



POLICY AND PROCEDURE MANUAL

Policy Title:	SEXUAL MISCONDUCT POLICY AND PROCEDURE	Area of Responsibility: VICE PRESIDENT, HUMAN RESOURCES, SAFETY, SECURITY & FACILITIES MANAGEMENT Policy No: 3.34 Page: 1 of 17 Last Review Date: 2020 09 03
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3.34 SEXUAL MISCONDUCT POLICY AND PROCEDURE

1. Purpose

St. Clair College is committed to preventing and addressing all forms of sexual violence, sexual harassment and sexual misconduct (herein referred to as sexual misconduct within the College Community). All members of the St. Clair College community have a right to work and study in an environment that is free from any form of sexual misconduct.

The primary purpose of this policy and its related procedure is to ensure that those affected by sexual misconduct are supported and accommodated and to set out the way in which the College responds to and addresses sexual misconduct. It also ensures that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual misconduct accountable.

2. Policy Statement

St. Clair College is committed to challenging and preventing sexual misconduct and creating a safe space for anyone in our College community who has been affected by sexual misconduct. The College is expected to be a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual misconduct. All formal reports of sexual misconduct will be investigated to the best of the administration's ability and in a manner that ensures due process. It is this policy's intention to make individuals feel comfortable about making a report in good faith about sexual misconduct that they have experienced or witnessed. We recognize that sexual misconduct can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship

status as articulated in the Ontario Human Rights Code. We also recognize that individuals who have experienced sexual misconduct may experience emotional, academic or other difficulties.

We are committed to:

- **Support:** assisting those who have been affected by sexual misconduct by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation.
- **Listen:** ensuring that those who disclose that they have been subject to sexual misconduct are supported, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- **Compassion:** treating individuals who disclose sexual misconduct with compassion recognizing that they are the final decision-makers about their own best interests.
- **Safety:** the College will take every reasonable step to protect the safety and security of Complainants and the College Community.
- **Response:** ensuring that on-campus (internal) investigation procedures are available in the case of sexual misconduct, even when the individual chooses not to make a report to the police; engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies, standards and applicable collective agreements, and that ensure fairness and due process.
- **Education and Training:** addressing harmful attitudes and behaviours (e.g. adhering to myths of sexual misconduct that reinforce that the person who experienced sexual misconduct is somehow to blame for what happened); ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual misconduct on campus; engaging in public education and prevention activities; providing information to the College community about our sexual misconduct policies and procedures; providing appropriate education and training to the College community about responding to the disclosure of sexual misconduct.
- **Culture:** contributing to the creation of a campus atmosphere in which sexual misconduct is not tolerated.
- **Continuous Improvement:** monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

3. Application and Scope

This policy applies to all members of the St. Clair College Community who have experienced, been affected by, witnessed, been made aware of, or alleged to have committed an act of sexual misconduct. It also applies to external organizations that lease College space, operate on College property, or are directly connected to any College initiatives.

The College will respond to all incidents of sexual misconduct involving members of the College Community, which includes any member of the College Board of Governors, students, administrators, faculty members, support staff, contract workers and agents. This includes behaviour that occurs on or off College property, and behaviour observed or carried out through an electronic, online or social media platform, or by using text, audio, video or images.

4. Definitions

“Complainant” is the term used in this policy to refer to an individual who has experienced sexual misconduct. The individual may choose to identify or be more familiar with the term “victim” or “survivor”. The term “Complainant” will be used throughout this policy.

“Respondent(s)” is the term used in this policy to describe any person(s) alleged to have committed an act of sexual misconduct.

“Sexual Misconduct” is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and includes:

- Intentionally applying force, directly or indirectly, to another person without that person’s consent;
- Attempting or threatening by an act or gesture, to apply force to another person;
- Exercising control over another person without that person’s consent such that the person feels uncomfortable, distressed, frightened or threatened or is carried out in circumstances in which the person has not freely consented or is incapable of consenting to sexual activity;
- Targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without the person’s consent and includes applying force of a sexual nature, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
- Unreasonable and persistent pressure for sexual activity including 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.
- Behaviours that occur on more than one occasion and which collectively instill fear in another person or threatens the person’s safety or mental health. They 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.

“Consent” is the voluntary agreement of an individual to engage in the particular sexual activity in question and is subject to the following:

- Consent can be communicated by words, conduct or a combination of both;
- The definition of consent does not vary based on a person’s sex, sexual orientation, gender identity or gender expression.
- Consent cannot be expressed by the words or actions of anyone other than the person participating in the sexual activity;
- Consent can be withdrawn at any time during sexual activity;
- Consent does not exist when a person is incapable of consenting to the activity, or is persuaded to engage in sexual activity by an individual abusing a position of trust, power or authority;
- It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated by words or conduct, at all stages of sexual engagement. It is

also the initiator's responsibility to know if the person they are engaging with sexually has reached the age of consent for sexual activity.

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person who is asleep, unconscious or otherwise unable to communicate, impaired by alcohol and/or drugs, or incapable of fully understanding the sexual acts cannot give consent.
- A person who engages in sexual activity due to emotional manipulation, threats, blackmail or other forms of pressure is not giving consent.
- Consent to sexual activity should not be assumed on the basis of consent given in the past to a sexual activity or relationship.

“Honest and Reasonable But Mistaken Belief” is consistent with the legal doctrine that a person will not be found to have committed an act of misconduct that required the consent of the Complainant, if that person can establish on the balance of probabilities, that there was an honest and reasonable but mistaken belief by the Respondent that the Complainant was consenting to the activity in question. Provided further that a person cannot rely on a mistaken belief the Complainant was consenting if:

- That belief is based on the Respondent's own intoxication; or
- The Respondent was reckless about whether the Complainant was consenting; or
- The Respondent chose ignore things that would indicate a lack of consent; or
- The Respondent failed to take proper steps to check if there was consent.

"Informal Report" is the act of sharing information in order to receive support and services and/or to learn about options for reporting an incident of sexual misconduct. An individual who has been affected may disclose information about the incident(s) to a trusted member of the College Community who can help them access supports and services. Alternatively, they can reach out to the Sexual Violence Lead (SV Lead - see Resources), to discuss options on reporting and supports.

It is important to note that informal reports to College employees may result in investigations through the College if it is deemed to pose a risk to an individual or to the College Community. This will be done with the full knowledge of the Complainant.

College employees who receive disclosures are obligated to report the incident to St. Clair College Security Services (herein referred to as Security Services), but will not identify the Complainant without consent. This reporting is required to assess risk and to enable the College to comply with Section 7.4 of Ontario Regulation 131/16, Sexual Violence at Colleges and Universities, under the Ministry of Training, Colleges and Universities Act, which requires reporting to the Minister *"The number of incidents and complaints of sexual violence reported by students, and information about such incidents and complaints."* Names and personal information are NOT included in these reports. The Vice President, Human Resources, Safety, Security and Facilities Management, shall be responsible for reporting to the Ministry as indicated in accordance with the timelines and requirements as directed by the said Ministry.

An Informal Report results in a risk assessment that identifies supports and services that are unique to the Complainant. If a risk to the safety of the Complainant and/or the College Community is identified, an investigation will be conducted by the College Resolution Officer. In addition, the College may inform the police. The Complainant has the right to choose not to participate in any investigation arising from an Informal Report.

"Formal College Report" is a written allegation of a violation of this policy made by a Complainant to Security Services, or to the Associate Vice President, Safety, Security and Facilities Management, or to the College Resolution Officer, in order to initiate an investigation. It is required for the College to make a finding of misconduct against another person in the College community. This type of report may not be made anonymously, although the College has a discretion to investigate any allegation brought to their attention. The College is obligated to inform Respondents of allegations made against them. Making a Formal College Report does not prevent the Complainant from also reporting the incident to police. A Formal College Report shall be on the Form prescribed by this policy and shall include:

- Chronological statement of facts by the Complainant;
- Witness statements if available;
- Contact information of the Complainant and witnesses;
- Any available documentary evidence, including but not limited to, emails, text messages, and social media posts.

For greater clarity, the College may, in extenuating circumstances, investigate any allegation or concern that comes to its attention. Any such investigation shall be in accordance with the principles enunciated in this policy. If the allegations or concerns are found to be substantiated the College may file a Formal College Report as the Complainant against a member of the College community. Alternatively, the College may file an Informal Report of the concerns that will be addressed further in accordance with the process for filing Informal Reports.

"Formal Police Report" refers to the process of reporting a crime (e.g. sexual assault, criminal harassment) to the police who will conduct an investigation that may result in criminal charges. This type of report cannot be made anonymously. Security Services cannot report to police on behalf of the Complainant, but will offer to assist the individual in doing so.

"Third Party Report" is the act of sharing information with Security Services by any member of the College Community who has witnessed, has knowledge of, or has received a Disclosure of an incident of sexual violence. Those making Third Party reports will not identify the Complainant without consent. Members of the College Community can make these reports in person, by phone, or by using an online Behavioural Concern Form found on the Behaviour Assessment and Care Team webpage, www.stclaircollege.ca/BACT.

"Risk Assessment" is the procedure initiated to ensure the safety of the Complainant and the College Community when Security Services or other appropriate College staff, are notified of an act of sexual misconduct. Security Services will keep the identity of the Complainant confidential during the processes of assessing risk and consulting with relevant stakeholders on the College's Behaviour Assessment and Care Team (BACT) to determine the College's response. The risk assessment process will determine if any of the following three conditions exist:

- An individual is at imminent risk of self-harm;
- An individual is at imminent risk of harming another person;
- There are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

If any of the three conditions are met, complete confidentiality cannot be guaranteed. The subsequent process which is called a violence risk assessment may include (but is not limited to) the following:

- A process to evaluate the Respondent with respect to the risk that they may commit violence in the future. This includes looking at the nature, severity, imminence, and frequency of violence, as well as the steps that can be taken to minimize these risks to protect the personal safety of the Complainant and the College Community. These measures may include a plan to manage the Respondent during the investigation process and involving the police if there is a threat to the College Community.

"Interim Measures" are restrictions placed on an individual's rights and privileges in order to ensure the safety of the College Community and provide time for the College to determine its response and conduct an investigation. Examples of such measures include restricting access to certain parts of campus and/or attending class. The College may impose interim measures immediately, prior to a full investigation.

"Procedural Fairness" is achieved by informing Respondents of all allegations and evidence against them, and by giving them reasonable notice of the time, place and nature of the meeting where they can respond to the allegations. It also involves providing Complainants and Respondents with information about the College's investigation and decision-making processes, and ensuring that outcomes are determined by an impartial decision maker.

"Confidentiality" is the term used in this policy to refer to the College's responsibility and obligation to ensure that any private and personal information provided in a disclosure, report and/or investigation of sexual misconduct is collected, used, maintained and secured appropriately. The College will make every effort to maintain confidentiality of all persons involved in a disclosure or report of sexual misconduct including the Complainant, Respondent and witnesses. All persons participating in the process are required to maintain confidentiality with respect to information provided in the course of the disclosure, reporting,

assessment and/or investigation of an incident of sexual misconduct.

"Accommodation" is the provision of individualized support or alternative means of fulfilling academic or employment responsibilities for Complainants. The arrangement of accommodations recognizes the experience of Complainants and how that may affect participation in academics or workplace duties. For students, an accommodation does not remove the essential requirements of a course or a program, nor does it fundamentally alter standards for assigning grades, or requirements that students independently demonstrate their knowledge of course material. Accommodations for Complainants who are employees may include reduced workload, leave of absence, or other provisions available through the College's applicable employee benefits package. All accommodations will respect confidentiality and will be facilitated without providing details to instructors or supervisors.

"Terms of Reference" refers to the purpose and structure of the initial investigative process or appeal process, and includes but is not limited to, the objectives of the process, the role of all participants, how those objectives are to be achieved, the structure, and schedule of the process. In recognition of the uniqueness of each incident that may be the subject of this policy, the Terms of Reference for each investigation or appeal shall be flexible and unique, and will be customized accordingly.

5.0 Reporting and Responding to Sexual Misconduct

All members of the College Community who have been affected by sexual misconduct are encouraged to disclose their experience to a trusted member of the College Community or report to Security Services as soon as they are able to do so. Individuals are not required to report in order to receive supports, services or accommodations.

- **Amnesty from College Sanctions:** The College recognizes that some individuals may be hesitant to disclose or report sexual misconduct that occurred in situations where they were drinking while under age or using illegal drugs. A Complainant or other members of the College Community who discloses or reports sexual misconduct will not be subject to College sanctions for violations of College policies related to their use of alcohol and/or illegal drugs at the time of the incident.
- **Anonymous and Third Party Reports:** Individuals who experience sexual misconduct may choose to disclose to College staff anonymously (i.e. without providing their name or personal information). The College will provide individuals who make anonymous disclosures with information on supports, services, accommodations, interim safety measures, and other available options.

5.1 Obligation to Report:

College employees, governors, volunteers, appointees, suppliers, contractors, etc. who witness or have knowledge of sexual misconduct have an obligation to make a Third Party Report immediately to Security Services. All other members of the College Community are strongly encouraged to make a Third Party Report to Security Services.

5.2 Overall Safety:

Where the College becomes aware of incidents of sexual misconduct by a member of the College community or against a member of the College community, which occur on or off College property and that pose a risk to the safety of members of the College community, the College shall take all reasonable steps to ensure the ongoing and future safety of the College community.

5.3 Right to Withdraw a Report

A complainant has the right to withdraw a complaint at any stage of the process. However, the College may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations and to ensure ongoing and future safety of the College community.

5.4 Protection from Reprisals, Retaliation or Threats

It is a violation of this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- Having pursued rights under this Policy or the Ontario Human Rights Code;
- Having participated or co-operated in an investigation under this Policy or the Ontario Human Rights Code; or
- Having been associated with someone who has pursued rights under this Policy or the Ontario Human Rights Code.

The College will take all reasonable steps to protect persons from reprisals, retaliation and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing a reprisal and sanctioning individuals for breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

5.5 Unsubstantiated Complaints

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, the complaint will be dismissed. Records associated with the investigation and the results of the investigation will be kept on file as appropriate.

5.6 Frivolous, Vexatious or Bad Faith Reports

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

5.7 Limits of Confidentiality

The College will restrict access to all information provided in the disclosure and processes related to a report and investigation of an incident of sexual misconduct to individuals with a legitimate need for such access, and will provide education and training to those who are regularly involved in receiving disclosures and the administration of reports.

However, confidentiality cannot be assured in circumstances where:

- The College's Risk Assessment process determines that a risk to an individual or the College Community exists.
- A Formal College Report has been made and the Respondent must be informed of the details of the Report as part of the investigation and in keeping with procedural fairness; and/or
- Reporting is required by law.

In such circumstances, information will be shared only with services necessary to prevent harm, and the name of the Complainant will not be released.

Where the College becomes aware of an allegation of sexual misconduct by a member of the College Community against another member of the College community, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

5.9 English as a Second Language

Any person involved in this process as party or witness, for whom English is a second language, may communicate in their native language for any purpose provided for in this policy, including providing written evidence, argument or in person interviews. In the case of written submissions, the College shall have all documentation submitted officially translated into English at College expense. In the case of verbal communications, the College shall retain an official translator, at College expense, to translate the conversation from the person's native language to English and from English to the person's native language.

Where the Complainant or Respondent has elected to communicate in their native language, the written decision following the initial investigation or any decision on appeal, shall be officially

translated by the College into the party's native language, at College expense, prior to forwarding the decision to the respective party.

5.8 Formal Complaint Process, Investigation and Adjudication

Both the complainant and the Respondent have the right to procedural fairness, which must prevail in all investigations. In order to adhere to College policies, standards and applicable collective agreements, specific investigation and adjudication procedures will apply when the Respondent is a College employee, and another set of procedures will apply when the Respondent is a student. These procedures will include appeal procedures.

Once a Formal College Report, as defined by this policy, is filed by the Complainant, it shall be forwarded forthwith to the Vice President, Human Resources, Safety, Security and Facilities Management who shall review it and within 5 business days, forward the Report to an external agency or person, retained by the College for investigating the matter and deciding whether misconduct has occurred. If the external agency or person makes a finding of misconduct it shall also impose an appropriate penalty for same.

The College Resolution Officer shall assist the external agency or person with the investigation, in accordance with direction received by the external agency or person, and with the permission of the Vice President, Human Resources, Safety, Security and Facilities Management.

Upon receipt of the Formal College Report the external agency or person, shall fix the Terms of Reference for the investigation. In recognition of the potential uniqueness of each situation, the external agency or person, shall have a discretion to customize the Terms of Reference that will include the process for gathering evidence and timelines for submissions of evidence and argument, provided that:

- The investigation and adjudication shall be in accordance with principles of natural justice and procedural fairness;
- Within 5 business days of receiving a Formal College Report, the external agency or person, shall fully inform the Complainant and Respondent of the Terms of Reference;
- The external agency or person shall complete the investigation and make a final decision no later than 35 business days of receiving the Formal College Report, provided that in extenuating circumstances, this timeline can be extended on application to the Vice President, Human Resources, Safety, Security and Facilities Management.
- Each party shall be entitled to full disclosure in redacted format provided that redacted format does not include deleting the names of the Complainant or Respondent.
- Each party shall be entitled to a copy of any material filed by the other, including witness statements and argument, in redacted format;

- The Respondent shall be entitled to make full answer and defence to the allegations, including the right to file a written response to the allegations that would include a chronological statement of facts, witness statements if available, contact information of the Respondent and witnesses, any available documentary evidence, including but not limited to, emails, text messages, and social media posts; provided that the Respondent shall also be informed that there is a right to silence on the understanding that the decision will be based on the evidence acquired by the external agency or person and will be made in the absence of evidence from the Respondent should the right to silence be exercised.
- All evidence and argument shall be submitted in writing. Only in extenuating circumstances will in person interviews be conducted. When such interviews are conducted, they will be in the presence of two or more persons and video recorded. All video recordings will be maintained until the expiry of any appeal period for appeal purposes by the Vice President, Human Resources, Safety, Security and Facilities Management.
- Given the emotional volatility of misconduct complaints, neither party will be in the same room at the same time and neither will be allowed face to face contact or right to confront or cross examine the other, except in extenuating circumstances.
- The onus shall be on the Complainant to prove the allegations on the balance of probabilities;
- Each party may retain counsel to represent them at any stage of the process at their own expense.

At the completion of the investigation, the external agency or person, shall provide a written decision by way of email to the Complainant, the Respondent, and the Vice President, Human Resources, Safety, Security and Facilities Management, that will include:

- The conclusion of the investigation, including a finding of misconduct or a dismissal of the allegations;
- Reasons for the decision, including any findings of fact and reference to appropriate College policy;
- Direction to the Complainant and Respondent of their respective right to request an appeal of any portion of the decision;
- Any interim restriction to be imposed during the appeal period.

Sexual Misconduct Sanctions:

Upon finding that the Respondent has engaged in sexual misconduct the external agency or person may impose one or more of the following sanctions:

1. Official Warning
2. Reprimand
3. Behavioural Contract
4. Probation

5. Restitution
6. Exclusion
7. Revocation or Withholding of College Credential and/or Academic Credit
8. Suspension
9. Full Suspension
10. Dismissal

5.9 Appeal

Requesting Permission to Appeal

The Complainant or the Respondent may request an appeal of any finding made by the external agency or person and/or any sanction imposed, by requesting permission in writing, addressed to the Vice President, Human Resources, Safety, Security and Facilities Management, within 5 business days of receiving the written decision of the external agency or person.

The Vice President, Human Resources, Safety, Security and Facilities Management shall grant permission to appeal if the Appellant can establish, on the balance of probabilities, at least one of the following grounds:

1. There is new information that is likely to change the outcome; or
2. There is evidence of a procedural error or bias in the process; or
3. The sanction imposed is not consistent with the finding of misconduct.

If the request for permission is denied by the Vice President, Human Resources, Safety, Security and Facilities Management, there is no further right of appeal and the matter shall be considered as concluded.

The Appeal Process

If the request for permission is approved by the Vice President, Human Resources, Safety, Security and Facilities Management, the matter, including the entire record of the evidence and the decision of the external agency or person, shall be forwarded to an independent external agency or person, not associated with the original external agency or person, for the purposes of conducting an appeal of the original decision.

Upon receipt of permission to appeal, the independent external agency or person, shall fix the Terms of Reference for the appeal. In recognition of the potential uniqueness of each situation, the external agency or person, shall have a discretion to customize the Terms of Reference that will include the process and timelines for submissions of any additional evidence and argument on the appeal, provided that:

- The appeal shall be in accordance with principles of natural justice and procedural fairness;
- Within 5 business days of receiving the permission to appeal, the independent external agency or person, shall fully inform the Complainant and Respondent of the Terms of Reference of the appeal;
- The independent external agency or person shall complete the investigation and

make a final appeal decision no later than 35 business days of receiving the permission to appeal, provided that in extenuating circumstances, this timeline can be extended on application to the Vice President, Human Resources, Safety, Security and Facilities Management.

- Each party shall be entitled to full disclosure in redacted format provided that redacted format does not include deleting the names of the Complainant or Respondent.
- Each party shall be entitled to a copy of any material filed by the other, including new witness statements and argument, in redacted format;
- Each party shall be entitled to make full answer to the issues identified in the appeal, including the right to file a written response to the allegations provided.
- Each party shall also be informed that there is a right to silence on the understanding that the decision will be based on the evidence acquired by the original external agency or person and any additional evidence acquired by the independent external agency or person retained to conduct the appeal, and will be made in the absence of any additional evidence should the right to silence be exercised.
- All evidence and argument shall be submitted in writing. Only in extenuating circumstances will in person interviews be conducted. When such interviews are conducted, they will be in the presence of two or more persons and video recorded. All video recordings will be maintained until the expiry of any appeal period.
- Given the emotional volatility of misconduct complaints, neither party will be in the same room at the same time and neither will be allowed face to face contact or right to confront or cross examine the other, except in extenuating circumstances.
- The onus shall be on the Complainant to prove the allegations on the balance of probabilities;
- Each party may retain counsel to represent them at any stage of the process at their own expense.

The appeal shall be a review of the original decision to determine if there were any material shortcomings or errors that could affect the outcome of the matter. The independent external agency or person, retained to conduct the appeal, shall review the totality of the evidence and submissions of each party and applying the test below, determine if, on the balance of probabilities, the original decision should be revised.

The test to be used to determine if the original decision should be revised is as follows:

1. Was the investigation of the original external agency or person fair and unbiased?
2. Were material mistakes made in the investigation that require correction?
3. Were findings made by the original external agency or person supported by the evidence?
4. Was College policy correctly interpreted and applied by the original external agency or person to the findings that were made and the sanctions that were imposed.
5. Has any new evidence been presented that could impact the outcome of the case?
6. Relying on principles of natural justice, is there any other reason to interfere with the findings and/or sanctions that were made by the original external agency or person?

Once the decision has been made on the appeal, the independent external agency or person shall forward a copy of the decision to the Vice President, Human Resources, Safety, Security and Facilities Management and the President. If either person has any concerns or questions about the decision, they may be raised with the independent external agency or person.

Once any concerns or questions have been resolved, a written copy of the appeal decision shall be provided to the Complainant and the Respondent.

The appeal decision shall be final and there is no further right of appeal.

6.0 Administration

6.1 Information Storage and Security

The College Resolution Officer will collect, maintain and secure all pertinent information gathered through Informal, Formal and Third Party Reports and subsequent investigations. Information will remain confidential. Aggregate data about the numbers of reports received annually will be shared as per section 7.4 of this policy.

6.2 Annual Reports

The College Resolution Officer, in partnership with Student Services and Campus Security, will be responsible for collecting and summarizing for the Ontario Government, "such data and information related to the following as may be requested by the Minister, in the manner and form directed by the Minister" and providing an annual report to the College's Board of Governors, as required by Section 17 of the *Ministry of Training, Colleges and Universities Act* (MTCU Act):

1. The number of times supports, services and accommodation relating to sexual violence are requested and obtained by students enrolled at [the College], and information about the supports, services and accommodation; and
2. The number of incidents and reports of sexual violence reported or disclosed to the College, and information about such incidents and reports; and
3. The implementation and effectiveness of the Policy. 2016, c. 2, Sched. 3, s. 1."

7.0 Resources

The Sexual Misconduct Information and Procedures Guide for Students shall be posted on the College website, www.stclaircollege.ca/svp as a resource for students to access to obtain information on sexual misconduct.

8.0 Resources

- Ministry of Training, Colleges and Universities Act - Ontario Regulation 131/16
- Policy 3.1 Health and Safety Policy
- Policy 7.1 Code of Student Rights and Responsibilities
- Policy 5.15 Respectful Work and Education Place Policy
- Policy 3.17 Workplace Violence Prevention and Reporting Policy
- Residence Community Living Standards



SEXUAL MISCONDUCT FORMAL COLLEGE REPORT

COMPLAINANT

(Please check one)

<input type="checkbox"/>	Student	<input type="checkbox"/>	Administrator	<input type="checkbox"/>	Faculty Member	<input type="checkbox"/>	Support Staff	<input type="checkbox"/>	Other
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Complainant Name:	
Program Code and Name:	
Email Address:	
Phone Number:	

DESCRIPTION OF COMPLAINT

Respondent Name: (if known)	
Program Code and Name: (if known)	
Email Address: (if known)	
Phone Number: (if known)	
Date of Incident:	
Location of Incident:	
Reported to: (if previously reported)	
Date of Report: (if previously reported)	

Respondent is:

(Please check one)

<input type="checkbox"/>	Student	<input type="checkbox"/>	Administrator	<input type="checkbox"/>	Faculty Member	<input type="checkbox"/>	Support Staff	<input type="checkbox"/>	Other
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Witnesses to the events of this Complaint:

Witness Name:		Contact Information:	
Witness Name:		Contact Information:	
Witness Name:		Contact Information:	

Add additional rows if required

Please attach the following to this document:

1. In your own words please attach a chronological statement of the details of your complaint. Please be as specific as possible. If English is a second language you may provide a statement in your native language.
2. If witness statements are available, please attach copies of those statements.

3. Please attach copies of any documentary evidence you may have, including copies of police reports, security reports, relevant emails, text messages or other social media posts.
4. Please attach any other evidence in your possession that may assist in the investigation.

This document and any attachments that you provide will be held in confidence by St. Clair College and will be provided to others only in accordance with the terms and conditions set out in Policy 3.34 Sexual Misconduct Policy and Procedure, which includes providing them to the Respondent in redacted format, meaning contact information of the Complainant and the names of witnesses and their contact information shall be redacted. Anonymous complaints are not permitted. The Respondent shall be advised of the Complainant's name.

Information gathered as a result of this investigation may be required to be disclosed under the Ontario Human Rights Code or other legal proceedings.

Your signature confirms that you have been made aware of and give permission for the above use of this information.

I hereby declare that the information on this form is true, correct and complete to the best of my knowledge. I understand that any misrepresentation of information may result in disciplinary action.

Complainant Signature _____
Date

This document and attachments should be submitted to either Security Services, or the Associate Vice President, Safety, Security and Facilities Management, or the College Resolution Officer.

OFFICE USE ONLY:
Received by: _____ Date: _____
Copied to: _____ Date: _____

Name of External Agency or Person: _____
Date copied to External Agency or Person: _____