H O L L A N D C O L L E G E

BOARD REGULATION

Category: **HEALTH, SAFETY AND SECURITY**
Topic: **SEXUAL VIOLENCE PROTOCOL (the "Protocol")**
Code: **30-02-1**
Effective Date: **SEPTEMBER 10, 2025** **Revision: SIX**
Next Full Review Date by: 2028
Approved by: **Jessie Inman, Chairperson, Board of Governors**

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1. PURPOSE:

1.1 All members of the Holland College Community have a right to work and study in an environment that is free from any form of sexual violence. The purpose of this policy is to make clear Holland College's commitment to addressing Sexual Violence in its community through support, awareness, education, training and prevention programs, and the appropriate handling of disclosures and reports of incidents of Sexual Violence. We are also committed to the dignity, respect, and equitable treatment of all College Community members.

2. SCOPE:

2.1 This policy confirms Holland College's position on Sexual Violence and guidelines to be following in the case of disclosure or reporting from any student or staff member of the College.

3. RELATED POLICIES, FORMS & DOCUMENTS:

3.1 Board Policy 30-01 – Respectful Learning and Work Environment

3.2 Board Policy 30-02 – Sexual Violence Policy

3.3 Board Policy 20-12 – Confidentiality and Reporting of Confidential Information

3.4 Administrative Regulation 30-01-1 – Harassment and Discrimination

3.5 Administrative Regulation 30-04-3 – Crisis Management

3.6 Quality Form 004.pdf (004.docx) – Harassment/Discrimination Complaint Form

3.7 Quality Form 014.pdf (014.docx) – Request for Procedural Review

3.8 Quality Form 016.pdf (016.docx) – Sexual Incident Report Form

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3.9 P.E.I. Human Rights Act (PEI Human Rights Commission)

3.10 Occupational Health and Safety Act Workplace Harassment Regulations

3.11 Post-secondary Institutions Sexual Violence Policies Act

3.12 Holland College Counselling Services

3.13 Holland College Employee Assistance Program through GreenShield Link to brochure (access in SAM)

3.14 Dispelling the Myths and Misconceptions about Sexual Assault

3.15 Holland College Sexual Assault and Sexual Violence Support website

3.16 The College has created an email for both staff and students to use who would like to disclose an incident, to receive supports, or to seek clarification with our Protocol. This is monitored by representatives from Student Services, HR, and the Quality Office: report-sexualassault@hollandcollege.com

Holland College Board Policy 30-02 Sexual Violence Policy (the "Policy") applies to all members of the College community including, but not limited to: College staff member(s), governors, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives or College-Related-Activity, volunteers and visitors.

Board Policy 30-02, this Board Regulation, and any other regulations and processes developed pursuant to the provisions of the Board Policy and Regulation, form part of College policy with respect to Sexual Violence, as policy is defined in the Post-Secondary Institutions Sexual Violence Policies Act.

All members of the College community have a right to work and study in an environment that is free from any form of Sexual Violence. Anyone, regardless of age, gender or sexual orientation can fall victim to Sexual Violence. Holland College is a diverse community, and we recognize that any response would need to reflect an intersectional lens if gender-based violence is compounded by other potential vulnerabilities including sexual orientation, gender identity, gender expression, indigeneity race/ethnicity, religion, disability, or age. Holland College recognizes that each situation might look different based on lived experience. Sexual Violence can profoundly impact the physical and mental wellbeing of individuals and communities. This document sets out the College's response protocol to Sexual Violence, and incidents thereof. The College's goal in administering the Protocol is to ensure that those who experience Sexual Violence are supported and their rights respected; and, that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of Sexual Violence accountable.

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With the exception of Sexual Violence, all other violent incidents relating to the College must be reported by completing a QF184.

4. DEFINITIONS:

4.1 Age of consent to sexual activity: The age of consent is the age at which a person can legally agree to sexual activity. For the purposes of the Protocol, the age of consent to sexual activity is 16 years, subject to the close in age and sexual exploitation exceptions:

a) Close in Age Exceptions:

(i) a 14 or 15 year old can consent to sexual activity as long as their sexual partner is less than five years older and there is no relationship of trust, authority or dependency or any other exploitation of the person; or

(ii) a 12 or 13 year old can consent to sexual activity with a partner as long as the partner is less than two years older and there is no relationship of trust, authority or dependency or any other exploitation of the young person.

b) Sexual Exploitation Exceptions:

(i) their sexual partner is in position of trust or authority towards them, for example their instructor or coach;

(ii) the young person is dependent on their sexual partner, for example for care or support; or

(iii) the relationship between the young person and their sexual partner is exploitative. (http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html)

4.2 Bystander: For the purposes of Sexual Violence prevention, a bystander is anyone who is neither a Survivor nor a Respondent, but who could potentially get involved to make a difference. It refers to anyone who is in a position to intervene before, during or after the Sexual Violence.

4.3 Coercion/Coerced: In the context of Sexual Violence, coercion is unreasonable and persistent pressure, trickery, threatening, or forceful conduct applied to, or directed toward, another for the purposes of engaging that person in an act which is sexual in nature. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of reward or special treatment, used to persuade someone to engage in an act that is sexual in nature.

4.4 College-Related Activity: The College defines College-Related Activity as any activity that occurs:

a) as a part of a College program/course,

b) as a part of other College training events,

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c) as a part of any recreational or social activity sanctioned by the College,

d) as a part of any other business function of the College, and/or

e) in or on any premises of, or occupied by, or controlled by the College or where any event sanctioned by the College is being held.

The above apply whether such activities occur on College premises or elsewhere. For the avoidance of doubt, all activities occurring in a residence owned, leased/rented, or controlled in any way, by the College, shall constitute a College-Related Activity.

The College recognizes that off campus sexual violence has the potential to adversely impact the learning and/or working environment of the College and we are committed to offering support and accommodations to those individuals.

4.5 College Staff Member: Any employee, including but not limited to all academic employees, support staff, administrators, individuals on secondment to the College, individuals under a Personal Service Contract, and any other individuals in the employ of College, or coach of the College.

4.6 Complainant: A member of the College community who, in accordance with this policy and regulation, has made a Disclosure or Report of Sexual Violence.

4.7 Consent: The voluntary and explicit agreement, being of sound mind, to engage in the sexual activity in question. It is the act of willingly agreeing to engage in a specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity.

It is also imperative that everyone understands the following:

a) Silence or non-communication must never be interpreted as consent and that it is presumed for the purposes of this Protocol that a person in a state of diminished judgment may not be capable of consent.

b) A person is incapable of giving consent if they are asleep, unconscious, or otherwise unable to communicate.

c) A person who has been threatened or Coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.

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d) A person who is drugged is presumed for the purposes of this Protocol to be unable to consent.

e) A person is presumed for the purposes of this Protocol to be unable to give consent when their judgment is impaired by alcohol and/or drugs.

f) A person may be unable to give consent if they have a mental disability (permanent or temporary) preventing them from fully understanding the sexual acts.

g) The fact that consent was given in the past, to a sexual or dating relationship, does not mean that consent is deemed to exist for future sexual activity.

h) Consent must be active, ongoing, informed and can be withdrawn at any time during the course of a sexual encounter.

i) For the purposes of this Protocol, it shall be presumed that person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, or an administrator in a relationship with anyone who reports to that position.

j) Consent cannot be given on behalf of another person.

k) It is the responsibility of the initiator of sexual activity to ensure clear and affirmative consent is communicated at all stages of sexual engagement.

l) It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Note: consent as it relates to sexual assault is further defined in the Criminal Code of Canada sections 265(3) and 273.1.

4.8 Disclosure: The act of sharing information about an incident of Sexual Violence with a member of the College community. Disclosure is often made for the purpose of obtaining support and/or to learn about available options. Disclosure is different from Reporting.

4.9 A No Contact Agreement (NCA) is a mutual agreement between individuals who voluntarily affirm that they will not have direct contact with each other or make indirect contact through third parties. An NCA does not constitute a finding of responsibility for violating College policy, nor does it preclude the possibility of future review of any past interactions. Following discussion and agreement to enter into the NCA, the individuals will receive a letter confirming the terms of the agreement. In the event that any of the parties decline to enter into a requested NCA, the College may elect to

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review the matter to determine whether a No Contact Order is warranted.

4.10 No Contact Order: which may include restrictions for specific classes, other academic /non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals. Individuals may request an appeal of the Order in writing to the Vice President of Corporate Services and their decision is final and binding.

4.11 Report(ing): A Complainant and/or Survivor sharing information about an incident of Sexual Violence for the purpose of prompting or participating in an investigation, either by a police agency or through the Protocol.

4.12 Respondent: The person who the Complainant and/or Survivor alleges committed an act of Sexual Violence.

4.13 Sexual Violence: Any sexual act or act that targets 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 (as hereinafter defined), Sexual Harassment (as hereinafter defined), cyber-sexual harassment, unwanted sexual comments or advances, stalking, indecent exposure, voyeurism, sexual exploitation, Coercion of another person's sexuality in relation to an act that is sexual in nature, denial of another person's sexual decision-making rights and the distribution of a sexually explicit photograph, video, likeness or other depiction of a person to one or more persons other than the person in the photograph, video, likeness or other depiction without the consent of the person in the photograph or video.

a) Sexual Assault: A criminal offence under the *Criminal Code of Canada*. For the purposes of this Protocol, Sexual Assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the Survivor. It may involve a range of behaviours from unwanted touching to penetration. Sexual assault may be 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, Consented to, or is incapable of consenting to an activity which is sexual in nature.

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b) **Sexual Harassment**: For the purposes of this Protocol, Sexual Harassment is a broad range of actions, not including assault as it is defined in the *Criminal Code of Canada*; but it can include sexual assault (unwanted physical acts which are sexual in nature). Sexual Harassment refers to one or a series of comments or behaviours related to gender, or of a sexual nature that is known or ought reasonably have been known to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate. Sexual Harassment includes:

(i) sexual solicitation or unwanted sexual attention from a person who knows or who ought reasonably know that such attention is unwanted;

(ii) an implied or expressed promise of benefit(s) or advancement in return for sexual favour(s);

(iii) an implied or expressed threat of reprisal, or actual reprisal, for refusing to comply with a request which is sexual in nature; or

(iv) the initiation of a sexual relationship, or comment(s) or conduct of a sexual nature, directed toward another by a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, or an administrator in a relationship with anyone who reports to that position.

(v) a comment of a sexual nature or behaviour that may reasonably be perceived to create a negative psychological and emotional environment for work or study.

4.14 **Survivor:** Some who have experienced Sexual Violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim". The term survivor is used throughout this Protocol, where relevant, because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify as a victim. It is the perogative of the person who has experienced Sexual Violence to determine how they wish to identify.

4.15 : This symbol identifies an Inherent Quality Concern (IQCcrn). An IQCcrn is a point in a process where a failure to complete a step creates the opportunity for a problem to occur. Outside of correctly completing the process step, no other action is required. The act of completing that step and sometimes subsequent steps is essentially managing a potential risk. See Risk Management of the Complaint.

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5. RESPONSIBILITIES:

5.1 President & CEO: for overall operation of the Protocol. In the event that any College Staff Member or appointee (including an appointee retained by or, or on behalf of the College for a certain purpose) who has been assigned a responsibility or role under the Protocol cannot act, for whatever reason, the President shall appoint another College Staff Member or appointee (including an appointee retained by or, or on behalf of the College for a certain purpose) to assume their responsibility or role for such period or with respect to such complaints as the President deems advisable.

5.2 Vice President Corporate Services (the "VP-CS"):

a) for arranging the investigation of Reports;

b) for the rendering of a decision, where one is required;

c) for the imposition of sanctions, as required; and

d) for ensuring that the Survivor/Complainant and/or the Respondent, with respect to a Report, when they are an employee of the College, are advised of the availability of College Employee Assistance Program (EAP) or other external assistance programs.

5.3 The Assigned Member of College Management (the "AMCM"): a Senior Leader of the College, or a designate (including a designate chosen from outside the College Community) chosen by the President & CEO, who will receive and review any requests for a Procedural Review that may result from the Report.

5.5 Investigator: for conducting the investigation into the allegations contained in the Report and providing an investigation report summarizing the facts collected through the investigation process to the VP-CS.

5.6 Sexual Violence Prevention and Response Committee: This committee consists of four staff members: Quality & Privacy Officer, Director of Human Resources, Executive Director of Student Experience & Registrar, and the Manager of Counselling & Student Success. These four individuals will be prepared to receive any requests from students, staff, and faculty for information, clarification of this protocol and supports. They will be responsible for monitoring the College's Sexual Violence Reporting email.

5.7 Holland College Community: It is expected that all members of the College community be knowledgeable about to appropriately receive and respond to a disclosure of Sexual Violence. While everyone on campus has a role to play in responding to incidents of Sexual Violence, some College Staff Members will have specific responsibilities which might include:

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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) Academic employees, support staff and administrators may be called upon to facilitate academic accommodations and other academic needs of those who have experienced Sexual Violence (e.g., extensions on assignments, exam deferrals, continuing studies from home, and withdrawal from a course);

c) Residence staff to facilitate safe living arrangements to the best of their abilities;

d) Human Resources staff to assist with any incidents relating to College Staff Members;

e) Quality Office – to provide policy interpretations and process guidance;

f) Facilities Management or Residence Security – to assist with investigations and gathering evidence, to implement measures to reduce Sexual Violence on campus, and to collaborate with local police where appropriate.

g) College Representative – to speak with the Respondent when a complaint under this protocol is initiated (the "College Representative"). The College Representative shall be a member of the College's Quality Office or Human Resources Department. The College Representative shall not be a support person to the Complainant, Survivor, or Respondent.

6. EDUCATION AND AWARENESS:

6.1 The College will work with campus partners to develop and offer an online learning program for students and College Staff Members each academic year.

6.2 The online learning program will specifically address the following topics:

a) Consent;

b) Sexual Violence;

c) Bystander intervention strategies; and

d) Survivor support.

6.3 Students and College Staff Members must complete the mandatory online learning program offered by the College.

6.4 The College will also work with campus partners to provide ongoing awareness, education, and training opportunities throughout the academic year.

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6.5 Provide clear direction on our Sexual Violence supports on our website: Holland College | Sexual Assault and Sexual Violence Support

7. CONFIDENTIALITY:

7.1 Maximum confidentiality is required when dealing with matters pursuant to the Protocol, so that those who have experienced Sexual Violence may feel free to come forward and their individual integrity may be protected throughout the process.

7.2 All persons associated with an incident of Sexual Violence and any ensuing investigation are expected to abide by the confidentiality requirements described in the Protocol.

7.3 To protect the interests of the Survivor/Complainant and the Respondent, the names and details of a Disclosure or Report will be kept confidential. Confidentiality cannot be assured when disclosure is required by law or is necessary for the purposes of investigating the Report, taking disciplinary measures in relation thereto, or reporting the incident to the appropriate authorities. Other circumstances where it may not be possible to guarantee confidentiality, include, but are not limited to:

a) an individual is at imminent risk of self-harm;

b) an individual is at imminent risk of harming another;

c) there are reasonable grounds to believe that others in the College or wider community may be at risk of harm;

d) there is a requirement to report under the *Occupational Health & Safety Act*, request under the *Freedom of Information and Protection of Privacy Act*, or other legislated provision; and/or

e) there is a requirement to report under the *Child Youth and* Family Services *Act**.

In all such circumstances, only the necessary College administrators will be informed, on a need-to-know basis, to prevent harm and ensure the College's compliance with legal and regulatory requirements, but not necessarily the identities of the persons involved.

*When the incident of Sexual Violence involves a person under the age of 18 years, the incident MUST be reported to the proper authorities pursuant to the Child, Youth and Family Services Act.

8. DISCLOSURE:

8.1 The decision to Disclose and the decision to Report are two separate decisions. It is the decision of the Survivor to determine when and how much information they Disclose. A Disclosure by a Survivor does

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not generally result in a Report being made and does not initiate an investigation or other actions by the College.

8.2 Interim measures (see section 19) may be imposed in the absence of a formal complaint.

8.3 Support services and accommodations will be made available to members of the College community on the basis of a Disclosure, regardless of whether they choose to submit a Report. Assistance will be provided to Survivors by working with them to determine the appropriate level of support, accommodation in the workplace or classroom, as well as referrals to counselling, medical practitioner(s) and community services.

8.4 The College recognizes that Disclosures of Sexual Violence incidents are often made to someone the individual making the Disclosure already knows. When this person is not comfortable receiving the Disclosure, they are strongly encouraged to contact the College through our confidential email: report-sexual-assault@hollandcollege.com for support and information on how best to respond.

8.4 To the greatest extent possible, the College will respect the Survivor's decision not to file a Report and will keep the Disclosure strictly confidential. In exceptional circumstances, such as when there is risk of harm to anyone's health and safety or if there are legal obligations and/or responsibilities, the College may need to take certain actions without the consent of the Survivor, including handling the incident in accordance with the Protocol. In such cases, the Survivor has the right not to participate in any investigation that may occur.

8.5 If the College decides to take action under section 8.4, the VP-CS will, or will appoint another individual who will, inform the Survivor and will ensure that the Survivor has access to all available support services.

8.6 This Protocol does not affect an individual's right to file a complaint with the PEI Human Rights Commission, or to use the grievance process of any relevant collective agreement, or to proceed in any other manner determined to be appropriate by the Survivor/Complainant.

9. WHAT TO DO IF SOMEONE DISCLOSES ALLEGATIONS OF SEXUAL VIOLENCE:

9.1 A Survivor, Complainant, Respondent, Bystander, or third party/witness may choose to confide in a College Staff Member about an act of Sexual Violence. A Survivor, Complainant, or third party may also Disclose to a College Staff Member when seeking support and/or academic accommodation.

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9.2 The College Staff Member hearing a Disclosure of Sexual Violence from a Survivor must advise the individual of the Protocol and Policy. If the Disclosure is made to someone who is not comfortable receiving this information, they are strongly encouraged to seek support by contacting the College through our confidential email: report-sexual-assault@hollandcollege.com for information on how best to respond. The person receiving the Disclosure can assure the Survivor that this will not affect their right to choose as described in the Protocol and Policy. A supportive response involves:

a) listening without judgement and accepting the Disclosure;

b) communicating that Sexual Violence is never the responsibility of the Survivor;

c) recognizing that Disclosing can be traumatic and an individual's ability to recall the events may be limited;

d) respecting the individual's choices as to what and how much they disclose about their experience;

e) making every effort to respect the confidentiality requirements of the Protocol;

f) helping the individual identify and/or access available on or off campus services, including emergency medical care and counselling; and

g) respecting the individual's right to choose the services they feel are most appropriate for them and to decide whether to make a Report and/or report to the police.

9.3 The College Staff Member hearing a Disclosure of Sexual Violence from a Respondent, Bystander or third party/witness must advise the individual of this Protocol and policy. If the Disclosure is made to someone who is not comfortable receiving this information, they are strongly encouraged to contact the College through our confidential email: report-sexual-assault@hollandcollege.com for support and information on reporting the Sexual Violence.

9.4 If Disclosure is made to a College Staff Member by a student who is seeking support or academic accommodation, the College Staff Member should refer the student to counselling services, and work with the counsellor to ensure that the student receives all necessary academic and other accommodations. More information about counselling services and other available College and community supports is available below. The person hearing the Disclosure should not go beyond their own comfort level or expertise when responding to a Disclosure. It is important to be supportive, while referring students to the right person who can provide the help they need. The

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College recognizes that receiving a Disclosure can, itself, be traumatic and supports are available to any person receiving a Disclosure.

9.5 If Disclosure is made to a College Staff Member by another College Staff Member who is seeking support or accommodations, the College Staff Member should refer the College Staff Member to the Human Resources Department who can provide information to the College Staff Member on available resources (e.g. Employee and Family Assistance Program, Holland College Mental Wellbeing Champions, Mental Health Services desktop icon, etc.).

9.6 When a Member of the Holland College Community makes a confidential Disclosure or Report of sexual violence, they are entitled to access supports, resources, and accommodations. These could include but are not limited to:

For Students: • Safety planning • Academic accommodations: class schedule changes, assignment or exam extensions or deferrals, late withdrawal from a course without penalty • Residence re-location
For Employees: • Safety planning • Employment accommodations: temporary work reassignment or location reassignment or scheduling change

Accommodations for survivors of sexual violence will be tailored to each individual's unique circumstances and will be collaboratively determined on a case-by-case basis.

10. REPORTING PROCESS:

10.1 The College Reporting process must begin no later than twenty-four (24) months from the date of the most recent alleged incident. In exceptional circumstances, the VP-CS may extend the timeline for beginning the Reporting process beyond twenty-four (24) months.

10.2 A Complainant or Survivor may approach any College Staff Member with whom they feel comfortable to discuss making a Report. The College Staff Member must advise the individual of this Protocol and policy. If the Report is made to someone who is not comfortable receiving this information, they are strongly encouraged to contact the College through our confidential email: report-sexual-assault@hollandcollege.com for support and information on Reporting the Sexual Violence.

10.3 Reports of Sexual Violence shall be formally recorded on the QF016 (Sexual Incident Report Form) and submitted to the Office of the President to be logged and assigned a serial number. When the Report is taken orally, a College Staff Member will formally record the Report on the QF016 and, if possible, have the Survivor/Complainant sign the form.

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10.4 The College will seek to achieve procedural fairness in dealing with all Reports. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge, where Sexual Violence is alleged, pursuant to this Protocol. Respondent(s) will be given reasonable notice, with full detail of the allegations made against them. They will be provided with an opportunity to answer to the allegations made against them. Service of any notice required hereunder shall be deemed delivered if sent to the person's last known address or email.

10.5 At any stage of the Reporting process the Complainant, Survivor, or Respondent may have legal representation present (at their own expense), a support person, or a union representative. The support person cannot have had any direct involvement in, or have been a witness to, the incident.

10.6 Right to Withdraw a Report

A Complainant or Survivor has the right to withdraw a Report at any stage of the process. However, the College may continue to act on the issue identified in the Report in order to comply with its obligation under the Protocol and/or its legal obligations.

10.7 Protection from Reprisals, Retaliation or Threats

It is contrary to the Protocol for anyone to retaliate, engage in reprisals or threaten to retaliate against a Survivor/Complainant or other individual for: having pursued rights under this Protocol and policy, the PEI Human Rights Act or any other legislated provision;

a) having participated or cooperated in an Investigation under this Protocol and policy, the PEI *Human Rights Act* or any other legislated provision; or

b) having been associated with someone who has pursued rights under this Protocol, the PEI *Human Rights Act* or any other legislated provision.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

10.8 Vexatious Complaints

a) If a person, in good faith, discloses or files a Report that is not supported by evidence gathered during an investigation, the VP-CS may dismiss the complaint.

b) In the event that the VP-CS finds, following investigation, that a Report was frivolous, vexatious, an abuse of process, made in bad faith, or was made for the sole purpose of annoying, embarrassing, or harming the Respondent, the VP-CS may impose sanctions and/or discipline against the Complainant.

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10.9 Submitting a Report does not affect an individual's right to file a formal police report, submit a complaint to the PEI Human Rights Commission, or to use the grievance process of any relevant collective agreement, or to proceed in any other manner determined to be appropriate by the Survivor/Complainant.

10.10 Obligation When an Individual other than the Survivor makes a Report:

The College's ability to address an allegation of Sexual Violence made by an individual other than the Survivor will depend on a number of factors, including the information available to substantiate the allegation. To enable a fair process and while respecting the Survivor's decision whether or not to participate in the College's process, in such circumstances, the VP-CS will determine how to proceed, or if it is possible to proceed, with the Report, pursuant to the Protocol.

11. RESOURCES AND SUPPORTS:

11.1 College Staff Members and students at the College, including Survivors, Complainants, Respondents, Bystanders, and third parties/witnesses, who have been impacted by incidents of Sexual Violence have access to a number of available resources and supports, including:

a) If you are a student:

(i) Holland College | Counselling ServicesStudent Wellness Program (www.studentbenefits.ca) (1-833-549-3281)

(ii) Our website provides students with clear direction for supports: Holland College | Sexual Assault and Sexual Violence Support

b) If you are a College Staff Member:

(i) Holland College Employee Assistance Program through GreenShield Link to brochure (access in SAM) **(ii)** Mental Health Resources for Faculty and Staff

c) Community resources available for everyone:

(i) Prince Edward Island Rape and Sexual Assault Centre (http://www.peirsac.org/) (1-866-566-1864)

(ii) RISE – Support for Victims of Sexual or Intimate Partner Violence and Workplace Sexual Harassment (902-218-6143)

(iii) Need Help Now – Support to remove pictures or videos that deal with cyberbullying and ways to support friends.

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(iv) Mental Health Walk-in Clinics

11.3 Anyone who has experienced Sexual Violence has the right to:

a) be treated with dignity and respect;

b) be supported;

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 the person responsible for campus security and/or local police;

f) have an impartial on-campus investigation with the institution's full cooperation;

g) have a safety plan; and

h) have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

12. INFORMAL RESOLUTION:

12.1 Informal resolutions are not well suited for incidents involving Sexual Violence. However, there may be times when both the Survivor/Complainant and Respondent wish to pursue this option, which can include mediation, restorative justice, or other means.

12.2 The VP-CS will either provide information regarding informal resolutions or appoint someone to do so. Participation in the informal resolution process is completely voluntary and either party may withdraw at any time. If either party chooses to withdraw from the informal resolution process, the Survivor/Complainant may choose to pursue a formal Report resolution by completing and submitting a QF016.

13. FORMAL REPORT INITIATED:

Please note: The College reserves the right to determine the classification of a particular incident and how it will be investigated. Use of a form to report an incident does not pre-determine the College's response.

13.1 If it is determined by the Office of the President that the Report made under section 10 falls within the scope of the Protocol,

a) a copy of the Report will be forwarded by the Office of the President to the VP-CS; and

b) the President will identify an AMCM, notify that person of their appointment, and advise the VP-CS of the AMCM's appointment, so that steps may be taken to ensure the substance of the

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Reported complaint is not made available to the AMCM, unless required hereunder.

INTERIM MEASURES:

13.2 The rights and privileges of a Respondent may be restricted by the VP-CS before it makes a final determination about the alleged misconduct. Interim measures are not intended to be punitive but are intended to enable the provision of a safe environment for all members of the College community pending a substantive determination as to the allegations. The VP-CS may impose interim measures immediately, without a hearing. Interim measures imposed may include, but are not limited to:

a) Separation of academic and living arrangements between the Complainant, Survivor and/or Respondent (in the case of student involvement);

b) Separation of workplace situations (in the case of College Staff Members), or of workplace and academic situations (in cases involving students and staff);

c) Temporary suspension of the Respondent (in the case of a student) or temporary modification of the Respondent's academic program;

d) Temporary suspension of the Respondent or amendment of duties of the Respondent (in the case of a College Staff Member);

e) An order informing the Respondent that they are prohibited from attending at all or part of any campus of the College; and/or a no-contact or no trespassing agreement or order.

13.3 Such interim measures will be imposed only as necessary to protect any member of the College. Any interim measure(s) shall ensure that procedural fairness, as applicable in the context, is maintained and shall be commensurate with the scope and severity of the alleged occurrences.

13.4 Interim measures do not represent a finding of guilt or misconduct.

13.5 Any interim measures put into place will be communicated in writing and will be regularly reviewed.

13.6 The VP-CS will designate a College Representative to speak with the Respondent and provide them with a copy of the Report form and direct them to this Protocol.

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13.7 The College Representative who has been asked to speak with the Respondent will:

a) provide them with a copy of the redacted Report and any supporting documents, as they are available, as well as an invitation to provide a written response to the Reported allegations;

b) explain to them that they should refrain from any contact with the Complainant and/or Survivor;

c) explain to them that they have the right to legal representation (at their own expense), and to bring a support person or a union representative to any meetings during the investigation;

d) if they are a student or College Staff Member, provide them with information on the appropriate counselling services or other forms of assistance that may be available to them; and

e) provide them with a copy of the Protocol and Policy and explain the process that will be followed.

13.8 The AMCM appointed for each Report will not be provided with any information regarding the nature or the circumstances of the Report until the matter has reached final resolution to the satisfaction of all parties, or until they receive a request for a Procedural Review.

14. INVESTIGATION:

14.1 The VP-CS will, upon receipt of the Report, appoint an Investigator and arrange for an investigation into the alleged incident (the "Investigation"). The Investigator shall be a person with the appropriate skills, training and/or experience. The Investigator may either be a College Staff Member or an individual external to the College, as determined by VP-CS in their sole discretion.

14.2 When an Investigator is assigned, the Investigator takes charge of the Investigation of the Report for the College until they have completed their Investigation and submitted their report. The Investigator must be given full authority to investigate the allegation(s) that have been made.

14.3 Individuals affected by Sexual Violence have the right to choose whether or not to participate in an Investigation. For greater certainty, the Investigation, administration, and prosecution of the Report shall proceed in the absence of the relevant individual, should the individual choose not to participate in same, or in the event the individual cannot be contacted after reasonable effort(s) have been made to do so.

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14.4 At any time during the course of an Investigation, where police are not actively involved, the Investigator may recommend to the VP-CS that the matter be reported to the police.

14.5 The role of the Investigator is to provide an objective investigation report to the VP-CS, so they can consider the facts, and render a decision as to the College's response to the allegations Reported. Where other authorities (ex. Police, OH&S) are also conducting an investigation into the same incident, the Investigator shall cooperate with those investigations/investigators.

14.6 The VP-CS will ensure that the Survivor/Complainant and the Respondent, through the Investigator and the College Representative(s), respectively, are provided with reasonable updates about the status of the Investigation of the incident when such Investigations are undertaken.

14.7 The Survivor/Complainant and Respondent may choose to attend their investigative or decision-making meetings with legal or other representation as they see fit. Nevertheless, the Investigator may question and expect direct answers from an individual who is represented.

14.8 The Investigator will provide the Respondent with a reasonable opportunity to respond in writing or orally to the allegations. If the response is oral, the Investigator should normally confirm the content of the response with the Respondent in writing. If the Respondent does not respond within a reasonable timeframe as set by the Investigator, or chooses not to participate in the Investigation, the Investigator may proceed in the absence of their response.

14.9 The Investigator submits their report to the VP-CS who will render a decision on behalf of the College. When other external investigations into the incident are still on-going, the VP-CS will render a decision, while reserving the right to revise the decision pending the outcome of the other investigations.

14.10 The VP-CS shall aim to hold in-person meetings when providing a decision to the Complainant and Respondent and endeavor to provide a written decision to both the Complainant and the Respondent. However, in cases of extenuating circumstances, the process may be adapted as necessary. In the matter of a student to student complaint, any sanctions that have a direct impact on the survivor's safety and well-being will be shared with the survivor.

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15. SANCTIONS:

15.1 When a Report of Sexual Violence is substantiated, the VP-CSis responsible for making a decision regarding the appropriate sanction for the offence(s) and for ensuring that any disciplinary action is imposed against the offending party.

15.2 If it is proven that the allegation(s) of Sexual Violence Reported is frivolous or vexatious, disciplinary action against the Survivor/Complainant may follow.

15.3 The disciplinary action shall be commensurate with the scope and severity of the occurrences and shall be imposed with the goal of achieving the objectives set out in the Policy and the Protocol. Potential sanctions may include, but are not limited to, reprimand, warning, probation, suspension, demotion, expulsion, termination, or exclusion from the College's premises.

15.4 Cases which involve an immediate threat to the safety of students or College Staff Members will be dealt with immediately.

16 PROCEDURAL REVIEW:

16.1 If the Survivor/Complainant and/or the Respondent believe that due process has not been followed, or if they have new evidence that was not available at the time of the decision, they may request a Procedural Review

16.2 In the event that the Survivor/Complainant or Respondent wish to request that the decision of the VP-CS be reviewed, a Procedural Review can be initiated by completing a Quality Form 014 Request for Procedural Review. A completed Request for Procedural Review form shall be submitted to the President's Office, Senior Executive Assistant for processing. This must be done by the Survivor/Complainant and/or Respondent within fourteen (14) working days following the rendering of the decision.

16.3 The request must contain a copy of the VP-CS's decision, the grounds for the Review, the outcome sought, a full statement supporting each ground for the Review, and all evidence relied upon by the appellant in support of their Procedural Review. The Procedural Review will not be accepted by the President's Office, Senior Executive Assistant, unless the information is complete.

16.4 Filing a Procedural Review will not stay, or delay, the implementation of any sanction(s) imposed, except where the AMCM otherwise so orders, upon written application of the Appellant. Based on the factors set forth in section 19, the AMCM may decide within seven (7) working

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days of receipt of the written application of the Appellant whether to stay the implementation of any sanction(s) imposed pending their written decision.

16.5 An appellant may only raise the following grounds for Procedural Review:

- New evidence not available at the time of the earlier decision has been discovered, which casts doubt on the correctness of the decision;
- There was a serious procedural error(s) in the Investigation and/or the rendering of a decision which was prejudicial to the appellant;

16.6 Upon receiving the Procedural Review request, the AMCM will, within seven days, determine whether the request should be allowed and shall provide a written decision, with reasons, to the relevant parties. The AMCM may seek confidential legal advice during the course of the Review and/or in rendering their decision.

16.7 Notwithstanding the Holland College Student Code of Conduct, Quality Process A09 (Student Misconduct), and Quality Process A10 (Student Appeals), neither the Survivor/Complainant nor the Respondent has a right of appeal under Quality Process A10 (Student Appeals), or any other right of appeal outside of that available pursuant to the Protocol, in matters of Sexual Violence.

17. HOW WILL THE COLLEGE RESPOND TO A REPORT OF SEXUAL VIOLENCE:

17.1 Where the Respondent is a Student

Sexual Violence is a violation of the College's Sexual Violence Policy (BP-30-02). It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences. Reports of Sexual Violence will be Investigated by the College under the Protocol and Policy. If the Report is substantiated following an Investigation, the VP-CS will decide on the appropriate disciplinary action taking into account the Policy, the Protocol, the Student Code of Conduct, and Quality Process A09 (Student Misconduct).

17.2 Where the Respondent is a College Staff Member

Sexual Violence is a violation of College's Sexual Violence Policy (BP-30-02). Reports of Sexual Violence will be Investigated by the College under the Protocol and Policy. If the Report is substantiated following an Investigation, the VP-CS will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

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17.3 Where the Respondent is not a Student or College Staff Member

Contractors, suppliers, volunteers, or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct-hereunder. Reports of Sexual Violence will be investigated by the College under the Protocol and Policy. If the Report is substantiated following an Investigation, the VP-CS will take appropriate action. All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the PEI Human Rights Act, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

17.4 Multiple Proceedings

Where criminal and/or civil proceedings are commenced in respect of allegations of Sexual Violence, the College shall conduct its own independent investigation under the Protocol and Policy and will make its own determination in accordance with its policies, processes and the Protocol, unless a court of competent jurisdiction has already dealt definitively with the same, or substantially similar, allegation(s) involving the same parties and stemming out of the same incident(s), in such a manner as to render the substantive issue of the nature and scope of the commission of any alleged Sexual Violence relating to a College Activity. In such case, the VP-CS may render their decision in relation to the relevant complaint, without further investigation. Where there is an ongoing criminal investigation, the College will cooperate with the police, including the disclosure of documentation collected throughout the Report, to the full extent permitted by the *Freedom of Information and Protection of Privacy Act* and all relevant College policies and processes.

17.5 The VP-CS will inform the Survivor/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.

18. PROCEDURAL FAIRNESS:

18.1 Except as otherwise stated in this Protocol, 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 procedural fairness, due process, sound decision-making and preserving the dignity of survivors. The College has the right to withhold disclosure early on in its process to obtain a person's independent recollection of events, subject to the provisions hereof.

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18.2 Where a disclosure or a formal complaint is brought forward in which the individual named as the respondent is a person in a position identified in this policy as being responsible for the implementation or part or all of this policy or its related procedures, the College shall appoint another individual.

18.3 If a person in a position that is identified in this policy has a real or perceived conflict of interest in a particular matter, or there is a reasonable apprehension of bias, then that individual will not continue their involvement in the matter and there will be another person appointed to act in that role.

19. OUTCOMES:

19.1 The College recognizes that the time to address a Report will vary from case-to-case, depending on the unique circumstances of the Report. It is estimated that the time to address a Report of Sexual Violence, from the making of the Report to a resolution, will be within ninety (90) calendar days. If at any point the VP-CS believes that the timeline cannot be adhered to, a revised timeline will be provided to the Survivor/Complainant and Respondent.

19.2 The VP-CS will determine, based on its Investigation, whether the Reported incident constitutes Sexual Violence or another form of misconduct. If the VP-CS finds there has been misconduct, it will determine the appropriate penalty. In addition to the sanctions imposed by any Court of competent jurisdiction or applicable regulatory body, students may face discipline, up to and including expulsion. In addition to the sanctions imposed by any Court of competent jurisdiction or applicable regulatory body, College Staff Members may face discipline, up to and including discharge. Contractors, suppliers, volunteers, and visitors may face penalties, cancellation of contracts and other sanctions.

20. RETENTION & ACCESSIBILITY OF COMPLAINT DOCUMENTS:

20.1 While the Report is under review the VP-CS will maintain all documentation related to the Report. Upon completion of a case, all files in relation to the Report will be stored in a locked storage unit in the President's Office, to be labelled as "Confidential", with strict control regarding access and confidentiality.

20.2 Records will be filed so that neither the name of the Survivor/Complainant, Survivor, nor the Respondent appears on the face of the files. Files will be accessible only to the member of the College responsible for investigating a Report or taking disciplinary action, upon written request, with reasons, to the President & CEO

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20.3 All formal Reports and related documentation, whether they are substantiated or found to be frivolous or vexatious, will be filed.

21. RISK MANAGEMENT OF THE REPORT:

21.1 A Quality Concern is a condition, situation, or circumstance that creates the opportunity for a problem to occur. Receiving a Report raises the question that a "Quality Concern" may exist. Generally, in the case of a Report something has already happened; however, a Quality Concern should still be considered.

21.2 Applying the Risk Management Protocol ("RMP") to the Report provides an opportunity to assess it from a risk perspective, implement corrective action, and identify any opportunity for improvement.

21.3 Risk management of a Report does not change the process for handling of Reports. The process for handling Reports described in the Protocol is essentially a risk management process. What is new is the focus on handling any concerns and risk that may be associated with the complaint.

21.4 At any time during or after the Investigation of a complaint, if a Quality Concern or an opportunity for improvement is identified the RMP is applied. Starting a RMP does not affect the Report handling process. The goal of initiating a RMP at any time is to address the Quality Concern or opportunity that has been identified in an expeditious manner.

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DISCLOSING AND REPORTING SEXUAL ASSAULT/VIOLENCE: A RESOURCE FOR HOLLAND COLLEGE STUDENTS AND STAFF

DISCLOSE

Sharing information about an incident for the purpose of obtaining support and/or to learn about available options.

Does the person require emergency services? If yes, contact 911.

Advise individual of our Sexual Violence Protocol BR-30-02-1 and our online supports and resources.

Requirement to REPORT if:

a. an individual is at imminent risk of self-harm
b. an individual is at imminent risk of harming another
c. there are reasonable grounds to believe that others in the College or wider community may be at risk of harm
d. there is a requirement to report under the Child Protection Act

If an individual makes a DISCLOSURE, they can also make a REPORT if they choose to at the same time, or at a later time.

Do they need supports or accommodations? If yes, and they are a student, contact Counselling Services. If they are a staff member, contact Human Resources.

REPORT

Sharing information about an incident for the purpose of prompting or participating in an investigation, either by a police agency or through Holland College.

Does the person require emergency services? If yes, contact 911.

Advise individual of our Sexual Violence Protocol BR-30-02-1 and our online supports and resources.

Individual completes QF016 and submits it to the President's Office. It will then be logged and assigned a serial number.

If the President's Office determines that the QF016 falls within the scope, a copy is provided to the VP-CS.

VP-CS determines if interim measures are needed and if so, implements them.

Informal Resolution: If the Survivor and Respondent wish to pursue this option, VP-CS makes arrangements (mediation, restorative justice, etc.). If this is unsuccessful, formal resolution may begin.

Formal Resolution:

1. VP-CS appoints investigator who then conducts investigation.
2. Investigator submits report to VP-CS.
3. VP-CS renders decision, including sanctions.
4. VP-CS provides written decision to all parties.

VP-CS determination is final and binding. A Procedural Review (QF014) may be requested if there is new evidence or proof of the protocol not being properly followed.

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