of authority over the student.

## **9. CONFIDENTIALITY AND COMMUNICATION OF NECESSARY INFORMATION**

Confidentiality and discretion are important elements in applying the Policy. The College respects the privacy of all members of the College Community. Any individuals called upon to intervene or act to apply the Policy must do so while making every reasonable effort to protect personal information.

Individuals who receive a complaint of sexual violence must inform the complainant of the Policy and mention that confidentiality will be respected.

The College may use or disclose personal information, when it is:

- (a)** Authorized to do so by the affected individual(s) with the objective of applying the Policy or local procedures;
- (b)** Required by a law or legal procedure (eg. To comply with a subpoena, a warrant, or an order issued by a court, person, or body in Canada with jurisdiction to compel the production of such information);

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<sup>14</sup> Fédération des cégeps. (2018). Gabarit de politique visant à prévenir et à combattre les violences à caractère sexuel dans les collèges. P. 11-12

At each location, supported by the designated resource person(s), the Director shall collect and keep a record of all instances linked to the Policy, with the minimum amount of personal information required to respond to the Policy and legal reporting requirements.

## **10. IMMUNITY CLAUSE** <sup>15</sup>

The College will not take any disciplinary action against survivors or victims who report or file a complaint under the Policy when alcohol or substance use occurred during or near the time of the incident(s).

## **11. ACTS OF RETALIATION**

Threats or acts of retaliation against a person who invokes the Policy by way of reporting or filing a complaint, or against a respondent, shall not be tolerated by the College. Acts of retaliation will be subject to disciplinary measures.

## **12. DISCLOSING INCIDENTS TO THE COLLEGE: REPORTS (informal process) and COMPLAINTS (formal process)**

### **12.1 REPORTS**

Any members of the College community who receive a report may seek support from designated resource person(s) at their respective location.

While no College employee is obligated to file any reports of sexual violence that they receive with the College, unless obligated to do so by their professional order or by law, it is strongly recommended, particularly when:

- (a) The person reporting has consented to the sharing of information with a third party;
- (b) There is reasonable expectation that harm may come to other members of the College Community unless there is intervention.

Reports or complaints should include as much information about the incident(s) as possible, such as:

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<sup>15</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 14-15

- (a) Contact information of the Complainant;
- (b) Information on the Respondent(s);
- (c) A description of what happened;
- (d) The time(s), date(s), and location(s) of the incident(s);
- (e) Potential witnesses, with contact information when possible;
- (f) Contact information of the members of the College community who provided support filling and submitting the form, when applicable.

#### **12.1.1. ANONYMOUS AND THIRD-PARTY STATEMENTS** <sup>16</sup>

The College accepts anonymous and third-party statements for the purposes of:

- (a) Providing multiple ways to address sexual violence at the College;
- (b) Assessing safety concerns in the College Community;
- (c) Determining whether the College should investigate;
- (d) Compiling information and statistics on sexual violence, for the annual report and review processes.

The College's ability to investigate anonymous and third party statements may be limited, due to lack of information. The College cannot guarantee any outcomes based on these statements.

The mechanism(s) by which such statements will be accepted will be determined by the Director in consultation with the Standing Committee on Sexual Violence at each location of the College.

#### **12.1.2. RESPONDING TO REPORTS**

Individuals who report act(s) of sexual violence under the Policy to the College will be provided with referrals to options for available services and options for action (i.e. filing a complaint, interim measures) within (7) days.

### **12.2 COMPLAINTS**

Individuals who file a complaint with the College under the Policy will be provided with referrals to options for available services and options for action (i.e. interim measures, restorative measures, intervention in the community), within (7) days. Interim measures,

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<sup>16</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 13-14

when appropriate, shall be enacted within a maximum of thirty (30) days of the submission.

Complaints shall be processed within ninety (90) days of submission to a designated administrator at each College location as specified in Annex 1.

Any member of the College Community may submit a complaint under the Policy with or without seeking recourse to local police or external services.

There is no time limit between the occurrence of the event(s) and the time to submit a complaint under the Policy. Complaints may be retracted or reinstated at any moment.

A complaint should be submitted in writing, as a paper copy or by electronic means, to a designated administrator (see Appendix 1) and should contain the following elements:

- (a) Contact information of the Complainant
- (b) Information on the Respondent(s);
- (c) A description of what happened;
- (d) The time(s), date(s), and location(s) of the incident(s);
- (e) Potential witnesses, with contact information when possible;
- (f) Contact information of the members of the College community who provided support filling and submitting the form, when applicable.
- (g) Additional information that may be pertinent to the incident.

**Student or Employee as Complainant:**

The designated administrator will offer the Complainant:

- (a) Interim measures according to the Policy;
- (b) Restorative measures according to the Policy;
- (c) Referrals to internal or external support services.

**College as Complainant:**

The Director, in consultation with appropriate locally-designated resource people (eg. Standing Committee on Sexual Violence, members of management, campus security, etc) may initiate an investigation under the Policy with the College acting as the Complainant:

- (a) To investigate substantiated third-party statements and anonymous statements;
- (b) To maintain or ensure safety on campus or within the College Community;
- (c) When there is cause to believe there is significant risk to the safety of the College Community.

**12.2.1. RESPONDING TO COMPLAINTS**

Complaints must be processed within (90) days after submission.

Confidentiality is required of any member of the College Community who is aware of or involved in a complaint process, and the strictest degree of discretion is expected amongst all those privy to the incident and any related processes. Though interim measures may be implemented, the respondent maintains the presumption of innocence until such time that the process indicates otherwise.

Additional procedures refining the complaint process shall be defined locally by the Director in conjunction with the Standing Committee on Sexual Violence.

**The Elements of the Complaint Process:**

- i. Submission of the complaint to the designated administrative authority (see Appendix 1);
- ii. Evaluation of admissibility under the Policy:
  - a. If judged inadmissible, a written explanation will be provided to the complainant;
  - b. Interim measures may be implemented, where appropriate. These measures may remain in effect until such time as the investigation process is complete. Restorative justice measures may also be offered.
- iii. The Respondent(s) is informed of the complaint.
- iv. Investigation process is initiated.
- v. Report with the conclusions of the investigation shall be transmitted to the designated administrative authority in a timely manner;
- vi. A copy of the decision by the designated administrative authority and a written summary of the investigation process shall be forwarded to the Complainant and the Respondent, with a copy to the Director. This communication shall make reference to the possibility of appealing the decision.
- vii. Implementation of the decision.

### **13. INVESTIGATION PROCESS**

An investigation may be conducted by either an internal panel consisting of three members of the College community with appropriate qualifications and/or expertise or an external investigator, at the discretion of the Director. The designated administrative authority to whom the written decision will be delivered shall not sit as a member of the panel. The investigative panel or the investigator will begin to hear the complaint within thirty (30) days of its submission.

The investigative process shall be undertaken with the utmost discretion, and shall include the following steps:

- (a) Collection of facts and documents relevant to the investigation;
- (b) Interviews with the Complainant, the Respondent, and witnesses or other relevant parties;
- (c) Deliberations over the findings of the investigations;
- (d) Render a written decision within thirty (30) days of the conclusion of its investigation, designated administrative authority;
- (e) Under extenuating circumstances, the above may be extended by an additional thirty (30) days to complete the process.

The Complainant and the Respondent may be accompanied by someone acting as an observer during any meetings with the investigative panel or external investigator.

## **14. MEASURES AND SANCTIONS**

The College is responsible for determining whether a member of the College Community has violated the Policy but is not responsible for determining violations of criminal or civil law.

Individuals (Victims) who report or file a complaint of sexual violence under the Policy are entitled:

- (a) To be treated with dignity and respect;
- (b) To receive information about available support services and resources within seven (7) days;
- (c) To receive an offer of support by appropriately-trained resources, within seven (7) days;
- (d) To receive clear explanations about processes when applicable, possible accommodations, regular updates on the status of any process, and ongoing support, throughout the complaint process.
- (e) To be informed of and offered restorative/alternative measures where available.

Individuals (Respondents) who are accused under the Policy, may expect from the College:

- (a) To be treated with dignity and respect;
- (b) To be provided with a copy of the Policy;
- (c) To receive clear explanations of procedures, potential outcomes and regular updates on the status of the complaint process;
- (d) To receive the details of the complaint when an investigation is initiated;

- (e) To be provided with information on available resources and support in a timely manner;
- (f) To be afforded the opportunity to provide their version of the incidents as soon as reasonably possible within the process;
- (g) To be provided with the opportunity to engage in alternative restorative measures When appropriate and/or requested by the complainant(s);
- (h) To be provided with the conclusions of any investigation.

The measures and sanctions applied will be determined in accordance with the nature, seriousness and repetitive pattern of the act(s).

Individuals have the right to, and are welcome to, be accompanied by a support person of their choice with regards to any process arising locally under the present Policy.

#### **14.1. INTERIM MEASURES:** <sup>17 18 19 20</sup>

Interim measures are applied to ensure the safety of an individual who reported or submitted a complaint to discourage or prevent retaliation, to prevent further sexual violence or to protect the integrity of an ongoing investigation or disciplinary process. Interim measures, when required, shall be applied within 30 days of the submission of a report or complaint to the College.

Non-disciplinary interim measures may be imposed on an individual (or group of individuals) alleged to have committed acts of sexual violence, in accordance with the Policy and any applicable collective agreements by a designated administrative authority.

Decisions surrounding the application of interim measures will be made on a case-by-case basis. Interim measures shall not be interpreted as a decision for or against the Complainant or the Respondent(s) and will not be considered within the judgement of a complaint process. However, a breach of interim measures will be considered as a direct infraction of the Policy and may result in sanctions.

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<sup>17</sup> University of Alberta. (2017). *Sexual Violence Policy* [PDF file]. Retrieved from <https://policiesonline.ualberta.ca/PoliciesProcedures/Policies/Sexual-Violence-Policy.pdf>, p.5 - 6

<sup>18</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 14

<sup>19</sup> University of Alberta. (2016). *Sexual Violence Interim Measures Information Document* [PDF file]. Retrieved from <https://policiesonline.ualberta.ca/PoliciesProcedures/InfoDocs/@academic/documents/infodoc/Sexual%20Violence%20Interim%20Measures%20Information%20Document.pdf>, p. 2

<sup>20</sup> University of Alberta. (2016). *Sexual Violence Interim Measures Information Document* [PDF file]. Retrieved from <https://policiesonline.ualberta.ca/PoliciesProcedures/InfoDocs/@academic/documents/infodoc/Sexual%20Violence%20Interim%20Measures%20Information%20Document.pdf>, p. 2

Considerations prior to the application of interim measures may include, but are not limited to:

- (a) The expressed wishes of the complainant;
- (b) The nature and/or severity of the alleged conduct and the information available;
- (c) The potential impact of the measures on all individuals involved in the situation, including on their academic program and employment;
- (d) The potential impact of the measures on the study, work or living environment within the College;
- (d) For employees, in accordance with the relevant collective agreement;
- (e) Any other relevant information.

Possible interim measures for students (respondents and complainants) may include:<sup>21</sup>  
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- (a) Prohibition of any contact and communication with specified individuals;
- (b) Limited access to specified areas at specified or at all times;
- (c) Restricted access to entire campus at all times;
- (d) Exclusion from specific College activities (e.g. events, sports team, clubs);
- (e) Restricted use of specific services, facilities or equipment (e.g. gym, residence, medical clinic);
- (f) Change in College residence assignment;
- (g) Change in class schedule;
- (h) Increased monitoring (e.g. periodic check-ins with Counselling or Support Services)
- (i) Any other condition, restriction or requirement deemed appropriate and proportionate to the situation.

Possible interim measures for employees may include:<sup>23</sup>

- (a) Prohibition of any contact and communication with specified individuals;
- (b) Limited access to specified areas at specified or at all times;
- (c) Restricted access to entire campus at all times;
- (d) Exclusion from certain College activities;
- (e) Change in work assignment;
- (f) Change in work schedule and / or location and / or office;
- (g) Increased monitoring (e.g. periodic check-ins with Human Resources);

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<sup>21</sup> Champlain Regional College. (2017). *Institutional Code of Student Conduct* [PDF file]. Retrieved from [http://admin.crc.sher.qc.ca/wp-content/uploads/Institutional-Code-of-Student-Conduct-2017\\_Board-approved-BG20171027.pdf](http://admin.crc.sher.qc.ca/wp-content/uploads/Institutional-Code-of-Student-Conduct-2017_Board-approved-BG20171027.pdf), p. 9-11

<sup>22</sup> University of Alberta. (2016). *Sexual Violence Interim Measures Information Document* [PDF file]. Retrieved from <https://policiesonline.ualberta.ca/PoliciesProcedures/InfoDocs/@academic/documents/infodoc/Sexual%20Violence%20Interim%20Measures%20Information%20Document.pdf>, p. 1

<sup>23</sup> University of Alberta. (2016). *Sexual Violence Interim Measures Information Document* [PDF file]. Retrieved from <https://policiesonline.ualberta.ca/PoliciesProcedures/InfoDocs/@academic/documents/infodoc/Sexual%20Violence%20Interim%20Measures%20Information%20Document.pdf>, p. 1

- (h) Any other condition, restriction or requirement deemed appropriate and proportionate to the situation.

The individual(s) upon whom interim measures are imposed, will receive a written communication with the details of the measure(s) imposed and referrals to support services. Individuals affected by interim measures may request, in writing to the designated administrative authority, a reconsideration after sixty (60) days, or such an earlier time as agreed upon and mentioned in the initial communication detailing the interim measures.

Interim measures will remain in effect for as long as is reasonably required. At any time, the designated administrative authority of the interim measures may reconsider, renew, revise, or revoke any or all of the measures, or impose additional interim measures. Such measures will be re-evaluated following the completion of the complaint process and may be subsequently revoked or applied permanently.

## 14.2. RESTORATIVE MEASURES <sup>24 25 26 27</sup>

Restorative measures originate from within the concept of restorative justice, a process involving, to the extent possible, individuals who have been involved in a specific incident(s) to collectively identify and address damages done, respecting the needs of the victim and the community.<sup>28</sup> The option of restorative measure procedures, when available and appropriate, may create space for healing, learning and growth in the community. Restorative measures can be a way to explore resolution for all parties, and may occur before, during, or after an investigation.

Any restorative measure has to be a voluntary process for all individuals involved and requires informed consent by all individuals involved. The procedures around such measures shall be established under the auspices of the local Standing Committee on Sexual Violence.

## 14.3. INTERVENTIONS WITHIN THE COLLEGE COMMUNITY

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<sup>24</sup> Public Safety Canada. (2008). *A Little Manual of Restorative Justice*. Retrieved from <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2008-03-lmri/2008-03-lmri-eng.pdf>, p. 5

<sup>25</sup> Champlain Regional College. (2017). *Institutional Code of Student Conduct* [PDF file]. Retrieved from [http://admin.crc-sher.qc.ca/wp-content/uploads/Institutional-Code-of-Student-Conduct-2017\\_Board-approved-BG20171027.pdf](http://admin.crc-sher.qc.ca/wp-content/uploads/Institutional-Code-of-Student-Conduct-2017_Board-approved-BG20171027.pdf), p. 1

<sup>26</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 7

<sup>27</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 32

<sup>28</sup> Public Safety Canada. (2008). *A Little Manual of Restorative Justice*. Retrieved from <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2008-03-lmri/2008-03-lmri-eng.pdf>, p. 5 - Referring to Zehr Howard & Barb Toews (editors). *Critical Issues in Restorative Justice*. Criminal Justice Press, 2004. ISBN 1881798518

The College is committed to offering a safe living, working and educational experience that is free of sexual violence for all members of the community. Hence, the College after receiving a report, or anonymous and third party statements, may decide to intervene in the College community to respond to the concerns in addition to other processes engaged in the Policy.

Examples of interventions include, but are not limited to:

- (a) Implementing new mandatory training for specific groups of individuals;
- (b) Offering awareness-building activities on campus;
- (c) Increasing Campus Security presence at certain times or in certain places;
- (d) Modifying infrastructures;
- (e) Providing new resources;
- (f) Monitoring groups within the College community.

#### **14.4 SANCTIONS** <sup>29</sup>

The Designated Administrative Authority who receives the decision from the investigate body, will subsequently apply sanctions accordingly and in consideration of all relevant factors including, but not limited to:

- (a) The nature of the harm;
- (b) The complainant's input regarding the impact of the harm;
- (c) The aggravating facts (e.g. abuse of a position of trust, power or authority, presence of multiple respondents);
- (d) The respondent's willingness to participate and take responsibility for his or her actions.

Sanctions will be communicated in writing to the Respondent(s) and the Complainant. In the case of an appeal, the sanctions will be in effect until the conclusion of a new investigation.

Sanctions for students may include, but are not limited to the following:<sup>30</sup>

- a) Prohibition of any contact or communication with specified individuals;

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<sup>29</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 36-37

<sup>30</sup> University of Victoria. (2017). *Sexualized Violence Prevention and Response Policy* [PDF file]. Retrieved from <https://www.uvic.ca/universitysecretary/assets/docs/policies/GV0245.pdf>, p. 36-37

- b) Verbal or written apologies to individuals, groups, or organizations affected by the Respondent(s) actions;
- c) Reparations (primarily in the case of restorative justice measures);
- d) Restricted access to specified areas at all or specified times;
- e) Permanent or temporary exclusion from a portion of or the entire campus;
- f) Exclusion from certain College activities (e.g. events, sports team, clubs);
- g) Restricted use of certain services, facilities or equipment (e.g. gym, residence, medical clinic);
- h) Expulsion from or a change in College residence assignment;
- i) Change in class schedule;
- j) Monitoring (e.g. periodic check-ins with Counselling or Support Services);
- k) Suspension from the College;
- l) Expulsion from the College;
- m) Any other sanction deemed appropriate.

Sanctions for employees shall be applied in accordance with the respective Collective agreement when applicable, and may include but are not limited to the following:

- (a)** Prohibition from any contact with specified individuals, groups, or organizations;
- (b)** Verbal or written apologies to individuals, groups, or organizations affected by the Respondent(s) act(s);
- (c)** Reparations (primarily in the case of restorative justice measures);
- (d)** Restricted access to specified areas at all or specified times;
- (e)** Change in work schedule and/or location;
- (f)** Change in work assignment;
- (g)** Increased monitoring (e.g. periodic check-ins with designated managers or other resources)
- (h)** Probation;
- (i)** Suspension with or without pay;
- (j)** Dismissal;
- (k)** Any other sanction deemed appropriate.

Sanctions for Third-party Contractors, Guest Speakers, Visitors, Volunteers, Sponsors and members of Governing Bodies of the College:

Violations of the Policy by individuals who have a relationship to the College other than that of student or employee may be subject to any of the above sanctions, as applicable. This may include a permanent ban from any College premises or activity, and the existing relationship with the College terminated. Contractors, specifically, may be held in breach of contract for violations and their contract may be terminated immediately.

## **15. APPEALS<sup>31</sup>**

The conclusions of the final investigative report are subject to appeal on the grounds that the conclusions reached were discriminatory, or, if the procedures outlined herein for the handling of the complaint were breached. If new evidence or information comes to light after a decision has been rendered, launching an appeal process is also possible.

Appeals must be submitted to the Director in writing within seven (7) days of receiving the final investigative report and must include the specific reasons for requesting the appeal. The seven (7) day delay for submitting a request to appeal is waived in the case of new evidence or information. The Director will address the appeal within seven (7) days of receiving the request.

The Director shall establish the appeals process in consultation with the local Standing Committee on Sexual Violence. The results of the appeal are final and not subject to further appeal under the present Policy.

## **16. RESOURCES**

Each location, under the responsibility of the Standing Committee on Sexual Violence and in conjunction with local administration, shall identify and publish the designated resources available internally and externally to the respective local College community.

## **17. POLICY IMPLEMENTATION, DISTRIBUTION, REVIEW & ANNUAL REPORTING**

The Board of Governors will adopt the Policy and, following its adoption and as required by law, shall ensure its' submission to the Ministry. The Policy shall be reviewed and revised as necessary at a minimum every five (5) years.

The Policy shall be disseminated to all new students and bi-annually to all College students and employees. All new employees shall be informed of the policy upon hiring.

As prescribed by law, the annual report of the College shall include the following

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<sup>31</sup> John Abbott CEGEP/College. (2017) *Policy No.4 Concerning Sexual Harassment, Psychological Harassment, Abuse of Power and Violence* [PDF file]. Retrieved from <http://departments.johnabbott.qc.ca/publications/Policies/Policy%204%20-%20Harassment%20Feb%207,%202017.pdf>, p. 13-14

elements:<sup>32</sup>

- (a)** Prevention, training and awareness-raising measures implemented, including the training activities offered to students and other members of the Community;
- (b)** Training activities undertaken by management, employees and student association representatives;
- (c)** Safety and security measures that have been implemented;
- (d)** Number of reports and complaints received, the timeframe in which they were processed and the general nature of related interventions and the sanctions applied;
- (e)** The consultation process undertaken during the writing and/or modification of the present Policy.

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<sup>32</sup> National Assembly of Quebec. (2017). *Bill 151: An Act to prevent and fight sexual violence in higher education institutions*. [PDF file]. Retrieved from <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-151-41-1.html>, p. 4-5

## **Appendix 1. Local Designated Administrative Authorities**

At each location of Champlain Regional College, designated administrative authorities are responsible for responding to various elements of the Policy with regards to the receipt of reports and complaints, implementation of sanctions and related measures and the receipt of final investigative reports.. The designated administrative authorities are as follows for each location:

### **COLLEGE ADMINISTRATION:**

For Students: not applicable

For Employees: Director of Human Resources / Secretary General

For the College: Director General

### **CHAMPLAIN COLLEGE – LENNOXVILLE**

For Students: Dean of Student Services

For Employees: Human Resources Manager

For the College: Campus Director

### **CHAMPLAIN COLLEGE – ST LAMBERT**

For Students: Dean of Student Services

For Employees: Human Resources Manager

For the College: Campus Director

### **CHAMPLAIN COLLEGE – ST LAWRENCE**

For Students: Dean of Student Services

For Employees: Human Resources Manager

For the College: Campus Director