

PROCEDURE TITLE: NCT 400 – Sexual & Gender-Based Violence - Students

RELATED POLICY: NCT 400 – Sexual & Gender-Based Violence

A. Background and Definitions

Balance of Probabilities: Based on the evidence available, it is more likely than not that the alleged misconduct occurred.

College Community: Includes all students, employees, contractors, clients, volunteers, and visitors to Niagara College.

Complainant: An individual who has filed a report or complaint under this procedure and its associated policy, for the purpose of investigation.

Disclosure: When an individual chooses to inform a member of the college community about an incident of sexual and gender-based violence.

Gender-Based Violence: Any form of abuse, assault, or harassment that is inflicted upon a person or persons due to their gender identity, gender expression, or perceived gender. Gender-based violence includes domestic violence, physical abuse, financial abuse, emotional and psychological abuse.

Interim Measure: A course of action imposed on a student before the College makes a final determination about the alleged misconduct. An interim measure is not considered to be a finding of misconduct.

Report/Complaint: A report of complaint of an incident of sexual and gender-based violence under this procedure or associated policy, for the purpose of investigation.

Respondent: A person against whom a complaint has been made alleging an act(s) of sexual and gender-based violence.

Sexual Violence: Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent, and includes but is not limited to, sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation, as defined below:

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Sexual Assault: A criminal offense under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the survivor and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed or consented to, or to which the person is incapable of consenting.

Sexual Harassment: Engaging in a course of conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate. Depending on its severity, one action may constitute sexual harassment. This may include, but is not limited to: demeaning gestures, remarks and jokes; slurs, taunting, innuendo based on gender or sexual orientation; unwanted physical contact; leering; inappropriate comments about clothing, physical characteristics or activities; unwanted questions or comments about one's private life, sexual orientation, marital or family status; the display of sexually offensive material; solicitation; unwanted attention; implied or expressed promise of reward or benefit in return for sexual favours; implied or expressed threat or act of reprisal if sexual favours are not given; or sexual assault. Sexual harassment is prohibited by the Ontario Human Rights Code.

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.

Indecent Exposure: The exposure of the private or intimate parts of the body in a lewd or sexual manner, in a public place where the perpetrator may be readily observed. Indecent exposure includes exhibitionism.

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.

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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.

Student Rights & Responsibilities Office (SRRO): College Administrators appointed to oversee and implement the Student Code of Conduct.

Support Person: A person chosen by the student to act as a resource, provide emotional support and/or advice, but who is not an active participant and cannot communicate on behalf of the student. The support person may be, for example, a family member, friend, Student Association member or Elder, but may not be a Niagara College - Toronto employee.

Survivor/Victim: Any individual who has experienced sexual or gender-based violence. For the purpose of this procedure, the term “survivor” is used, as well as the term “complainant” when a report is filed under this procedure. It is the prerogative of the individual who has experienced sexual or gender-based violence to determine how they wish to be referred to.

B. Purpose

Niagara College-Toronto is committed to addressing sexual and gender-based violence through education, awareness, training and by providing support for those who have been impacted by sexual and gender-based violence. The College strives to maintain a safe and respectful learning, working and living environment where sexual and gender-based violence are not tolerated.

The purpose of this procedure is to provide information and assistance to Niagara College students regarding the prevention of sexual and gender-based violence; services and supports available to all students who disclose sexual and gender-based violence, both on and off campus, and options/processes for student who wish to make a formal report/complaint to the College.

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This procedure also outlines the College's process of investigation that protects the rights of complainants and holds accountable, students who have committed an act of sexual or gender-based violence.

C. Scope

This policy applies to all members of the College community at the Niagara College - Toronto (NCT) campuses, including students, employees, governors, contractors, suppliers of services, individuals who are directly connected to any College initiatives, volunteers, and visitors.

D. Procedure Statements

1. Sexual and gender-based violence are unacceptable and will not be tolerated. Niagara College-Toronto is committed to challenging and preventing sexual and gender-based violence, and creating a safe place for anyone in our college community who has been impacted by these types of violence. The College is expected to be a safe and positive space where members of the college community feel able to learn, work and express themselves in an environment free from sexual and gender-based violence.

If You Have experienced or have been impacted by sexual or gender-based violence:

2. Immediately

- a) Go to a safe place. This may be the home or room of a friend or family member, neighbour, or any place where you can find physical safety and receive emotional support.
- b) If you feel unsafe, wish to report the assault, or want to discuss any aspect of your experience, individuals residing in the Toronto Region are strongly encouraged to immediately contact the **Assaulted Women's Helpline** at 1-866-863-0511 which is available 24 hours a day, in 200 languages.
- c) If you have any immediate security/safety needs or believe there is an ongoing threat to others in our community, you are encouraged to immediately contact 9-1-1, and Campus Safety and Security at 647-331-7338.
- d) **Toronto Rape Crisis Centre/Multicultural Women Against Rape** 416-597-8808; available 24 hours a day. <https://trccmwar.ca/>

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

Additional resources for Peel Region (Brampton, Mississauga, and Caledon including Orangeville) can be found at <https://www.peelregion.ca/health/sexual-assault/help.htm>. Within Ontario, the Women's Assault Helpline <https://www.awhl.org/> can assist in finding local resources. To find a local Sexual Assault centre in Ontario, visit <https://sexualassaultsupport.ca/>. Free, confidential counselling is available.

- e) A number of other community-based resources are available on a 24/7 basis, including:
 - i. Toronto Policy Services: 416-808-2222
 - ii. Good2Talk: 1-866-925-5454 or 2-1-1
 - iii. Hope 24/7: 1-800-810-0180
- f) A number of additional community-based resources are available, including:
 - i. **Sexual Assault/Domestic Violence Care Centre – Women's College Hospital** 416-323-6040 <https://www.womenscollegehospital.ca/care-programs/sexual-assault-domestic-violence-care-centre/> The Sexual Assault/Domestic Violence Care Centre, available 24/7, is a comprehensive service that assists women, men, and Trans people who are Survivors of Sexual Assault and/or domestic/intimate partner violence.
 - ii. **Chantel's Place Trillium Health Centre** 100 Queensway West, Mississauga 905-848-7580 ext. 2548 <http://trilliumhealthpartners.ca/patientservices/womens/Chantels-Place/Pages/default.aspx> Available 24 hours a day via Trillium's Emergency Department. Chantel's Place is a partner in an Ontario network of Sexual Assault and domestic violence treatment centres. All services are free, and individuals can obtain a physical examination, an assessment and treatment of injuries, mediation to present or limit the risk of contracting a sexually transmitted infection or HIV. Staff may also take forensic evidence such as photographs, in the event of abuse; the hospital may be able to

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provide some immediate and long-term counselling. A medical record is confidential.

- iii. **Central Toronto Youth Services (CTYS) – Pride & Prejudice**
<https://ctys.org/program/pride-prejudice/> CTYS-P&P offers unique programs, including individuals and group counselling for lesbian, gay, bisexual, Trans, queer, and questioning youth aged 13-24.
- iv. **David Kelley Lesbian and Gay Community Counselling Program**
<https://familyservicetoronto.org/our-services/programs-and-services/david-kelley-services/> The David Kelley Lesbian, Gay, Bisexual, Trans, Queer (LGBTQ) Counselling Program provides professional, short-term, individual, couple and family counselling to people who identify as lesbian, gay, bisexual, trans or queer. The David Kelley program also provides Partner Assault Response services for court- and probation-mandated individuals charged with assault to a same-sex partner.
- v. **The 519 Community Centre (Toronto)** <https://www.the519.org/> For over 35 years, The 519 has been working with our neighbours and our lesbian, gay, bi, Trans and queer (LGBTQ) communities to build healthy, welcoming spaces to meet, participate and celebrate together. It also offers counselling; crisis support and counselling referrals.
- vi. **Headwaters Health Care Centre (Dufferin County, Orangeville, Shelbourne)** <https://peel.cioc.ca/record/CWL0796> Help available for children, youth, women, and men who have been sexually assaulted. Services include medical and crisis support, and counselling for children, youth, adults, and adult Survivors of childhood assault.

3. **How to Seek Support and Accommodation:** If you have experienced or have been affected by sexual or gender-based violence and require support and/or accommodation, please email the Student Services Office at studentservices@niagaracollegeutoronto.ca or call 437-335-2080. If you would like to speak to someone directly, please visit the Student Services Office at the Niagara College - Toronto campus. You do not need to file a formal complaint to obtain support, services, or accommodation from the College.

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4. Anyone who has experienced sexual or gender-based violence has the right to:

- a) Be treated with dignity and respect
- b) Be believed
- c) Be informed about on- and off-campus services and resources
- d) Decide whether or not to access available services and to choose those services they feel will be most beneficial
- e) Decide whether to report to Student Services Office and/or local police
- f) Have a safety plan; and
- g) Have reasonable and necessary actions taken to prevent further unwanted contact with the respondent(s).

5. If You Would Like to File a Formal Complaint:

- a) The choice to report or not report the incident is entirely yours. We recognize that it is often difficult to disclose and report incidents of sexual or gender-based violence, however, we strongly encourage you to do so.
- b) If the respondent is another member of the College community, you may file a complaint under the workplace policy on Harassment, Violence and Discrimination.
- c) If the incident involved a student, the Director of Student Services can assist.
- d) Individuals who have experienced sexual or gender-based violence may also wish to press charges under the Criminal Code. The Director of Student Services can also assist you with contacting the local police.

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6. What to do if you witness sexual or gender-based violence:

- a) If an act of sexual or gender-based violence is occurring, first call 9-1-1 and notify Campus Safety and Security at 647-331-7338
- b) If you have witnessed sexual or gender-based violence, please email the Student Services Office studentservices@niagaracollegeutoronto.ca, or call 437-335-2080. If you would like to speak to someone directly, please visit the Student Services Office at the Niagara College - Toronto campus. The Student Services Office will assist by providing resources and necessary support.
- c) Students are strongly encouraged to report incidents of sexual or gender-based violence, but do not need to report incidents of sexual or gender-based violence to obtain supports, services or accommodations.
- d) Off-campus reporting resources are also available to you 24/7, including:
 - i. Toronto Police: 416-808-2222
 - ii. York Police: 1-866-876-5423
 - iii. Peel Police: 905-453-3311
 - iv. Halton Police: 905-825-4777
 - v. Crime Stoppers: 1-800-222-8477

7. What to do if someone discloses allegations of sexual or gender-based violence:

- a) A person may choose to confide in someone about an act of sexual or gender-based violence, such as a student, instructor, teaching assistance, coach, housing staff, health, counselling, or security. An individual who has experienced sexual or gender-based violence may also disclose to staff or faculty members when seeking support and/or academic accommodation. A supportive response involves:
 - i. Listening without judgement and accepting the disclosure as true
 - ii. Communicating that sexual or gender-based violence is never the responsibility of the Survivor;
 - iii. Helping the individual identify and/or access available on- or off-campus services, including emergency medical care and counselling;
 - iv. Respecting the individual's right to choose the services they feel are most appropriate and to decide whether to report to the Police and/or Director, Student Services;
 - v. Recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited;

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- vi. Respecting the individual's choices as to what and how much is disclosed about the experience; and
 - vii. Making every effort to respect confidentiality and anonymity.
- b) If disclosure is made to faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to the Student Services Office at studentservices@niagaracollegeutoronto.ca or, call 437-335-2080. If you would like to speak to someone directly, please visit the Student Services Office at the Niagara College - Toronto campus.
- c) If a member of NCT staff becomes aware of an allegation of sexual or gender-based violence against another member of the College community, employees are required to immediately report the alleged incident to the Manager, Human Resources (if the Survivor or respondent is staff or visitor), or the Director, Student Services (if the Survivor or respondent is a student).
- 8. Communicating with individuals who have experienced sexual or gender-based violence:** Sensitivity and timely communication with individuals who have experienced sexual or gender-based violence and their family members (when an individual consents to this communication), is a central part of the College's first response to sexual or gender-based violence. To facilitate communication, the College will:
- a) Ensure that designated employees in the Student Services and Human Resources Divisions, who are knowledgeable about sexual or gender-based violence, are responsible for advocacy on campus on behalf of students, employees, and any other member of the College community.
 - b) Ensure designated employees respond in a prompt, compassionate and personalized manner; and
 - c) Ensure that the individual who has experienced sexual or gender-based violence and the respondent are provided with reasonable updates regarding the status of the College's investigation of the incident when such investigations are undertaken.

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9. Roles and Responsibilities of the College Community:

While everyone on campus has a role to play in responding to incidents of sexual or gender-based violence, some campus members will have specific responsibilities which may include:

- a) On-campus health supports to provide psychological and emotional support, assist with safety planning, and make referrals to other services, including medical services.
- b) Faculty, staff, and administrators to facilitate academic accommodation and other academic needs (e.g., extensions for assignments) of those who have been affected by sexual or gender-based violence or who have experienced sexual or gender-based violence.
- c) Student operated sexual or gender-based violence services to provide peer supports.
- d) Human Resources to assist with any incidents relating to employees; and
- e) Campus Safety and Security to assist with investigations and gathering evidence, to implement measures to reduce sexual or gender-based violence on campus, and to collaborate with local police where appropriate.

10. How will the college respond to a report of sexual or gender-based violence?

Where a complaint of sexual or gender-based violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and respondent. The College understands that individuals who have experienced sexual or gender-based violence may wish to control whether and how their experience will be dealt with by the police and/or the College. In most circumstances, the person will retain this control. A person who has experienced sexual or gender-based violence may choose not to request an investigation and has the right not to participate in any investigation that may occur.

In certain circumstances however, the College may be required to initiate an internal investigation and/or inform the police if the need for a criminal investigation, even without the person's consent, if the College believes that the safety of other members of the College community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

A report of sexual or gender-based violence may also be referred to the police at the complainant's request, where the persons involved are not members of the College

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community or otherwise when appropriate. In some matters for example, the College may have limited access to witnesses and other evidence. The College will provide complainants with information about their choices to support informed decision-making.

The College adheres to the following in investigating and making decisions about formal complaints. If an entitlement set out below conflicts with something set out in another College policy, the entitlement set out below shall prevail:

Where the respondent is a student, the Director, Student Services is responsible for addressing the need for interim measures, for deciding whether sexual or gender-based violence or another form of misconduct has occurred and for determining the appropriate penalty and other remedial measures. The supporting investigation is ordinarily conducted by the Student Services Manager, though the College may decide to use an external investigator when it deems it to be appropriate. It may, for example, retain an external investigator if necessary to complete an investigation in a timely manner or to avoid an apparent conflict of interest. The Director, Student Services will consult with the Director, Human Resources where the complainant is an employee. Student respondents may file an appeal under the Student Code of Conduct Appeals procedure. Appeals are determined by a Reviewing Authority as established in accordance with the Student Code of Conduct Appeals procedure.

11. Multiple Proceedings:

Where criminal and/or civil proceedings are commenced in respect to allegations of sexual or gender-based violence, the College may conduct its own independent investigation into such allegations and make its own determination subject to considerations about fairness that arise as a result of the parallel proceedings. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

12. Procedural Fairness:

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

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withhold disclosure early on in its process to obtain a person's independent recollection of events.

13. Support and Recognition:

Complainants and respondents may attend meetings with a single (non-participating) support person. The College considers requests to attend meeting 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.

14. 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 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 or gender-based 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.

15. Outcomes:

The College will determine, on a balance of probabilities, what happened and whether it constitutes sexual or gender-based violence or another form of misconduct. If the College finds there has been misconduct, it will determine the appropriate penalty. Student may face discipline, up to and including expulsion. Employees may face discipline, up to and including termination. Contractors, suppliers, volunteers, and visitors may face penalties, cancellation of contracts and other sanctions.

16. Written Decision:

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The College will inform the complainant and respondent of the results of its investigation 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.

E. Related Documents

Policy: NCT 100 Student Code of Conduct
Workplace Harassment, Violence & Discrimination

Resource(s): Sexual Violence Myths & Misconceptions

F. Document History

Date	Approval/Review/Key Change(s)
June 7, 2024	NEW