

## SEXUAL ASSAULT AND HARASSMENT POLICY

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### PURPOSE

- 1.1 Sexual Violence is a spectrum on nonconsensual sexual contact and behaviour which includes sexual assault, sexual harassment, stalking, sexual exploitation, indecent exposure and voyeurism.
- 1.2 Trillium College (the “College”) recognizes that Sexual Violence is a serious and complex issue that can adversely affect Trillium Community Members. The College unequivocally prohibits and will not condone, tolerate, or ignore any form of Sexual Violence that affects the work and learning environment at the College.
- 1.3 The College also recognizes that Sexual Violence can have serious and lasting effects on the physical, mental, and emotional welfare of Victim / Survivor. The College will provide access to supports, services and appropriate accommodation for Trillium Community Members who are affected by Sexual Violence.
- 1.4 The purpose of this Policy is to:
  - i. Promote a safe and inclusive environment that is free of Sexual Violence;
  - ii. Provide Victims / Survivors with a procedure to report incidents of Sexual Violence to the College;
  - iii. Create a decision-making process that meets the requirements of procedural fairness and holds those who have committed Sexual Violence accountable; and,
  - iv. Meet legal requirements under the *Private Career Colleges Act*, the *Ontario Human Rights Code*, the *Occupational Health & Safety Act*, and other applicable laws and legislation.

### SCOPE

- 2.1 This Policy applies:
  - i. To all Trillium Community Members and Visitors;
  - ii. To the College Jurisdiction;
  - iii. To all forms of Sexual Violence that affect the work and learning environment at the College; and,
  - iv. At all times.
- 2.2 All reports of Sexual Violence made to the College shall be dealt with in accordance with this Policy. In the event that any provision of this Policy is found to conflict with another College policy, procedure, guideline, or practice, this Policy shall govern.

### POLICY STATEMENT

- 3.1 The College is committed to:
  - i. Protecting the safety of Trillium Community Members and Visitors;
  - ii. Building an environment where Victims / Survivorss feel safe to disclose incidents of Sexual Violence and seek support;
  - iii. Protective Victims / Survivors’ right to dignity and respect;
  - iv. Responding appropriately to disclosures of Sexual Violence;
  - v. Ensuring Procedures under this Policy meet the requirements of procedural fairness;
  - vi. Providing supports, services, and appropriate accommodation

- for Trillium Community Members who are affected by Sexual Violence; and,
- vii. Providing training and education on Sexual Violence awareness, prevention, and response.

## **DEFINITIONS**

## **RIGHTS, RESPONSIBILITIES & OBLIGATIONS**

- 4.1 See Appendix 2
- 5.1 Trillium Community Members and Visitors have the right to:
  - i. A campus environment that does not condone, tolerate, or ignore Sexual Violence;
  - ii. Have access to supports, services, and appropriate accommodation if they are affected by the Sexual Violence; and,
  - iii. Have an incident of Sexual Violence addressed in a manner that is appropriate in the circumstances.
- 5.2 Trillium Community Members and Visitors have the responsibility to:
  - i. Not commit Sexual Violence;
  - ii. Take action to address Sexual Violence on campus;
  - iii. Upon becoming aware of Sexual Violence, refer Victims / Survivors to support services and the Trillium College Human Resources Director where appropriate; and,
  - iv. Cooperate fully with the Procedures under this Policy, in accordance with contractual obligations.
- 5.3 The College has an obligation to:
  - i. Foster an environment that is free of Sexual Violence;
  - ii. Engage with Trillium Community Members to establish mechanisms to prevent and respond to Sexual Violence;
  - iii. Respond appropriately to disclosures of Sexual Violence;
  - iv. Provide access to supports, services, and appropriate accommodation to Trillium Community Members who are affected by Sexual Violence;
  - v. Take reasonable steps to maintain confidentiality of personal information received in relation to the Procedures under this Policy;
  - vi. Take reasonable steps to protect Trillium Community Members and Visitors where there is a serious risk to their safety; and,
  - vii. Take reasonable steps to protect Trillium Community Members on Sexual Violence prevention and response.

## **RETALIATION**

- 6.1 It is a breach of the Policy to retaliate or threaten to retaliate against individuals for pursuing rights or participating in the Procedures under this Policy.
- 6.2 The College will implement reasonable measures to protect Trillium Community Members from retaliation when necessary.

## **BAD FAITH**

- 7.1 It is a breach of this Policy to make a Bad Faith allegation of Sexual

## ALLEGATIONS

## INTERPRETATION & APPLICATION

- Violence under this Policy.
- 8.1 Breaches of this Policy should be reported to the Human Resources (HR) Director.
  - 8.2 The HR Director is responsible for the interpretation and application of this Policy.
  - 8.3 An annual report will be prepared by the HR Director and made available to Trillium Community Members and may include:
    - i. The number of times, and information about supports, services and accommodation relating to Sexual Violence that are requested and obtained by Trillium Community Members;
    - ii. Initiatives and programs established by the College to promote awareness of the supports and services available to Trillium Community Members;
    - iii. The number of, and information about, incidents and complaints of Sexual Violence reported by Trillium Community Members, in accordance with the confidentiality requirements in Section 10.6; and,
    - iv. The implementation and effectiveness of this Policy.
  - 8.4 The College shall publish this Policy on its website, and make a copy available to anyone who requests it.
  - 8.5 The College will review this Policy within one year of the first effective date and at least every three years after that.

## APPENDIX 1: PROCEDURES

### DISCLOSURE & REPORTING

1.1 The following is a non-exhaustive list of disclosure options that are available to Victims / Survivors. See Appendix 3 for more resources.

i. **Trillium Resources**

- a) Emergency: Front Desk / Campus Manager
- b) Non-Emergency: Director, HR
  - Anonymous Disclosure
  - Third-Party Disclosure
  - Informal Disclosure
  - Formal Report

ii. **Community Resources**

- a) **Police:** Niagara Regional Police, Hamilton Police Services, Durham Regional Police Services, Kingston Police Services- **911**
- b) **Medical:** St. Catharines General Hospital, Hamilton General Hospital, Lakeridge Health Oshawa, Kingston General Hospital
- c) **Support:** Niagara Region Sexual Assault Centre, Sexual Assault Centre Hamilton, Domestic Violence and Sexual Assault Centre Durham Region, Sexual Assault Centre Kingston.

1.2 The College will respect a Victims / Survivor's decision on how to proceed and will attempt to follow their wishes whenever possible. However, the College may initiate an investigation in accordance with section 11.1 of this policy.

### CONFIDENTIALITY

2.1 The Director, HR shall not disclose any personal information collected under this Policy without prior approval, unless:

- iii. There are reasonable grounds to believe an individual is at risk of serious self-harm, an individual is at risk of harming another, or there is a serious risk to the safety of Trillium Community Members;
- iv. It is necessary as part of a disclosure, Restorative Justice Process, Formal Report, investigation, decision making process, review or appeal ("Procedures") under this Policy; or,
- v. Legal obligations require disclosure.

2.2 Director, HR shall maintain confidentiality of personal information collected in relation to an anonymous disclosure, third-party disclosure, informal disclosure, Formal Report or Procedure under this Policy in accordance with section 10.1.

## COLLEGE INITIATED INVESTIGATION

- 2.3 The Director, HR will take steps to protect the personal information of persons involved in a Procedure by keeping a confidential file that is labelled by number and limiting access to confidential files to Human Resources and the Director of Operations or designate, and those who reasonably require access to the files to carry out Procedures under this Policy.
- 2.4 Participants in Procedures under this Policy shall maintain confidentiality and may not disclose any information obtained through these Procedures or relating to the allegations, except to their Advisor, during an ongoing Procedure under this Policy.
- 2.5 Participants in Procedures under this policy may consult with a counsellor or other trusted person, on a confidential basis, regarding the allegations without breaching their confidentiality requirements.
- 2.6 The College shall not include any personal information in any reports with the College is required to provide to any governmental agency.
- 3.1 The Human Resources Department may commence or continue a College-initiated investigation without the approval of the Victim / Survivor or when no Formal Report has been made if the Human Resources Director reasonably believes that:
  - i. A Trillium Community Member has committed Sexual Violence that affects the work and learning environment; and,
  - ii. There is a serious risk to the safety of Trillium Community Members, which is determined by considering:
    - a) Whether the alleged offender is in a position of power at the College;
    - b) Whether the College has reasonable grounds to believe the alleged offender may have committed multiple acts of Sexual Violence;
    - c) Whether there is a pattern of similar behavior; and,
    - d) Any other considerations the Director deems relevant.
- (ii) There is a serious risk to the safety of Trillium Community Members, which is determined by considering:
  - a) Whether the alleged offender is in a position of power at the College;
  - b) Whether the College has reasonable grounds to believe the alleged offender may have committed multiple acts of Sexual Violence;
  - c) Whether there is a pattern of similar behavior; and,

- d) Any other considerations the Director deems relevant.
  - 3.2 The College may initiate an investigation on the basis of an anonymous disclosure, third-party disclosure, informal disclosure or Formal Report. In such cases, the College will consider the wishes of the Victim / Survivor.
- ANONYMOUS DISCLOSURE**
- 4.1 Individuals may choose not to provide their name or other personal information in an anonymous disclosure.
  - 4.2 The Director, HR will make information on supports, services, accommodations, interim measures, and the disclosure options available to individuals who make anonymous disclosures.
  - 4.3 The Director, HR will collect and maintain information provided in anonymous disclosures.
- THIRD PARTY DISCLOSURES**
- 5.1 Individuals who receive disclosures of Sexual Violence from a Trillium Community Member may make a third party disclosure and consult with the Director, HR on how to provide support and advice to the Victim / Survivor.
  - 5.2 The Director, HR will give the third party discloser information on supports, services, accommodations, interim measures, and the Procedures under this Policy.
- INFORMAL DISCLOSURE**
- 6.1 Victim / Survivors may make an informal disclosure of Sexual Violence to the Director, HR without making a formal Report.
  - 6.2 After an informal disclosure is made, the Director, HR will provide the Victim / Survivor with access to supports, services and accommodations.
- FORMAL REPORT**
- 7.1 Victim / Survivors may make a Formal Report of an alleged incident of Sexual Violence in writing to the Director, HR at any time.
  - 7.2 Victim / Survivors may choose not to request an investigation and have the right to refuse to participate or continue to participate in any Procedures under to this Policy at any time.
  - 7.3 If the Victim / Survivor or Respondent refuses to participate in any Procedures under this Policy, the College may proceed in their absence.
  - 7.4 The College is the Complainant and the alleged offender is the Respondent in a Formal Report, investigation and decision-making process pursuant to this Policy. After a Formal Report is made, the Director, HR will commence the investigation procedures listed below.
- INVESTIGATION**
- 8.1 After receiving a Formal Report, the Director, HR will

## PROCEDURES

conduct an investigation screening to determine whether or not to initiate an investigation. The Director will consider the following factors:

- i. When the Sexual Violence is reported to have occurred;
  - ii. Whether the Sexual Violence is reported to have been committed by a Trillium Community Member;
  - iii. Whether the Sexual Violence is reported to have occurred within the College's Jurisdiction or affects the work and learning environment at the College; and,
  - iv. Any other considerations the Director deems relevant.
- 8.2 The Director, HR shall notify the Respondent of the investigation and send them a copy of the Formal Report.
- 8.3 The investigation should include an interview with the Victim / Survivor and the Respondent. The investigator shall provide the Respondent with the Formal Report and provide the Respondent an opportunity to respond.
- 8.4 The Complaining, Victim / Survivor and Respondent shall have an opportunity to propose witnesses. The investigator will determine which witnesses will be interviewed. Disclosure of personal information to witnesses shall be limited to what is reasonably necessary to conduct a fair investigation.
- 8.5 The investigation should be completed as soon as reasonably practical. If the investigation is expected to take more than sixty (60) business days, written notice must be given to the Victim / Survivor and the Respondent.
- 8.6 At the completion of the investigation, the investigator will prepare and investigation report that includes the Formal Report; statements, responses, and documentation from the Complainant, Responded, Victim / Survivor and witnesses; findings of fact; and any other information, documentation or evidence that the investigator deems relevant.
- 8.7 The investigation report shall be given to the President and it will only be disclosed as necessary for a Procedure under this Policy or to comply with legal obligations.
- 8.8 The Director, HR will convene an Investigation Review Committee (the "IRC") to determine whether the Policy as been breached, on the basis of the investigation report. If the Respondent is a :
- i. Student- the IRC shall consist of the Campus Manager & Director of Operations or,

- ii. Staff or Faculty Member- the IRC shall consist of the Director of Operations and the Director of Education.

8.9 The IRC will review the investigation report and, if it deems necessary, may meet with any individual who may have relevant information to determine whether there are reasonable grounds to believe the Policy has been breached. The IRC will either:

- i. Make a finding that it is more likely than not that the Policy has been breached, and recommend to the Decision Maker that disciplinary sanctions be imposed;
- ii. Make a finding that it is not more likely than not that the Policy has been breached, and recommend to the Decision Maker that the matter be closed; or,
- iii. Make a finding that it is not more likely than not that the Policy has not been breached, but recommend to the Decision Maker that non-disciplinary measures be implemented to promote a safe and inclusive environment that is free of Sexual Violence.

8.10 The IRC shall notify the Victim / Survivor and Respondent of its recommendation to the Director, HR within 15 business days of the receipt of the investigation report or as soon as reasonably practicable.

**DECISION MAKING PROCEDURES**

9.1 The IRC will provide its recommendation to the Decision Maker as set out in the following table:

<b>If the Respondent is:</b>	<b>The Decision Maker will be:</b>
A student	Director, Education
An employee	The employee's manager in consultation with HR
An employee and a student	Director, Education, the employee's manager and HR
President	Ministry of Advanced Education & Skills Development

9.2 The Decision Maker will review the investigation report and the recommendation of the IRC and provide the Respondent and opportunity to respond to the allegation in person. After having considered all of the above information the Decision Maker will decide whether:

- a) The Policy has been breached and the disciplinary sanctions will be imposed against the Respondent, and if so, what those sanctions will be;
- b) The Policy has not been breached and the matter will be closed; or,



- c) The Policy has not been breached, but non-disciplinary measures will be implemented to address concerns raised by the investigation report.

9.3 The decision-making process will comply with the necessary elements of procedural fairness. All respondents will be entitled to know the allegations made against them, have an opportunity to respond, and have an impartial decision-maker.

**DISCIPLINE AND OTHER MEASURES**

10.1 Where the Decision Maker finds a breach of this Policy, they will determine the level of discipline that is appropriate in the circumstances, in accordance with all applicable College policies. The Decision Maker in consultation with Human Resources will be responsible for ensuring the measures are implemented.

10.2 Disciplinary sanctions for employees may range from a note to the employee's file up to and including termination of employment for cause and without pay in lieu of notice.

10.3 Disciplinary sanctions for students may range from sensitivity training, up to and including expulsion.

10.4 Where the Decision Maker finds no breach of this Policy, but decides to implement non-disciplinary measures, the Decision Maker will determine what measures are appropriate in the circumstances. The Decision Maker will be responsible for ensuring the measures are implemented.

10.5 Non-disciplinary measures include Sexual Violence awareness education and mediation.

10.6 After the Decision Maker has notified the Respondent of the disciplinary sanctions or non-disciplinary measures they have elected to impose, the Decision Maker will work in conjunction with the Director, HR on any measures that will be imposed as a result of the decision-making process.

10.7 If the Victim / Survivor is an employee of the College, and has allegedly experienced Sexual Violence, they will be informed of the results of the investigation and of any disciplinary sanctions that have been taken against the Respondent, as required by law.

**REVIEWS, CHALLENGES & APPEALS**

11.1 Victim / Survivors may submit a request to review the investigation screening on the following grounds:

- i. Relevant evidence emerged that was not available to the Victim / Survivor when the Formal Report

was submitted;

- ii. There was a reasonable apprehension of a bias on the part of the Director, HR; or,
  - iii. There was a fundamental procedural error; and,
  - iv. The outcome of the decision was substantially affected thereby.
- 11.2 The request for review must be submitted to the President within ten (10) business days after the decision has been made. The request for review must be in writing and include the reasons for the request, the reasons why the review should be granted, and the outcome sought.
- 11.3 The President shall review the request and decide whether the Victim / Survivor has demonstrated one or both of the required grounds for appeal. If the appeal is granted, the President will instruct the Director, HR to initiate an investigation. The President shall notify the Victim / Survivor of their decision within fifteen (15) business days of receipt of the request for a review or as soon as reasonably practicable.
- 11.4 The Victim / Survivor or Respondent may request that one or more of the IRC members or the Decision Maker be recused on the grounds that they have a bias or conflict of interest.
- 11.5 The request for recusal must be submitted in writing to the President within five (5) business days of the IRC being convened. The President may substitute a designate for the relevant member within ten (10) business days of receiving the challenge, if they determine that the member has a bias or conflict of interest.
- 11.6 If the Respondent is a student and the outcome of the decision-making process does not include suspension or expulsion, they may appeal the outcome on the following grounds:
- i. Relevant evidence emerged that was not available before the decision making process was completed;
  - ii. There was a reasonable apprehension of bias on the part of the decision maker; or,
  - iii. There was a fundamental procedural error; and,
  - iv. The outcome of the decision was substantially affected thereby.
- 11.7 If the Respondent is a student and the outcome of the decision-making process includes suspension for at least one academic year, or expulsion, they have an automatic right to appeal. In these circumstances, the appeal shall be heard as an oral hearing on a *de novo* basis by an

impartial decision maker.

- 11.8 A request for an appeal should be made to the President, within ten (10) business days of receipt of the decision. The appeal must be in writing and must include the grounds for the appeal, the reasons why the appeal should be granted, and the outcome sought.
- 11.9 The President shall notify the Victim / Survivor and Respondent of its decision within fifteen (15) business days of receipt of the request for an appeal or as soon as reasonably practicable.
- 11.10 If the request for an appeal is granted, an oral hearing will occur before the President or an external adjudicator.
- 11.11 No disciplinary sanctions will be implemented against a Respondent who is a student until the period for appeal has been exhausted, a request for appeal has been denied, or an appeal has been heard and a decision has been rendered.

#### **ACCOMMODATIONS & INTERIM MEASURES**

- 12.1 After a Disclosure or Formal Report is made, the Director, HR may assist Victim / Survivors to access appropriate accommodations that are reasonable and necessary to allow the Victim / Survivor to participate fully in the services available at the College.
- 12.2 After a Formal Report is made, the Director, HR may consider interim measures that are reasonable and necessary to allow the Victim / Survivor to participate fully in the services available at the College, prevent retaliation, protect parties and witnesses, other Trillium Community Members, or protect the integrity of the investigation and decision making process.
- 12.3 In consultation with the Victim / Survivor and the appropriate Executive Team Members, the Director, HR will recommend accommodations and interim measures that are reasonable and necessary and will coordinate with the appropriate Executive Team Members for implementation.
- 12.4 The designated Decision Maker will decide what interim measures are reasonable and necessary and will be responsible for implementation of these measures.
- 12.5 Interim measures may be implemented at any time and may remain in effect until all Procedures under this Policy have been completed.

#### **ADVISORS & SUPPORT PERSONS**

- 13.1 Victim / Survivors and Respondents may have an Advisor present at all meeting and investigations related to Procedures under this Policy.
- 13.2 Advisors may advise or represent the Victim / Survivor or

Respondent during all Procedures under this Policy.

- 13.3 All participants in Procedures under this Policy may have a Support Person with them at all meetings related to this Policy.
  - 13.4 Support Persons may provide support to the person they are assisting, but shall not directly participate in the Procedures under this Policy unless an accommodation has been requested and approved by the Director, HR.
  - 13.5 Advisors and Support Persons are held to the same confidentiality expectations as the party who invited them to attend.
- BURDEN OF PROOF**
- 14.1 Disclosures made pursuant to this Policy will be considered to be true unless the Director, HR has clear and compelling evidence that the disclosure is not true.
  - 14.2 In an investigation, decision-making process, and appeal pursuant to this Policy, the IRC, Decision Maker, and Appeal Decision Maker shall base their finding on whether it is more likely than not that the Respondent has breached this Policy.
- IMMUNITY**
- 15.1 Victim / Survivors will not be subject to disciplinary sanctions for a minor breach of any College policy at or near the time the incident of Sexual Violence occurred unless the breach placed the health or safety of others at risk.
- OTHER PROCEEDINGS**
- 16.1 Where criminal, civil or any other type of proceeding is initiated regarding an incident of Sexual Violence involving Trillium Community Members, the College may decide to postpone or continue with a Procedure under this Policy as appropriate in the circumstances.
  - 16.2 The College will cooperate with the police when there is an ongoing criminal investigation regarding Sexual Violence involving Trillium Community Members.
- VISITORS**
- 17.1 Visitors may be subject to investigation by the police if they engage in conduct that violates this Policy.
  - 17.2 The College will take appropriate actions and apply appropriate remedies to address complains of Sexual Violence against a visitor.
- INPUT & SURVEY**
- 18.1 In consultation with the Executive Team, the College will establish a process for the provision and consideration of input from a diverse selection of students, faculty and administration staff regarding this Policy and will follow this process every time the Policy is reviewed or amended.
  - 18.2 As required, the College shall conduct a survey of

students relating to the effectiveness of this Policy, the incidence of Sexual Violent at the College, and any other matter mentioned in the *PCC Act, 2005*.

## APPENDIX 2: DEFINITIONS

**ACCOMMODATIONS:** measures that are appropriate, reasonable, and necessary to allow the Victim / Survivor to participate fully and equally in the services available at the College. Examples include: academic and workplace accommodations, academic and workplace support, training, adjusting class schedules or working situation of the Victim / Survivor. There are a broad range of accommodations available and Victim / Survivors are encouraged to meet with the Director, HR to discuss specific accommodations they may require.

**ADVISOR:** any individual who proves a Victim / Survivor, Complainant, or Respondent with guidance and advice. A potential witness may not be an Advisor.

**BAD FAITH ALLEGATION:** an allegation, disclosure, or report brought with an improper motive such as deceit, ill will, hostility, malice, or personal animosity.

**TRILLIUM COMMUNITY MEMBERS:** all persons who have a direct relationship with or to the College at the time a Disclosure or Formal Report is made under this Policy. Trillium Community Members are faculty members, employees, students, and volunteers.

**COMPLAINANT:** Trillium College will act as the Complainant in all investigations and decision-making processes under this Policy.

**CONSENT:** an active, affirmative, conscious, direct, unimpaired, and voluntary agreement to engage and continue to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in sexual activity. Lack of protest or resistance does not alone constitute Consent. All of the elements of Consent must be present, even if alcohol or drugs have been consumed. It is not acceptable for a person who is said to have engaged in sexual violence to use their own consumption of alcohol or drugs as an excuse for their mistaken belief that there was Consent.

Consenting to one kind of sexual activity does not mean that Consent is given for another kind of sexual activity.

A person may withdraw Consent at any time during the sexual activity and Consent only applies to a specific instance of sexual activity.

The existence of a relationship or past sexual activity does not alone constitute Consent. Subsequent consensual sexual activity, communication, or other conduct of a sexual nature does not suffice as evidence of Consent to prior sexual activity.

## APPENDIX 2: DEFINITIONS

### THERE IS NO CONSENT WHEN:

- a) The Victim / Survivor expresses, by words, conduct, or any other means a lack of agreement to engage in the activity or to continue to engage in the activity;
- b) The agreement to sexual activity is obtained through pressure, coercion, fraud, the exercise of authority, force or threats of force;
- c) The alleged offender implicitly or explicitly induces the Victim / Survivor to engage in the activity by using a position of trust, power, or authority;
- d) The Victim / Survivor is incapable of consenting to the activity because they are asleep, unconscious, or unable to understand the fact, nature, or extent of the sexual activity due to disability, mental or physical incapacity, the influence of drugs or alcohol, or any other form of impairment; or,
- e) The agreement to sexual activity is expressed, by words, conduct, or any other means, by a person other than the Victim / Survivor.

**DISCLOSURE:** when a person reveals information to a staff member or HR that they or another party has experienced an incident of Sexual Violence.

**FORMAL REPORT:** when a Victim / Survivor submits a written statement to the Director, HR that alleges they have experienced an incident of Sexual Violence within the College's Jurisdiction or that affects the work and learning environment at the College.

**HEARING DE NOVO:** a new hearing before an impartial adjudicator, who may consider relevant evidence not previously introduced in the investigation or decision-making process.

**INCLUDING:** means including but not limited to.

**INTERIM MEASURES:** measures carried out by the College, pending results of an investigation that are not intended to be disciplinary, and are reasonable and necessary to: help the Victim / Survivor feel safe; or protect the parties, other Trillium Community Members, or the integrity of the Procedures. Examples of interim measures include limiting access to campus and College sanctioned events; paid leave of absence; prohibiting contact between the Victim / Survivor and the Respondent; and adjusting class schedules or working situations of the Victim / Survivor or Respondent.

**RESPONDENT:** a Trillium Community Member named as an alleged offender in a Formal Report of Sexual Violence.

**RETALIATION:** any materially adverse action, inaction, or threat of same against a Trillium Community Member for making a good faith complaint of a breach of this Policy or for

reasonably participating in an investigation under this Policy. Examples of retaliation include lowered grades, academic failure, demotion, discipline, firing, salary reduction, job reassignment, or any action or inaction that adversely affects the employment or learning environment of any Trillium Community Member.

## **APPENDIX 2: DEFINITIONS**

**SEXUAL ASSAULT:** direct or indirect application of force of a sexual nature, without the subjective consent of the Victim / Survivor, and in circumstances where the accused knowingly engaged in the non-consensual contact, or did so recklessly or being willfully ignorant of the Victim / Survivor's wishes.

**SEXUAL COERCION:** is the act of using subtle pressure, drugs, alcohol or force to have sexual contact with someone against their will. Sexual coercion is ongoing attempts to have sexual contact of some kind with another person who has already expressed that they do not want to have sexual contact.

### **SEXUAL HARRASSMENT:**

- a) Engaging in a course of vexatious comment or conduct against another because of sex, sexual orientation, gender identity, or gender expression, where the course of comment or conduct is know or ought reasonably to be known to be unwelcome;
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position of power and the person knows or ought reasonably to know the solicitation or advance is unwelcome; or,
- c) Engaging in comment or conduct that creates a hostile or poisoned environment to persons of a specific sex, sexual orientation, gender identity, or gender expression.

**SEXUAL VIOLENCE:** any sexual act or act targeting a person's sexuality, 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 sexual assault, sexual harassment, stalking, indecent exposure, voyeurism , and sexual exploitation.

**SUPPORT PERSON:** any person who provides someone participating in the Procedures under this Policy with emotional support. A potential witness may not be a Support Person.

**VICTIM / SURVIVOR:** is a Trillium Community Member who has reported experiencing Sexual Violence and has been coping with the aftermath of Sexual Violence. Victim / Survivors may self-identify as either victims or Victim / Survivors of Sexual Violence. People who have experience Sexual Violence are in a constant state of surviving the experience. The idea of survival carries within its definition the ongoing fight to live or survive a traumatizing experience, a process that includes dealing with a multitude of feelings and health consequences.

**TRAINING:** educational training on the College's process for responding to and addressing the incidents and complaints of sexual violence and all other elements of this Policy.

## APPENDIX 2: DEFINITIONS

**COLLEGE JURISDICTION:** the College exercised jurisdiction over conduct that occurs:

- a) On College –owned or leased premises;
- b) On College- sanctioned online websites and social media; and,
- c) Where a Trillium Community Member is conducting College business or attending a College-sanctioned event.

**VISITOR:** any person that is not a Trillium Community Member that (1) is on College premises; (2) provides content on a College-controlled website; or, (3) attends a College-sanctioned event.

**NOTE:** where the title of a specific College personnel title is used, that personnel may appoint a designate, who may be a member of the Trillium community or an external person, as required.



**APPENDIX 3: RESOURCES**

<p><b>ON-CAMPUS RESOURCES</b></p> <p><b>Managing Director</b></p> <p><b>ST. CATHARINES- 289.438.1918    OSHAWA- 905.723.1163    KINGSTON-613.531.5138</b></p>
<p><b>DIRECTOR, HUMAN RESOURCES</b></p> <p><b>905.448.4130 X 228</b></p>

**OFF CAMPUS RESOURCES**

<p><b><u>Niagara Regional Police</u></b></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911 Non-emergencies: 905.668.4111 In person: 68 Church St, St. Catharines</p>	<p><b><u>Durham Regional Police</u></b></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911 Non-emergencies: 1.888.579.1520 In person: 77 Centre St. N, Oshawa</p>	<p><b><u>Kingston Regional Police</u></b></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911 Non-emergencies: 613.549.5660 In person: 705 Division St, Kingston</p>
<p><b><u>Victim Services Niagara</u></b></p> <p>24-hr crisis intervention for Victim / Survivors of crime and trauma, emotional support, referrals for additional community resources.</p> <p>24-Hr Crisis Line: 905.682.2626</p>	<p><b><u>Victim Services Durham Region</u></b></p> <p>24-hr crisis intervention for Victim / Survivors of crime and trauma, emotional support, referrals for additional community resources.</p> <p>Emergency Line: 911 (referral will be given by police department)</p>	<p><b><u>Victim Services Kingston</u></b></p> <p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p>Emergency Line: 911 (referral will be given by police department)</p>
<p><b><u>Niagara Region Sexual Assault Centre</u></b></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line: 905.682.4584</p>	<p><b><u>Sexual Assault Centre Durham</u></b></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line: 905.668.3050</p>	<p><b><u>Kingston Sexual Assault Centre</u></b></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line: 1.877.544.6424</p>