

HOLLAND COLLEGE

BOARD REGULATION

Category: HEALTH, SAFETY AND SECURITY

Topic: SEXUAL VIOLENCE PROTOCOL

Code: 30-02-1

Effective Date: January 20, 2021

Revision: THREE

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Approved by: Sandy MacDonald, President of Holland College

1. PURPOSE:

1.1 To provide a process for dealing with complaints of sexual violence within Holland College.

2. SCOPE:

2.1 All disclosures or reports of sexual violence as defined in the "Definitions" section of this protocol, that occurs on Holland College premises or during any College-related activities.

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 [016.pdf](#) ([016.docx](#)) – Sexual Incident Report Form

3.8 [P.E.I. Human Rights Act \(PEI Human Rights Commission\)](#)

3.9 [Occupational Health and Safety Act Workplace Harassment Regulations](#)

3.10 [Post-secondary Institutions Sexual Violence Policies Act](#)

3.11 [Holland College Counselling Services](#)

3.12 Holland College Employee Assistance Program ([EAP brochure](#) – requires login to SAM or [ADP](#))

3.13 [Sexual Violence Sexual Harassment FAQ](#)

[3.14 Dispelling the Myths and Misconceptions about Sexual Assault](#)

[3.15 Resources and Supports for Staff and Students](#)

Holland College Board Policy [30-02](#) (Sexual Violence Policy) applies to all members of the College community including: all employees, governors, students, contractors, suppliers of services, individuals who are directly connected to any College initiatives, 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 Holland 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. Sexual violence can profoundly impact physical and mental wellbeing of individuals and communities. This document sets out our response protocol to sexual violence and ensures that those who experience sexual violence are supported and their rights respected, 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.

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 for sexual activity:** The age of consent is 18 years, however, where the sexual activity "exploits" the young person when it involves prostitution, pornography or occurs in a relationship of authority, trust or dependency (e.g., with a teacher, coach or babysitter). Sexual activity can also be considered exploitative based on the nature and circumstances of the relationship, e.g., the young person's age, the age difference between the young person and their partner, how the relationship developed (quickly, secretly, or over the Internet) and how the partner may have controlled or influenced the young person. (<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 victim nor an offender, 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 act.
- 4.3 Coercion:** In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do

something they do not wish to do, such as being sexual or performing particular sexual acts.

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

- a) a College program/course,
- b) other College training events,
- c) any recreational or social activity sanctioned by the College,
- d) any other business function of the College.

The above apply whether such activities occur on College premises or elsewhere.

4.5 Complainant: A member of the Holland College community who, in accordance with this policy and regulation, has made a Disclosure or Report of sexual violence.

4.6 Consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in 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 a person in a state of diminished judgment cannot 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.
- d) A person who is drugged is unable to consent.
- e) A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- f) A person may be unable to give consent if they have a mental disability 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 all 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)** A 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, 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 responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

For information purposes only, the Criminal Code defines "consent" as follows:

Consent: The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where

- a)** the agreement is expressed by the words or conduct of a person other than the complainant;
- b)** the complainant is incapable of consenting to the activity;
- c)** the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- d)** the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- e)** the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

4.7 Disclosure: The act of sharing information about an incident of sexual violence with a member of the Holland College community. Disclosure is often made for the purpose of obtaining support and/or to learn about available options. Disclosure is different from reporting.

4.8 Reporting: A victim/survivor sharing information about an incident of sexual violence for the purpose of an investigation, either by a police agency or through Holland College procedures.

4.9 Respondent: The person who the complainant is alleging committed an act of sexual violence.

4.10 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, sexual harassment, cyber-sexual harassment, unwanted sexual comments or advances,


stalking, indecent exposure, voyeurism, sexual exploitation, coercion of another person's sexuality by physical or psychological intimidation, denial of another person's sexual decision-making rights and the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video, that caused distress to the person in the photograph or video.

- a) Sexual assault:** A criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.
- b) Sexual harassment:** A broad range of actions, not including assault as it is described in the Criminal Code, but it can include sexual assault (unwanted physical acts). 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 to reasonably be 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 ought reasonably to know that such attention is unwanted;
 - (ii)** an implied or expressed promise of reward for complying with a sexually oriented request;
 - (iii)** an implied or expressed threat of reprisal or actual reprisal for refusing to comply with a sexually oriented request;
 - (iv)** a sexual relationship that constitutes an abuse of power in a relationship of authority; or
 - (v)** a sexually oriented comment or behaviour that may reasonably be perceived to create a negative psychological and emotional environment for work or study.

4.11 Stalking: A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours that occur on more than one occasion and which collectively instil fear in the victim or threaten the victim/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include but are not limited to non-consensual

communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; “creeping” via social media/cyber-stalking; and uttering threats.

4.12 Survivor: Some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term “victim”. We use the term survivor throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

4.13 : 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.

5. RESPONSIBILITIES:

5.1 President: for overall operation of this protocol and in the event that any College employee who has been assigned a responsibility or role under this protocol cannot act, for whatever reason, the President shall appoint another College employee 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, Strategic Development and Stakeholder Relations (VP-CSSDSR):

- a)** for arranging the investigation of reports and imposing sanctions as required; and
- b)** for ensuring that the complainant or the respondent, when they are an employee, are advised of the availability of College Employee Assistance Program (EAP) or other external assistance programs.

5.3 The Assigned Member of College Management: (referred to in this process as **AMCM**) for receiving and reviewing procedural appeals.

5.4 Manager of Student Services & Athletics/Professional Counsellors: for ensuring that the complainant or the respondent, when they are a student, are advised of the availability of College counselling services or external assistance programs.

5.5 Investigator: for conducting the investigation into the complaint and making the report.

5.6 Holland College Community:

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

- a)** On-campus health supports to provide psychological and emotional support, assist with safety planning and make referrals to other services, including medical services;
- b)** Faculty, staff and administrators to facilitate academic 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 our abilities;
- d)** Human Resources to assist with any incidents relating to employees and for providing information on how best to respond to disclosures;
- e)** Quality Office to provide policy interpretations and process guidance; and
- f)** Campus 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.

6. CONFIDENTIALITY:

6.1 Maximum confidentiality is required so that those who have experienced sexual violence may feel free to come forward and their individual integrity may be protected throughout the process.

6.2 All persons associated with an incident of sexual violence and any ensuing investigation are expected to abide by the confidentiality requirements described in this regulation.

6.3 To protect the interests of the complainant, the respondent and any others who may report or disclose incidents of sexual violence, the names and details of a disclosure or report will be kept confidential. However, confidentiality cannot be assured when disclosure is required by law or is necessary for the purposes of investigating the complaint or report, taking disciplinary measures in relation thereto, or reporting the incident to the appropriate authorities. Other circumstances when it may not be possible to guarantee confidentiality include:

- 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; and/or
- e) there is a requirement to report under the Child Protection 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 under the [Child Protection Act](#).

7. DISCLOSURE:

- 7.1** 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 does not generally result in a report being made and does not initiate an investigation or other actions by Holland College.
- 7.2** Support services and accommodations will be made available to members of the Holland 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, accommodations in the workplace or classroom, as well as referrals to counselling, medical and community services.
- 7.3** Holland 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 encouraged to contact the Human Resources Department and/or the Quality Office for support and information on how best to respond.
- 7.4** To the greatest extent possible, Holland College will respect the individual'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 requirements, the College may need to take certain actions without the consent of the survivor, including investigating the incident in accordance with this protocol.

- 7.5** If Holland College decides to take action under section 7.4, the VP-CSSDSR will inform the individual who made the disclosure and will ensure that this individual has access to all available support services.
- 7.6** 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 complainant.

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

- 8.1** A person may choose to confide in someone about an act of sexual violence, such as a student, instructor, teaching assistant, coach, or staff from housing, health, counselling or the person responsible for campus security. An individual who has experienced sexual violence may also disclose to staff or faculty members when seeking support and/or academic accommodation.
- 8.2** The College employee hearing a disclosure of sexual violence 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 encouraged to contact the Human Resources Department and/or the Quality Office for support and information on how best to respond. The person receiving the disclosure can assure the individual that this will not affect their right to choose as described in this 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 this regulation;
 - 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 and to decide whether to make a formal College report and/or report to the police.
- 8.3** If disclosure is made to faculty or staff by a student seeking support or academic accommodation, the faculty or staff should refer the student to the 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 Holland College and community supports is available below. As the person hearing the disclosure you should not go beyond your own comfort level or expertise when responding to a disclosure. It is important to be supportive while referring survivors to the right person who can provide the help they need. You also need to know that receiving a disclosure can, itself, be traumatic and that supports are available to help you cope.

9. REPORTING PROCESS:

- 9.1** The Holland College complaint process must begin no later than twelve (12) months from the date of the most recent alleged incident, and not later than twelve (12) months after a student completes or leaves a program or an employee ceases employment with the College.
- 9.2** A complainant may approach any member of the College staff with whom they feel comfortable to discuss the complaint.
- 9.3** 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 member of College management will formally record the complaint on the QF016 and, if possible, have the complainant sign the form.
- 9.4** 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 there is an alleged breach of this Policy. Respondents will be given reasonable notice, with full detail of the allegations and provided with an opportunity to answer to the allegations made against them.
- 9.5** At any stage of the Complaint Process the complainant or respondent may have a support person present. The support person cannot have had any direct involvement in, or have been a witness to, the incident.
- 9.6** Right to Withdraw a Report
A complainant 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 this Policy and/or its legal obligations.
- 9.7** Protection from Reprisals, Retaliation or Threats
It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- a) having pursued rights under this protocol and policy or the [PEI Human Rights Act](#);
- b) having participated or cooperated in an investigation under this protocol and policy or the PEI Human Rights Act; or
- c) having been associated with someone who has pursued rights under this protocol and policy or the PEI Human Rights Act.

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

9.8 Unsubstantiated or Vexatious Complaints

If a person, in good faith, discloses or files a sexual violence report that is not supported by evidence gathered during an investigation, that complaint will be dismissed.

Reports that are found following investigation to be frivolous, vexatious, or bad faith complaints, that is, made to purposely annoy, embarrass, or harm the respondent, may result in sanctions and/or discipline against the complainant.

- 9.9** Submitting a sexual violence 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 procedure of any relevant collective agreement, or to proceed in any other manner determined to be appropriate by the complainant.

10. RESOURCES AND SUPPORTS:

- 10.1** Staff and students at Holland College, including complainants, respondents, and 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 Services](#) (902-894-6833)
 - (ii) ASPIRIA – [Student Support Program](#) (1-877-234-5327)
- b) If you are a College employee:
 - (i) Employee and Family Assistance Program (EFAP) through [ADP](#) or call 1-800-387-4765
- c) Community resources available for everyone:
 - (i) Prince Edward Island Rape and Sexual Assault Centre (<http://www.peirsac.org/>) (1-866-566-1864)
 - (ii) [The Island Helpline](#) (1-800-218-2885)
 - (iii) [Mental Health Walk-in Clinics](#)

10.2 Information about these services is available in the [Resources and Supports](#) document.

10.3 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).

11. INFORMAL RESOLUTION:

11.1 Informal resolutions are not well suited for incidents involving sexual violence. However, there may be times when both the complainant and respondent wish to pursue this option, which can include mediation, restorative justice, or other means.

11.2 The Vice President Corporate Services, Strategic Development and Stakeholder Relations (VP-CSSDSR) will provide information regarding informal resolutions. 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 complainant may choose to pursue a formal complaint resolution by completing and submitting a [QF016](#).

12. FORMAL COMPLAINT INITIATED:

12.1 Any employee, student or other person associated with College operations may register a Formal Complaint when an actual or perceived condition of sexual violence is experienced.


12.2 Upon being notified of an incident involving sexual violence, the President will take the appropriate action deemed necessary, including providing guidance regarding supports, the extent to which confidentiality may be maintained, and how Holland College will respond to the information received.

12.3 If it is determined that the complaint falls within the scope of this process, the complaint will be logged and assigned a serial number. A copy of the complaint will be forwarded to the VP-CSSDSR.


12.4 The VP-CSSDSR will strive to balance the complainant's wishes (including the decision to investigate the incident) with the College's need to take appropriate action to promote a safe working and learning environment.

12.5 The VP-CSSDSR will:

- a) designate a College Representative to speak with the respondent and provide them with a copy of the complaint form; and
- b) in consultation with the President, identify a member of College Management ([AMCM](#)) who would receive and review any procedural appeals that may result from the complaint and notify them that a Formal Complaint has been received.

12.6  The College Representative who has been asked to speak with the alleged offender will:

- a) provide them with a copy of the complaint form and any supporting documents, as well as an invitation to provide a written response to the allegations;
- b) explain to them that they should refrain from any contact with the complainant;
- c) if they are a student or a member of College staff, provide them with information on the appropriate counseling services or other forms of assistance that may be available to them; and
- d) provide them with a copy of this protocol and policy and explain the process that will be followed.


12.7  The [AMCM](#) for this complaint will not be provided with any information regarding the nature or the circumstances of the complaint until the matter has reached final resolution to the satisfaction of all parties, or until they receive a request for a procedural review.

13. INVESTIGATION:


13.1 The VP-CSSDSR will appoint an investigator and arrange for an investigation.

13.2 When an investigator is assigned, the investigator takes charge of the complaint 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.

13.3 Individuals affected by sexual violence have the right to choose whether or not to participate in an investigation conducted by Holland College.

- 13.4** At any time during the course of an investigation where police are not actively involved, the investigator may recommend to the VP-CSSDSR that the matter be reported to the police.
- 13.5** The role of the College appointed investigator is to provide a report to the VP-CSSDSR so they can decide on the College's response to the allegations. Where other authorities (ex. police, OH&S) are also conducting an investigation into the same incident, the investigator shall cooperate with those investigations.
- 13.6** The VP-CSSDSR will ensure that the complainant and the respondent are provided with reasonable updates about the status of the College's investigation of the incident when such investigations are undertaken.
- 13.7** Complainants and respondents may choose to attend their investigative or decision-making meetings with legal or other representation as they see fit. The College may still question and expect direct answers from an individual who is represented.
- 13.8** The investigator submits their report to the VP-CSSDSR who will render a decision on behalf of the College. When other external investigations into the incident are still on-going, the VP-CSSDSR will render a decision while reserving the right to revise the decision pending the outcome of the other investigations.
- 13.9**  The VP-CSSDSR will provide a written decision to both the complainant and the respondent.
- 13.10** If the complainant and/or the respondent believe that due process has not been followed, they may appeal to the [AMCM](#) for a procedural review. The written request must clearly describe the reasons for the review and provide any relevant documentation.

14. PROCEDURAL REVIEW:

- 14.1**  Upon receiving a request for a review, the [AMCM](#) will:
- a)** request the file on the case;
 - b)** review the relevant documentation;
 - c)** within eight (8) working days of receiving the request decide:
 - (i)** if the process followed met the requirements of the process, or;
 - (ii)** there is evidence to suggest the process was not followed and request the VP-CSSDSR re-open the case; and
 - (iii)** communicate the decision, in writing, to the relevant parties.


14.2 An extension to the timelines for procedural review may be granted in extenuating circumstances.

15. SANCTIONS:

15.1 When a complaint of sexual violence is substantiated, the VP-CSSDSR is 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 allegations of sexual violence are frivolous or vexatious, disciplinary action against the complainant will follow.

15.3 The disciplinary action shall be commensurate with the scope and severity of the occurrences. Potential sanctions may include 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 either students or staff will be dealt with immediately through a formal discipline process.

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

16.1 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 this protocol and policy. If the complaint is substantiated following an investigation, the College will decide on the appropriate disciplinary action under the Student Code of Conduct and consistent with Quality Procedure [A09](#) (Student Misconduct).

16.2 Where the Respondent is an Employee

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 this protocol and policy. If the complaint is substantiated following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

16.3 Where the Respondent is not a Student or Employee

Contractors, suppliers, volunteers or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct. Reports of sexual violence will be investigated by the College under this protocol and policy. Where a complaint against the respondent is substantiated, the College 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.

16.4 Multiple Proceedings

Where criminal and/or civil proceedings are commenced in respect of the allegations of sexual violence, the College shall conduct its own independent investigation under this protocol and policy and will make its own determination in accordance with its policies and processes. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

16.5 The College will inform the complainant and respondent of the results of its investigation in writing. The written decision summary will include a brief description of any corrective action that the College has taken or will take as a result of its investigation.

17. PROCEDURAL FAIRNESS:

17.1 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 of 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.

18. INTERIM MEASURES:

18.1 The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be moved from a complainant's residence, restricted from entering certain parts of campus and restricted from attending class.

18.2 Such 'interim measures' will be imposed only as necessary to meet the needs of complainants and persons who report incidents of sexual violence or otherwise under the College's Sexual Violence Policy. The College will also take steps to minimize the impact of interim measures on respondents.

18.3 Interim measures do not represent a finding of guilt or misconduct. Interim measures are taken to control a situation. The College may impose interim measures immediately, without a hearing. Respondents may ask the College to review a decision to impose

interim measures, but only to address the impact of the imposed measure and the preference for other alternatives.

19. OUTCOMES:

- 19.1** The College recognizes that the time to complete an investigation will vary from case-to-case, depending on the unique circumstances of the complaint. Apart from exceptional circumstances, it is expected that the investigation, including the submission of the investigative report, will be completed within 60 calendar days of the investigator's appointment. If at any point during the investigation, the investigator believes that the timeline cannot be adhered to, a revised timeline will be provided to the complainant and respondent.
- 19.2** The College will determine, based on its investigation, whether the reported incident constitutes sexual violence or another form of misconduct. If the College finds there has been misconduct, it will determine the appropriate penalty. Students may face discipline, up to and including expulsion. Employees 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 complaint is under review the VP-CSSDSR will maintain all documentation related to the complaint. Upon completion of a case, all files in relation to the complaint 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 complainant 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 complaint or taking disciplinary action, upon written request, with reasons, to the President.
- 20.3** All Formal Complaints and related documentation, whether they are substantiated or found to be frivolous or vexatious, will be filed.
- 20.4** At the conclusion of processes for resolving a complaint, both the complainant and the respondent shall be entitled to provide a written statement to be attached to the documents forming the record of proceedings. This statement would provide an opportunity to explain, concur or dispute either the College's findings with respect to the complaint or the sanction imposed, if any, by the College. This statement would form part of the record should there be further review of the complaint.

21. RISK MANAGEMENT OF THE COMPLAINT:

- 21.1** A Quality Concern is a condition, situation, or circumstance that creates the opportunity for a problem to occur. Receiving a complaint raises the question that a “Quality Concern” may exist. Generally, in the case of a complaint something has already happened, however a Quality Concern should still be considered.
- 21.2** Applying the Risk Management Protocol (RMP) to the complaint 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 complaint does not change the process for handling of complaints. The process for handling complaints described in this document 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 complaint 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.