

POLICY NO. 24

CONCERNING THE PREVENTION OF SEXUAL VIOLENCE AND THE PROMOTION OF A CULTURE OF CONSENT AT JOHN ABBOTT COLLEGE

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Abridged document to be signed by contractors acknowledging their awareness and understanding of this policy (to be completed at a later date)

POLICY NO. 24 – CONCERNING THE PREVENTION OF SEXUAL VIOLENCE AND THE PROMOTION OF A CULTURE OF CONSENT AT JOHN ABBOTT COLLEGE

PREAMBLE

The College prohibits all forms of sexual violence. John Abbott College (the “College”) seeks to foster and maintain a community of mutual respect and concern for all its members. All members of the College community have the right to study, work and learn in an atmosphere that is free of sexual violence. The College has adopted this Policy, which delineates the parameters and procedures for preventing sexual violence and dealing with it should it occur.

All members of our College community are protected under this Policy and share in the responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. Towards that end, this Policy provides the framework for eliminating sexual violence from our College community, preventing its recurrence, and addressing its effects. Persons in positions of authority, as defined below, have the responsibility to recognize and prevent these behaviours – this, in accordance with the provisions of *the Charter of Human Rights and Freedoms*, the *Act respecting Labour Standards of Québec* and the *Civil Code of Québec*. Any person found responsible for such violations will face sanctions as per current College policies and may also face legal repercussions.

This Policy also articulates the College’s commitment to address sexual violence and rape culture, and to counteract harmful myths and attitudes surrounding the subject through education and training. This Policy fosters awareness and prevention, outlines support for survivors/victims (as defined below) and sets out fair procedural frameworks for accountability.

1. DEFINITIONS

As used herein, the following words and expressions shall mean:

1.1 CONSENT:

Consent means the voluntary agreement of a person to engage in the sexual activity in question. Consent is ALWAYS REQUIRED regardless of the nature of the relationship or history of the individuals involved. Seeking and obtaining clear consent is the responsibility of the person initiating the sexual contact. Consent should be given by mutual agreement, be clear and given free of coercion, force, or threat. It is reversible; if at any time, it is reasonably apparent that either party is hesitant, confused, unable to give consent (e.g. when impaired by ill health, alcohol or drug consumption), or unsure, then both parties should stop and obtain verbal consent before deciding if they should continue any sexual activity. Consent to one sexual act does not imply consent to any other act or to a repetition of that act at a later time.

Consent is absent when: it is given by a third party; the individual who could give consent is unable to do so (including while drugged, unconscious, impaired); consent was obtained through an abuse of power or trust; the individual’s behaviour shows lack of consent or ambivalence; or the person wishes to withdraw previous consent.

In Canada, in criminal matters, the age of consent for sexual activities is 16 in most cases. It can move to 18 years of age in a variety of circumstances, such as if the sexual partner is in a position of authority over the younger individual, the individual is dependent on the sexual partner (for lodging, financial needs and so on), or the relationship is one of sexual exploitation.

As such, the College's position is that consent cannot exist when the sexual or intimate relationship involves a student and a member of the College community who has:

- **direct authority or power (e.g. teacher, coach, security) over the student**
- **who is in a helping or teaching relationship with the student (e.g. nurse, psychologist, athletic therapist, non-student tutor, dean)**

1.2 RAPE CULTURE AND MISOGYNY:

Rape culture is a subset of values, beliefs and behaviours that normalizes or trivializes sexual violence. Rape culture engenders behaviours and words that blame the victim of sexual violence and minimize the incidence and impact of rape and other forms of sexual violence. Rape culture usually objectifies women and other genders, which can lead to misogynistic behaviours and attitudes. A culture of misogyny is a culture that enforces the norms and expectations of patriarchal social order where sexism is integrated in the behaviour and communication of members of a community and/or an institution.

1.3 CULTURE OF CONSENT:

A culture of consent is one where all individuals are respected, consent and consideration are valued, and survivor/victims are not blamed for acts that have been done to them and are supported and protected. In such a culture, individuals who are in a position of privilege or power do not take advantage of those who are not in such positions; rather they protect them and protect their rights when needed. In a culture of consent, all members of the College Community take pride in being active bystanders when they witness acts of sexual violence and seek opportunities to discuss consent and all that it entails in their day-to-day interactions (class discussions, hallways, etc.).

1.4 SEXUAL VIOLENCE:

Sexual violence means any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity. It includes any sexual act, attempt at sexual contact, comment or advance of a sexual nature, or targeting (directly or indirectly) of an individual's sexuality using coercion. This implies that these acts of sexual violence are committed against an individual who is non-consenting or unable to consent. It also acknowledges that some acts of sexual violence, such as some types of coercion, may not always fall within the scope of what is prohibited by law at this time, but falls within the scope of this definition and Policy. Sexual violence includes sexual assault, sexual coercion, sexual harassment, sexual misconduct, sexual exploitation and abuse of power. Sexual violence also includes stalking; sexist, homophobic and/or transphobic jokes; indecent exposure; stealthing (the removal of a condom just prior to or during a sexual interaction without the explicit agreement of the partner); voyeurism; recording and distribution of sexual images/videos without

consent; revenge porn (sending sexual images/videos without consent, taken of someone in a moment of trust of an intimate nature); cyber harassment or cyber stalking of a sexual nature, etc. Sexual violence also includes acts or speech which takes place via technology (social media, online chats, blogs, etc.).

Persons of all genders can experience sexual violence. No one gender is solely responsible for acts of sexual violence although statistics show that some groups are more likely to commit sexual violence while others are, unfortunately, more vulnerable to it. The College recognizes that a person's individual perspective or circumstances such as: national or ethnic origin, gender identity, sexual orientation, age, religion, disability/ability, indigeneity, immigration status, international student status, medical condition such as HIV status, and/or socio-economic factors could make them more vulnerable to sexual violence and could impact their needs and choices with regard to recourse. The support or assistance provided under this Policy shall take into account, as needed and as requested, these perspectives or circumstances, as described above. Respect and acknowledgement of these factors in the care and support provided are essential.

1.4.1 Sexual Assault:

Sexual assault is having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes (but is not limited to) sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Sexual assault also refers to acts that don't include physical contact (e.g. sending intimate pictures, messages, making sexualized comments). The term sexual assault is used to describe any act of sexual violence which would be barred by law.

1.4.2 Sexual Harassment:

Sexual harassment is repeated persistent and unwelcome sexual advances, requests for sexual favours, and other physical, visual, or verbal behaviour of a sexual nature where:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance; or creating an intimidating, hostile, or demeaning employment or educational environment; or
- d. Such conduct targets one's gender, gender identity, sexual orientation, or any other fundamental human right as protected by our laws.

A single isolated incident of sexual violence may constitute sexual harassment if the incident is severe. The more severe the conduct, the less the need to show a repetitive series of incidents to establish sexual harassment.

Sexual harassment can take place in person or via technology (social media, online chats, blogs).

Any dissemination or threats to share intimate information, rumours, images, or videos constitutes web-based harassment.

1.4.3 Sexual Misconduct:

Sexual misconduct refers to acts with a sexual connotation occurring within a professional relationship as defined by the *Code des professions du Québec (LRQ, c. C-26, art. 59.1)*. This would include helping relationships such as those offered by nurses, psychologists, lawyers, counselors, doctors and so on.

1.4.4 Sexual Coercion:

Sexual coercion refers to the use of physical force or more insidious manipulation (blackmail, threats, lies, or psychological intimidation) to obtain sexual contact or interaction.

1.4.5 Sexual Exploitation:

Sexual exploitation is an act or omission to act that involves taking non-consensual, unjust, humiliating, or abusive sexual advantage of another person.

1.4.6 Abuse of Power or Abuse of Authority:

This type of abuse consists of using power or authority conferred by position, in an inappropriate and illegitimate manner, which compromises the employment or the learning of an individual, and which harms or prevents their work or study. It could be used to coerce, threaten, or silence someone in the context of sexual violence.

1.5 CLOSE PERSONAL RELATIONSHIPS:

These include relationships between close friends, relatives, intimate partners, parent and child, siblings, and consensual romantic or sexual relationships.

1.6 POSITION OF AUTHORITY OR POWER:

A position of authority or power occurs when individuals occupy different hierarchical levels in an organization or structure (e.g. teacher with their student, manager and an employee under their supervision, permanent staff member with a contract or occasional employee, staff with a volunteer, stage supervisor with a supervisee, coach with an athlete, etc.).

1.7 HELPING RELATIONSHIPS:

A helping relationship is one of professional or psychological accompaniment of a person in distress in response to a request for such support. This refers to the relationship between students and psychologists, psychotherapists, nurses, counsellors, adapted services technicians, social work technicians, advisors, student life advisors and other such College employees.

1.8 TEACHING RELATIONSHIPS:

A teaching relationship includes all interactions where teaching and learning take place. This includes student/teacher, student/tutor, student/lab technician, student/coach, student/learning specialist relationships to name a few.

1.9 CONFLICT OF INTEREST:

A conflict of interest is a situation in which College employees are in a relationship, which may influence the objective exercise of their duties. A conflict of interest may be real, potential, or perceived.

1.10 SURVIVOR/VICTIM:

A survivor/victim is a member of the College community who has experienced sexual violence.

1.11 RESPONDENT:

Refers to any member of the College community against whom a formal College complaint is made.

1.12 COMPLAINANT:

A complainant is the individual who files a formal complaint about an act of sexual violence.

1.13 ACTIVE BYSTANDERS:

Members of the College community are encouraged to take appropriate action if they witness sexual violence of any kind, rather than being passive bystanders (witnessing but not intervening to help, support, or seek support). Prompt reporting to campus security is encouraged in situations where one's safety and security may be compromised, such as in situations where sexual violence is observed. Failure to intervene or call for help if a member is witness to an act of sexual violence (in person or online) can lead to a loss of trust in the College community, and as such, a passive response cannot be tolerated and may lead to consequences.

Please read **Annex A: SART Support Guide** for detailed information on how to be an active bystander in our community. For additional help, contact a member of the Sexual Assault Resource Team who can meet with you and explain how to step up in such a situation.

1.14 DISCLOSURE (DÉVOILEMENT):

A disclosure means that an individual reveals that they have experienced what they consider to be sexual violence. This is distinct from the act of filing a complaint.

1.15 NOTIFICATION (SIGNALEMENT):

A notification occurs when a member of the College community provides information to the SART that there may exist a situation of sexual violence. This is distinct from the act of filing a complaint.

1.16 REPORTING OPTIONS:

Formal College Complaint: A formal College complaint is a step taken by the victim of sexual violence to officially report a situation they have experienced related to sexual violence. A formal College complaint implies that the individual wishes to alert the College to the existence of a violation of this Policy, and as such start an administrative process of investigation and support.

External Complaint: Members of the College community are free to engage with any outside resource they feel is appropriate, including the criminal justice system and/or pursuing civil justice options.

It should be noted that complainants can make a formal College complaint, external complaints, or both.

1.17 SEXUAL ASSAULT RESOURCE TEAM OR SART:

Sexual Assault Resource Team (see list of individuals in **Annex E: Current List of SART Members**) is available to provide education and consultation to the College community and will serve as the single-window service. It can be convened by the SART Chairperson in cases of sexual violence, to provide support and resources to the concerned parties. The Chairperson of the SART is appointed by the Director General, the Directors of Human Resources and Student Services.

1.18 RETALIATION:

Retaliation is an attempt to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment, or intent to prevent participation in College proceedings under College policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel. Any individual or group of individuals, not just a respondent or complainant, may commit retaliation. It may be committed against the complainant, respondent, or any individual or group of individuals involved in the investigation and/or in the resolution of an allegation of sexual violence. Retaliation could occur before, during or after an investigation and/or College proceedings.

It is a prohibited practice for an employer to take reprisals against an employee or impose any other sanction on an employee on the grounds that the employee has submitted or been involved in the submission of a report to the employer concerning harassment behaviours targeting another person.

1.19 LEADERSHIP:

- a. **SENIOR STAFF:** Any manager of the College who is classified within the meaning of the Senior Staff (Cadres) Regulation. For purposes of clarity, and without limitation, this includes employees classified as Directors and/or Coordinators, *Gérant* and/or *Régisseur*. Senior staff may also be referred to herein as management personnel.
- b. **SENIOR EXECUTIVES:** The Director General and the Academic Dean of the College who are classified within the meaning of the Senior Executives (Hors-cadres) Regulation.
- c. **PERSONNEL MEMBER (EMPLOYEE):** Includes all individuals working at the College whether on a part-time or full-time or occasional basis.
- d. **SUB-CONTRACTOR:** An individual or employee of a company with whom the College has a contractual relationship.
- e. **SPORTS TEAM:** This refers to members of a team, visiting or local, including but not limited to coaches, athletes, therapists, drivers or league officials.
- f. **UNION REPRESENTATIVE:** An employee elected to an association to represent the interests of a specific group of employees (i.e.: support, professional or teaching personnel) such as defined by the document of certification.

- g. **STUDENT ASSOCIATION (SUJAC):** Group whose main function is to promote and defend students' rights and interests at the College.
- h. **SUJAC REPRESENTATIVE:** This refers to a student elected to the association to represent the rights and interests of all students of the College.

1.20 COLLEGE COMMUNITY:

This refers to any students (current, applicants and alumni), any college employee, applicants for employment, persons doing business with or acting on behalf of the college, volunteers, contractors, and visitors to campus.

2. OBJECTIVES

This Policy:

- a. is intended to counter any form of sexual violence, in order to protect the physical and psychological integrity of individuals, to protect their dignity and ensure a non-discriminatory, harmonious and safe place of work and study;
- b. will outline the roles and duties of the various members of the College community with regards to preventing sexual violence and promoting a culture of consent and safety across the College;
- c. will mandate safety and prevention measures to be implemented and reviewed regularly;
- d. will be made available to all individuals whose behaviour falls within the scope of this Policy;
- e. will provide clear information on how to receive support for sexual violence and how to file a formal complaint. It will also outline possible consequences of behaviours of sexual violence within our College community;
- f. will provide a framework for the implementation of educational, preventive and administrative measures to raise awareness in the College community and to communicate the College's formal position of zero tolerance against sexual violence. Support may also be sought under **Annex A** and **Annex B: SART Reference Guide** and by consulting a member of SART, as further defined therein.

The College will therefore:

- a. foster an awareness of behaviours that can lead to sexual violence through optional and mandatory annual educational programs for both staff and students;
- b. act upon complaints of sexual violence promptly, fairly, judiciously and with due regard to confidentiality for all parties concerned;

- c. ensure that any member of the College community who seeks, in good faith, recourse/redress or is involved in any proceeding under this Policy is able to do so without fear of retaliation;
- d. ensure that this Policy does not have the effect of prejudicing the rights of any individual under collective agreements or the law; and
- e. provide guidelines for social or welcoming activities organized by the College, a staff member, a sports team, or student groups, regardless of where they are held (on or off campus).

3. SCOPE OF POLICY

This Policy applies to all those working or studying at the College. It also applies to all persons using the services of, or providing services to, members of the College community. The SART encourages the prompt reporting of all incidents of sexual violence, regardless of who the offender may be. Accordingly, this Policy applies, without limitation, to:

- a. behaviour on campus;
- b. all forms of communication, including, but not limited to, telephone, electronic communication or social media;
- c. behaviour at College sponsored events, whether on or off-campus;
- d. social and athletic functions related to the College;
- e. stage setting, work-study or exchange programs;
- f. trips, field trips, conferences, training sessions and seminars;
- g. off-campus behaviour by a member of the College community which impacts an individual's ability to work or study at the College.

4. ROLES AND RESPONSIBILITIES OF VARIOUS PARTIES

All members of the College community must:

- a. familiarize themselves with this Policy and their responsibilities therein;
- b. comply with this Policy;
- c. report any incident of sexual violence witnessed by immediately contacting the SART or College security;

- d. participate in training and prevention activities organized in relation to this Policy;
- e. refer anyone wanting to report an incident or obtain information to the SART;
- f. cooperate in investigations into allegations of sexual violence.

In addition, some members of the College community have additional roles and responsibilities, in particular:

Senior Staff

- a) to ensure the application of this Policy;
- b) to take the mandatory training required by the Policy and offered through the College;
- c) to ensure the accountability provided for in this Policy.

5. PROHIBITED BEHAVIORS

By law, and with this Policy, the following behaviours are prohibited within the College community:

- a. it is prohibited to commit any form of sexual violence toward another member of the College community;
- b. it is prohibited to retaliate against a member of the College community who has disclosed, reported, been accused of, or filed a formal complaint related to sexual violence;
- c. it is prohibited for all employees to engage in an intimate, romantic and or sexual relationship with a student without respecting the limitations outlined in this Policy.

6. EDUCATION, TRAINING, PREVENTION ACTIVITIES AND COMMUNICATION

6.1 INTENT:

The College is committed to promoting a safe learning and working environment for the College community. The College will work to eliminate sexual violence through the dissemination of educational material and year-round training programs for students, faculty and staff. **Some of this training will be yearly and mandatory in nature, as mandated by law. All agree to abide by these rules and attend/view these mandatory training sessions.**

As part of its efforts to eliminate sexual violence at the College, the SART, Human Resources Department, and other groups will collaborate to:

- a. Coordinate education and training communication to the College community regarding sexual violence.
- b. Work with relevant departments to provide education to the College community regarding sexual violence. Topics may include:
 - disseminating detailed information and description on consent and the legal ramifications if consent is not secured and an act of sexual violence occurs;
 - creating and maintaining a culture of consent within the classroom and the College (e.g. promoting inclusive and survivor-based language, active bystander intervention strategies);
 - providing awareness regarding safe and supportive interventions that may be offered or provided when a situation of sexual violence occurs or is reported;
 - providing information on this Policy.
- c. Provide and coordinate information and training related to new issues arising in the field of sexual violence to individuals and departments involved in responding to sexual violence.
- d. Consult and collaborate with individuals and groups both on and off campus who provide alcohol education, active bystander training, sexual violence and sexual harassment prevention education.
- e. Provide and coordinate support and education to the College community as required around issues related to the survivor/victim, alleged perpetrator, sexual violence policy and procedures and general information on sexual violence.
- f. Provide a yearly report to the Director of Student Services, Director General, and the Ministry (as mandated by), regarding the application of this Policy. Such report shall include the data collected and any appropriate recommendations regarding this Policy.
- g. Coordinate with the College's Communications Department on awareness campaigns.

6.2 COMMUNICATION TO STUDENTS:

The dissemination of educational material will be communicated to the College's student population through:

- a. Presentations during orientation week by trained facilitators and professionals, and written communication in all orientation and/or admissions packages.
- b. Workshops by trained facilitators and professionals geared toward the students in residence, sports teams and student union (SUJAC) representatives and clubs.
- c. Electronic communication through the College's online platforms (Omnivox, institution social media sites), via course outlines each semester, or during course registration.
- d. Education related to rape culture and sexual violence in course materials and program curriculum where appropriate by trained faculty.

- e. Awareness activities through diverse campaigns and events throughout the academic year in collaboration with departments and committees of interest (e.g. Harassment Awareness Committee, Health and Wellness, SART, Counselling).
- f. Mandatory training sessions that shall be offered to students and should include information on the following topics, among others:
 - i. the content of this Policy;
 - ii. internal and external resources available to support anyone affected by sexual violence;
 - iii. the phenomenon of rape culture, the concept of consent, being an active bystander, helpful attitudes when receiving a disclosure, ability to identify high risk situations;
 - iv. myths and stereotypes associated with sexual violence;
 - v. code of conduct surrounding intimate relationships between staff and students.

6.3 COMMUNICATION TO FACULTY AND STAFF:

The dissemination of educational material will be shared to the College's employees through:

- a. yearly professional development activities such as webinars, 'lunch and learns' and mandatory workshops focusing on sexual violence awareness, providing an environment of consent and response to reports of sexual violence;
- b. electronic communication through the College's online platforms and social media;
- c. mandatory training sessions that shall be offered to staff and should include information on the following topics, among others:
 - i. the content of this Policy;
 - ii. internal and external resources available to support anyone affected by sexual violence;
 - iii. the phenomenon of rape culture, concept of consent, being an active bystander, helpful attitudes when receiving a disclosure, ability to identify high risk situations;
 - iv. myths and stereotypes associated with sexual violence;
 - v. code of conduct surrounding intimate relationships between staff and students.

7. SAFETY MEASURES TO COUNTER SEXUAL VIOLENCE, INCLUDING INFRASTRUCTURE ADJUSTMENTS TO SECURE PREMISES

As part of this Policy, the College commits to:

- a. undertake a "crime prevention through environmental design" audit with trained law enforcement to consider how the physical environment can contribute to incidents of

sexual violence in public spaces;

- b. abide by recommendations outlined by the audit;
- c. consider creating a 'Walk Safe' program for students and staff who wish to be accompanied on and/or off campus property;
- d. ensure that emergency communication points around campus are well identified and easy to access regardless of location on College property.

8. GUIDELINES FOR SOCIAL OR WELCOMING ACTIVITIES ORGANIZED BY THE COLLEGE OR A STUDENT GROUP

The College has an obligation to ensure that individuals can participate in student or staff-led activities in a safe, non-threatening and enjoyable environment. Every participant and organizing member must abide by the guidelines of this Policy and respective codes of conduct.

8.1 SOCIAL EVENTS :

- a. All events organized should be completely inclusive and accessible by all its membership or participants.
- b. All members or participants should be made to feel welcome and a part of the club or event regardless of their willingness to take part in events.
- c. All students must adhere to the Student Code of Conduct at all times.
- d. All organizers must have had training, which provide them with the appropriate tools to intervene in a situation when sexual violence occurs or is reported.

8.2 WELCOME CEREMONIES:

Welcome ceremonies are classed as a social event and must adhere to all guidelines in the above section. In addition to these points, the following is also required:

- a. A detailed activity list of the planned event must be submitted to the Director of Student Services or a delegate. These must be approved a set amount of working days before the planned date of the event.
- b. All welcome ceremonies must take place within a venue located within the College.
- c. At all times, a responsible person must oversee the welcome ceremonies. This person must remain sober for the duration of the welcome ceremonies.
- d. It must be made explicitly clear that welcome ceremonies are not compulsory. No one should feel pressured to attend or fear backlash for their absence.

- e. If alcohol is involved, an alcohol-free alternative beverage must be offered.

8.3 MEASURES FOR THIRD PARTIES ON CAMPUS:

The College maintains a number of contractual relationships with external companies, for example, to offer services for their renovation projects. As the employees of these companies also work on the College campus, they too have a role to play in the prevention of sexual violence. As such, the College requires the following of all sub-contractors working on their premises:

- a. that all sub-contractor contracts contain a clause that requires them to inform all their employees of their obligations under this Policy;
- b. that all employees employed by sub-contractors and working on campus are subject to this Policy.

9. CODE OF CONDUCT FOR INDIVIDUALS IN A TEACHING RELATIONSHIP WITH A STUDENT OR WHO ARE IN A POSITION OF AUTHORITY

9.1 CONSENSUAL ROMANTIC AND/OR SEXUAL RELATIONSHIPS:

A consensual relationship is one in which two people are engaged by mutual consent in an emotionally (romantic) and/or physically (sexually) intimate relationship.

For students under the age of 18, and notwithstanding anything to the contrary contained herein, a consensual romantic and/or sexual relationship with a person in a position of authority is illegal.

9.2 CAUTION FOR ANY SEXUAL OR ROMANTIC RELATIONSHIP BETWEEN MEMBERS OF THE COLLEGE COMMUNITY:

- a. Any such relationship between individuals of legal age has significant and long-lasting potential risks. In the CEGEP context, such positions include teacher/student, administrator/employee, coach/athlete, supervisor/supervisee, and individuals who supervise the day-to-day student living environment to name a few. Individuals who are not in a position of authority one semester may be the next due to the nature of the CEGEP context for both students and employees who may change programs or positions within the College. The potential for an eventual conflict of interest must always be considered prior to entering in a romantic and/or sexual relationship with another member of the College community.
- b. The potential risks include conflict of interest (favoritism and bias) which undermine the real or perceived integrity of the evaluation and supervision. When there is an unequal power relationship between two individuals, it can make consent to a relationship or an act problematic or impossible to ascertain. In this case, sexual violence can occur.

- c. Romantic and/or sexual relationships between persons of unequal positions may have unintended adverse effects on the climate of the workplace - both during such a relationship and after any break-up. When the status of the relationship changes, the conduct that was previously welcome may become unwelcome, leading to potential grounds for a charge based upon subsequent unwelcome conduct. When one party is in a position to evaluate the work or influence the career of the other, there is a significant potential risk for undue access or advantage, restriction of opportunities, or simply a perception of these problems, which may lead to grounds for complaint by third parties. Even when a relationship ends, there may be a bias (even if unintentional) for or against the former partner, or there could be an ongoing impression of such bias by others.
- d. In addition, social media platforms can create the illusion of greater intimacy and can lead, if used without this caution in mind, to intended or unintended acts of sexual violence. It is therefore highly recommended that all staff members use official forms of communication (such as MIO, Abbott email, LEA, and so on) with students at all times rather than unofficial ones (e.g. Facebook chat groups).

9.3 COLLEGE POSITION:

It is the opinion of the College that sexual and/or romantic relationships between an employee and a student at the College are counter to the educational mission of the institution. Consequently, consensual sexual or romantic relationships between individuals in unequal positions are prohibited under this Policy and these prohibited relationships include, without limitation, the following situations:

- a. a member of the teaching staff and a student in the same program;
- b. a member of the staff who is in a helping relationship with the student;
- c. a member of the staff and a student stagiare under the staff member's supervision;
- d. a member of the senior staff or senior executive of the College and a student;
- e. a laboratory assistant, or teachers' assistant and a student in the same program;
- f. a security services employee and a student;
- g. a sports coach and a student member of the coach's team.

To ensure that you are not in a prohibited relationship, any existing sexual and/or romantic relationship with a student must be disclosed by the staff member to the office of the Secretary General in confidence so that measures may be taken in order to avoid any real or apparent influence in the academic process; such disclosure must be made using the appropriate form made available on the College's website ([Disclosure Form](#)), a draft of the form is attached hereto as Schedule A for information purposes only. Failure to disclose within a reasonable time limit may result in appropriate disciplinary action in accordance with College policies and applicable laws and collective agreements.

For purposes of clarity, the foregoing shall not be applicable if the student is under the age of 18, as any such relationship is illegal as per above. With respect to sexual and/or romantic relationships between College employees that are not students of the College, please refer to Policy 8 – Code of Ethics for College Employees.

10. CONFIDENTIALITY FOLLOWING A DISCLOSURE

Ensuring confidentiality is vital in creating an environment and culture where survivors/victims feel safe to disclose and seek support and accommodation. Any information disclosed to the Chairperson of the SART or a delegate will be held in the strictest confidence and will not be shared without the express permission of the individual who provided this information. There are, however, limits to the confidentiality that must be respected under certain circumstances, such as:

- a. an individual is judged to be at imminent risk of self-harm or of harming another;
- b. evidence of sexual violence is available in the public realm (ex: video shared publicly on social media);
- c. reporting or action is required by law (ex: subpoena, a minor when said minor has been subjected to a sexual assault, or has been accused of a sexual assault);
- d. reporting or action is necessary for the safety of the College community (ex. pattern of predatory behaviour on campus).

The College reserves the right to initiate a preliminary investigation and/or inform the police of the need for a criminal investigation, even without the consent of the survivor/victim, if the College believes that the safety of the College community is at risk, or if the College has received an important number of disclosures or notifications which warrant such a preliminary investigation. A decision by the College to initiate a preliminary investigation and/or pursue other recourses without the consent of the survivor/victim will only be taken in extraordinary circumstances following an assessment by the appropriate College senior staff and senior executives. The purpose of any such preliminary investigation will be to ensure a safe learning and working environment for the College community and to identify process improvements to support such environment, through education, training, prevention activities, communication, etc. A preliminary investigation is different from the formal complaint process contemplated in this Policy as their scopes and objectives are different.

In addition, while confidentiality and discretion will be encouraged by all parties implicated in a formal complaint process, at no time will the College attempt to silence an individual simply to protect the reputation of the institution or its members. Any request for confidentiality or discretion will be solely to respect laws and to ensure the integrity of the formal complaint process.

Disclosures involving employees or persons affiliated (i.e. internal, external or contractors) must refer the survivor/victim to the SART.

11. RETALIATION

The College prohibits any attempt at retaliation against individuals who disclose, signal, or report an incident of sexual violence. This is the case for retaliation efforts made prior to a disclosure or report, during an investigation, or following such an investigation. This is also the case for retaliation against someone accused of sexual violence. Reports of any such attempts at retaliation will be taken seriously and sanctions may be applied by either of the Directors of Student Services or Human Resources, as it applies.

12. ADMINISTRATIVE AND/OR DISCIPLINARY MEASURES (APPLICABLE SANCTIONS)

Any formal complaints made and deemed receivable will be investigated and could result in administrative and/or disciplinary measures. Any such measures are taken in accordance with the applicable collective agreement. However, as per Bill 42 (*An Act to prevent and fight psychological harassment and sexual violence in the workplace, 2024, Chapter 4*), when imposing disciplinary measures relating to physical, psychological or sexual violence, the College may take into account past disciplinary measures imposed for misconduct of this nature, despite the presence of an amnesty clause in the applicable collective agreement or decree. These are detailed below in the Formal Complaint sections of this document.

13. SEXUAL ASSAULT RESOURCE TEAM (SART)

13.1 THE SEXUAL ASSAULT RESOURCE TEAM (SART):

The SART is the primary resource for support and response in the case of sexual violence. In addition, the SART will be a resource for all education, training and communication to the College community regarding sexual violence as set out in this Policy. Any member of the College community who is aware of an incident of sexual violence should advise the Chairperson of the SART (preferably with the permission of the individual who has disclosed this information) so that appropriate support and information can be provided in a timely manner.

In addition, SART shall maintain relevant records and denormalized statistics for the College pertaining to cases of sexual violence that it responds to under this Policy. The SART will also assess activities and communication initiatives to ensure that they remain pertinent, accurate and effective.

The SART, chaired by the SART Chairperson, is called to meet on an urgent and priority basis in the event of a reported incidence of sexual violence and will act together to provide a coordinated and appropriate response.

13.2 ACCESS TO THE SART:

The access point for the SART will be through its Chairperson, who can be reached via MIO: SART, email: sart@johnabbott.qc.ca, phone: 514-457-6610 ext. 5555 or in person through the reception

of Student Services in H-138. In the absence of the Chairperson, a delegate will be clearly identified. If the person making a disclosure is an employee, the SART can provide information about the policy and external resources and will refer them to the Director of Human Resources if they wish to make a formal complaint and to the employee assistance program for supportive help.

The SART Chairperson or delegate will:

- a. act as the lead responder in cases of reported sexual violence and, with the consent of the survivor/victim, shall act as their voice, where needed, in the College community;
- b. provide and/or coordinate case management of the file including calling the various support services, as required, and coordinating the College's response and the resources offered;
- c. contact and work with all relevant departments/units to address related internal issues for the survivor/victim (e.g.; class changes, work assignments);
- d. support a survivor/victims' wishes should they want to reach out to the alleged aggressor and establish limits, clarify impact of past behaviour, or seek behavior change (this being said, while this option may be presented if it seems appropriate and safe to do so, at no time will the survivor/victim be pressured to take this step);
- e. keep statistics on disclosures, reports and complaints;
- f. support anyone reporting retaliation for disclosing an incident of sexual violence in alerting the appropriate authorities at the College, either of the Directors of Student Services or Human Resources, as it applies, or externally.

13.3 SART COMPOSITION:

The SART is an ad hoc team composed of the most relevant resources, depending on each case, as determined by the SART Chairperson and in accordance with the needs and wishes of the survivor/victim. The role of Sexual Assault Resource Team is not to investigate but rather to educate and support. In addition to the SART Chairperson, the team may include a representative from:

- Director of Student Services
- Counselling
- Security
- Health & Wellness
- Human Resources
- Academic Dean, Dean of Academic Systems or Program Dean, as appropriate
- Department Chair or Faculty Member
- Residence Manager
- Access Center
- International Programs Office
- Centre for Continuing Education

14. CONTACTING SEXUAL ASSAULT RESOURCES

Any member of the College community needing to share information pertaining to a breach of this Policy, be it a disclosure, a notification or to file a formal complaint, can do so by accessing the single-window service SART.

Please see **Annex B: SART Reference Guide** for step-by-step instructions on who to contact for emergency situations, non-emergency situations, for secondary victims (witnesses, close relations of victims, etc.) of sexual violence, as well as for those accused of sexual violence. Information is provided for on campus support as well as external support. Should an incident occur outside of regular College opening hours, please notify the SART Chairperson or contact the resource line at extension #5555 once the College reopens so that the survivor/victim may be made aware of all recourse and support available in such situations. The SART is located in Student Services room H-138. Outside agencies (Provincial Sexual Assault Help Line, Police, Hospital employees may not know about the services available at the College and therefore, a separate notification must be made via the *Single-window service* at 514-457-6610 ext. 5310 or 5555 for the survivor/victim to be offered support in this way).

Any employee of the College community could be the first person informed of an incidence of sexual violence. The first person aware of a non-immediate incident of sexual violence should encourage the survivor/victim to contact the SART.

Any employee of the College community who is made aware of an incident of sexual violence is strongly encouraged to contact SART in order to consult with the SART Chairperson regarding:

- how to assist or where to refer the survivor/victim (on an anonymous basis or with the consent of the survivor/victim);
- debriefing regarding the intervention or encounter with the survivor/victim;
- in order to be able to offer and provide support, the SART Chairperson must be made aware of a concerning situation. Notifying the police or an outside resource will not automatically enlist the support of the SART. The SART will collaborate with outside agencies only with the express permission of the individual involved.

If the SART Chairperson or any other member of the College community is approached by the alleged perpetrator seeking support or assistance, such person shall be referred to the designated perpetrator point-person of the College's Counselling team (in the case of a student) or Human Resources or a union representative (in the case of an employee), who shall provide timely support and referrals to the appropriate resources (see Annex C: Support for Respondents).

14.1 REPORTING:

Survivors/victims of sexual violence have options when deciding where and how to file a police report and/or formal College complaint in response to an incident or incidences of sexual violence. Note that disclosing is not the same as reporting.

- a. **Disclosure of an incidence of sexual violence** for the purposes of support, assistance and/or accommodation is confidential, subject to these limits:

- i. It is essential to know that if the individual disclosing that they have been subject to a sexual assault is a minor (aged less than 18 years), the individual receiving the disclosure HAS NO CHOICE under the *Loi sur la Protection de la Jeunesse* (Youth Protection Act) but to report this to Youth Protection (see **Annex D: Youth Protection Reporting Numbers by Region** for contact numbers). While it may seem counter intuitive to remove choice from a survivor/victim of sexual violence aged under 18, this is mandated by law to ensure that the individual is receiving adequate medical and psychological care and not experiencing retribution from family for being victimized in the first place.
 - ii. **If the SART or another member of the College community receives several disclosures which may indicate a predatory pattern of attacks on or off campus, in the interest of safeguarding members of our College community, some information may need to be shared with the proper authorities (e.g. Security, Director of Student Services, Director General, HR, Police) and a preliminary investigation may be initiated as contemplated in section 10 hereof. In such a case, only the information necessary will be shared. Anonymity of the survivors/victims who have come forward will be protected within the limits of the law.**
- b. **Police reporting is a choice made by a survivor/victim** who wishes to move towards a legal and/or disciplinary process in which anonymity is not possible. Complaints made under this Policy or under Policy 13 - Policy on Student Conduct and Discipline Procedures are treated confidentially, subject to the limits of these policies. Once again, if the situation involves a survivor/victim who is a minor, reporting to Youth Protection is not a choice but a legal obligation. Reporting to the College remains a choice.
 - c. The SART Chairperson (or delegate) shall assist survivors/victims in understanding each of these options and in ensuring that they have all the information that they need in order to make an appropriate decision that meets their needs. Detailed information about options (within the College and/or to police) and what to expect for all parties, survivors/victims and persons accused, are provided in **Annexes A and B**.

The availability of some options will depend on the member status of the survivor and/or the person accused, as well as whether the sexual violence took place on or off campus.

14.2 REPORTING OPTIONS AND CONSIDERATIONS:

14.2.1 Criminal Option:

Reports/complaints can be made to the police with the goal of pursuing criminal charges under the *Criminal Code*.

14.2.2 On-Campus Option:

A complaint may be made within the College under Policy 13 – Policy on Student Conduct and Discipline Procedures, when both parties are subject to the jurisdiction of such Policy 13, or under any other applicable policy. This is not a substitute to a police investigation, but rather a parallel

process that remains internal to the College. An individual can certainly choose to make both an internal and police report following an incident of sexual violence.

In the case of an allegation against employees, reports/complaints can also be made to an appropriate supervisor, depending on the parties involved. At all times, it is strongly encouraged that the SART Chairperson or delegate be involved so that all receive comprehensive information on the options open to them as well as be offered appropriate support.

14.2.3 Appropriate Accommodations for Students:

Regardless of whether the survivor/victim decides to file a formal College complaint and regardless of the outcome of a criminal or internal complaint, the survivor/victim will be offered accommodations, psychosocial support and accompaniment through the various steps of the complaints process by SART members if internal, via external resources if external complaint. These must be put in place within seven (7) days of the request for accommodations to the SART. Accommodations may include a delay (without penalty) of academic assessments, breaking a lease in residence (without penalty), increased time to complete tests, receiving an incomplete for a course, transferring into an equivalent class and so on. These will be determined by the SART resource person in conjunction with the survivor/victim and an appropriate College authority if needed (e.g. to break a lease, perform a late withdrawal from a class), based on the severity of symptoms as well as the particular circumstances (e.g. alleged aggressor in same class).

14.2.4 Other Considerations:

- a. **Retaliation or the threat of retaliation** against individuals who report an incident or incidents of sexual violence in good faith, or who participate in an investigation as primary or secondary witnesses is prohibited and disciplinary action may be taken following threats or attempts to retaliate or silence anyone involved in such an investigation. Retaliation or threats of retaliation against a respondent are also prohibited. Any such retaliation or threats of retaliation could lead to administrative or disciplinary consequences up to and including termination of studies or employment.
- b. Survivors/victims and alleged perpetrators of sexual violence are encouraged to engage in appropriate recourses and avoid making public accusations. Such public accusations include but are not limited to social and other media.

14.3 FORMAL COLLEGE COMPLAINT:

- a. The formal complaint process is initiated through the SART resource team which is designated as the single-window service. The mandate of the single-window service is to receive any incident report, disclosure or complaint with respect to a member of the College community, and to accompany the individual through the process. The College must act rapidly in order to ensure the security of the person, victim or witness of an act of sexual violence, who witnesses an event or who files a complaint while putting in place measures to attenuate the potential negative impacts on the victim's academic and personal life. The law prescribes a maximum of seven (7) days to put into place the necessary accommodations. The single-window service is confidential and directs individuals to the appropriate services. Its mandate is not to conduct an administrative or disciplinary investigation.

- b. In the case where a complaint is reported directly to the Directors of Human Resources or Student Services, these Directors may enlist the help of a SART member to provide support and accommodations to the individual involved.
- c. This formal complaint process must not take more than ninety (90) days to complete. The ninety (90) days starts as of the date the complaint is deemed to be receivable by the Director of Human Resources, the Director of Student Services or the Director General, as applicable. At any time during the process, the survivor/victim may ask for and receive the accompaniment of a SART resource person. At no time during this formal complaint process will the survivor/victim be asked to meet with the respondent face to face unless it is specifically requested by the survivor/victim.
- d. The College is committed to responding to any accommodation request within seven (7) days.
- e. Policy No. 24 applies in the following cases:
 - i. when a complaint is filed against a College employee or student;
 - ii. when a complaint is filed relative to an event that occurred on the College campus and in the context of an activity organized by the College;
 - iii. when a complaint is filed relative to an event that occurred outside of the College campus but in the context of an activity organized by the College;
 - iv. it is the responsibility of the Director of Human Resources or Director of Student Services to assess the receivability of a complaint that concerns a situation where an activity is not organized by the College but involves members of the College community.
- f. The SART member may help the survivor/victim with this process at the request of the individual making the formal complaint. To find out how to reach a SART member, please refer to **Annex B**.
- g. In the event that a member of the College community is accused of sexual violence, they will be provided information on applicable policies and support as per **Annex C**.
- h. There is **no** restriction on the delay to put forth a formal complaint following an act of sexual violence, as long as both parties are currently enrolled or employed at the College.
- i. As per Bill 42, in cases of employment injury, a worker's claim for an employment injury resulting from sexual violence suffered by the worker shall be filed within two (2) years after the injury.

14.4 PROCESSING A FORMAL COMPLAINT:

- a. Processing a complaint begins with the person filing the complaint at the single-window service, in one of two ways:
 - i. by a written statement; or
 - ii. by a member of the SART putting it in writing.

- b. The complaint is filed with the Director of Human Resources, or in the case of a student-to-student complaint, to the Director of Student Services. The Director of Human Resources or the Director of Student Services, as applicable, shall provide the complainant with a copy of this Policy. In the event that the Director of Human Resources or Director of Student Services were the object of a direct complaint, the complaint shall be filed with the Director General, in the former case, and the Director of Human Resources, in the latter case, who will chair the investigative panel; all other provisions of this Policy shall apply, *mutatis mutandis*.
- c. The complaint must contain the complainant's full name, phone number and address and be signed by the complainant. The complaint must clearly identify the respondent by name or sufficiently describe the respondent to facilitate the identification of the person. The complaint must further describe the relationship between the complainant and the respondent and contain a sufficiently detailed description of the situation including the context, the location, the circumstances, as well as the date(s) and the time(s) on or around when the event(s) occurred. Only information pertaining to the situation or events leading to the written complaint should be included in the complaint.
- d. The complaint must remain confidential between all parties involved, including as long as the investigation is on-going and the appropriate and formal recommendations have not been implemented. All complaints must be handled with tact and discretion.
- e. At the request of the complainant, a SART member may assist the complainant with the drafting of the complaint; however, the description of the events must remain that of the complainant. The complainant can decide to withdraw their complaint, stop, and/or resume the process.
- f. Prior to investigating a complaint in accordance with section 14.5 hereof, the Director of Human Resources or the Director of Student Services, as applicable, will examine the receivability of the formal complaint. For example, a complaint which does not contain a sufficiently detailed description of the situation allowing for a proper investigation, a complaint that appears frivolous or unfounded, are not receivable hereunder and cannot be investigated under section 14.5 hereof. The Director of Human Resources/Student Services may decide to outsource the examination of the receivability of the formal complaint to an external investigator who will report its findings to the Director of Human Resources/Student Services, as applicable. Any complaint which appears frivolous or unfounded shall be dealt with in accordance with section 14.7 hereof, *mutatis mutandis*.

14.5 INVESTIGATION OF A FORMAL COMPLAINT:

- a. Once a formal complaint has been filed and is deemed receivable, the Director of Human Resources or the Director of Student Services, as applicable, informs the respondent by providing them with a summary of the complaint highlighting pertinent facts as outlined in section 14.4 hereof, or with a copy of the written complaint with all personal information removed. Such summary or copy, as applicable, together with a copy of this Policy, shall be provided to the respondent within ten (10) working days of receipt of the complaint. The respondent may submit, or decline to submit, a written response to the allegations within ten (10) working days of receiving the complaint or summary thereof; a copy of the response is

provided to the complainant within five (5) working days of receipt by Human Resources or Student Services, as applicable.

Unless the complainant and respondent have agreed to mediation or other acceptable settlement process, the Director of Human Resources will appoint two (2) other members of management (where possible, of different genders), who are not in direct working relationship, and who are not in a conflict of interest with the complainant or respondent, whether real, potential or perceived, to an investigative panel and will also chair this investigative panel. In cases of a student-to-student complaint, the Director of Student Services will appoint and chair the investigative panel comprised of two (2) other members of management (where possible, of different genders), who are not in direct working relationship, and who are not in a conflict of interest with the complainant or respondent, whether real, potential or perceived.

- b. In cases where appropriate, the Director of Human Resources/Student Services may decide to outsource the investigation of a formal complaint, in which case, the investigative panel will consist of one or more external investigator(s), with or without the participation of the Director of Human Resources/Student Services and members of management (it being understood that the investigative panel may consist of a single external investigator).
- c. The investigative panel will begin to hear the complaint within thirty (30) days of receipt (excluding official vacation periods).
- d. The investigative panel will conduct an impartial investigation into the allegations made and the response provided if any; both the complainant and the respondent will be advised of their right to be accompanied by a representative of their choice during any meetings with the investigative panel.
- e. The investigative panel will:
 - i. collect all the facts relevant to the investigation;
 - ii. interview the complainant, the respondent, any witnesses and any other interested parties;
 - iii. require that these persons maintain the strictest level of confidentiality and that they sign a confidentiality undertaking or agreement;
 - iv. provide a sufficiently detailed account of the exchanges with one party to the other party in order to allow for reply or rebuttal; gather all the documents required in support of the facts;
 - v. conclude its deliberations and render a detailed confidential report within ninety (90) days of the conclusion of its investigation, as to whether sexual violence has occurred;
 - vi. prepare a written report to be forwarded to the complainant and the respondent; and, if requested by the complainant at any time during the investigation or in their filed formal complaint, inform the complainant confidentially of whether or not measures have been imposed on the respondent as well as the details and terms of

the measures, if applicable (in such a case, as this constitutes the disclosure of personal information, the investigative panel shall inform the person in charge of access to documents and personal information at the College of such disclosure for recording in the appropriate register);

- vii. issue recommendations to the College with regard to interim measures only, when justified by the circumstances, to prevent the situation from repeating itself while the investigation is ongoing.

To see the current composition of the SART, please see the list included in Annex E attached hereto.

14.6 CONFIDENTIALITY:

- a. Any disclosure provided to the SART Chairperson (or the first SART person of contact) will be held in the strictest confidence and will not be shared except as stipulated otherwise herein.
- b. All the persons called upon to intervene or to be interviewed within the context of the above procedures will be held to the strictest confidentiality except as stipulated otherwise herein or where quasi-judicial or judicial proceedings (arbitration hearing or other tribunal) result from or are initiated following the investigation or any administrative or disciplinary measure issued. Confidentiality applies to the complainant, witness as well as the respondent, and is intended to protect the rights of all concerned parties.
- c. The Director of Human Resources Services and the Director of Student Services are responsible for maintaining the confidentiality of all information they receive in the exercise of their duties under this Policy. The keeping of files, the use of the information contained therein and the destruction of files or parts thereof are subject to the applicable laws governing such matters and the relevant collective agreements; as a general rule, and subject to the foregoing, the College keeps all files for five (5) years from the time the file is closed and destroys them at the end of this period.
- d. All reports, other than the confidential detailed written report of the investigative panel, prepared by any individual and/or committee mentioned in this Policy will identify the parties by number or letter and under no circumstances by name.
- e. This Policy shall not restrict or limit any right or recourse provided under the *Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information*, the whole in accordance with the terms and conditions contained therein.

14.7 ADMINISTRATIVE AND/OR DISCIPLINARY MEASURES (APPLICABLE SANCTIONS):

In cases where the investigative panel finds that sexual violence has occurred, the respondent is subject to administrative and/or disciplinary measures. The Directors of Student Services and Human Resources will decide on the appropriate measures in accordance with the relevant collective agreement or Policy 13 – Policy on Student Conduct and Discipline Procedures, as applicable.

At any time after the investigation and conclusion of their formal complaint, by making a request to the person in charge of access to documents and personal information at the College at: accesstoinformation@johnabbott.qc.ca, a complainant may be informed confidentially of whether or not measures have been imposed on the respondent as well as the details and terms of the measures, if applicable.

Complainants, respondents and all other parties involved in an investigative process are expected to provide as accurate as possible testimonies regarding the incident(s).

14.8 INTERNAL COLLABORATION:

All members of the College community contacted by the SART Chairperson in the application of this Policy are bound to collaborate with the SART Chairperson and identify all appropriate and reasonable accommodations and/or arrangements in support of the survivor/victim, the whole in accordance with existing policies and procedures and as mandated by applicable law (*including, An Act to prevent and fight sexual violence in higher education institutions*).

14.9 APPEAL PROCESS:

- a. The conclusions of the investigation are subject to appeal only on the grounds that the conclusions reached were arbitrary or discriminatory, or, if the procedures outlined herein for the handling of the complaint were materially breached.
- b. Appeals must be submitted to the Director General's office in writing within ten (10) working days of receiving the conclusions of the investigation and must include the specific reasons justifying the appeal. The Director General will address the appeal within ten (10) working days of receiving the request for appeal.
- c. In the event that the Director General was directly involved in the investigation, the appeal shall be filed with the Director of Human Resources who will name a neutral party from the Board of Governors. The neutral party will address the appeal within fifteen (15) working days of receiving the request for appeal.
- d. A successful appeal may result in a new investigation into the complaint or a change in the sanctions and/or measures taken. In the case of a new investigation, an external investigative panel will be appointed to carry out the new investigation.

15. STANDING COMMITTEE

- a. Applicable legislation provides for the establishment of a standing committee whose role is to develop, review and ensure the respect of this Policy. This committee is composed of two (2) members from each of the following groups: support and professional employees, faculty, members of the management team and students. These representatives are appointed by their respective associations. Members of the committee are required to attend specific training on sexual assault and violence.

- b. The standing committee plays a dual role, on the one hand, assumes the responsibilities as outlined in this Policy and, on the other hand, assumes an administrative as well as an educative role under this Policy as well as under *Policy 4 - Concerning Sexual Harassment, Psychological Harassment, Abuse of Power and Violence* respectively.
- c. The Director of Human Resources is responsible for the application of this Policy in conjunction with the SART Chairperson.

16. EFFECTIVE DATE

- a. This policy is adopted by the Board of Governors and comes into effect on September 1, 2019, as amended from time to time. It replaces and repeals any previous policy to the same effect.
- b. Periodic Policy View: All the practices and procedures set forth in this Policy are open to review and re-evaluation. The Director of Human Resources will report to the Board of Governors at least every five (5) years on the extent of compliance with this Policy and recommend any necessary changes.

17. COMMUNICATION OF THIS POLICY

Communication of this Policy will occur as follows:

- a. Students: presentation during orientation.
- b. Employees: in-house mandatory training sessions.
- c. Visitors: any person visiting the College campus will be advised of key elements of this Policy through public signs and a notification on parking passes.
- d. Volunteers: any person performing unpaid work for the College will be made aware of this Policy upon agreement to use their services.
- e. Employees of sub-contractors: all employees of sub-contractors are required to go to the College website to view this Policy and sign a document to confirm that they have read and understood it and agree to abide by it.

18. ANNUAL REPORTING ON INCIDENTS AND INITIATIVES RELATED TO SEXUAL VIOLENCE

The following items must be tracked and be included in the College's annual report:

- a. List of prevention and sensitization initiatives held that year, including those targeting students.

- b. List of training sessions completed by senior staff, senior executives, employees and student union representatives.
- c. Safety measures implemented or upgraded.
- d. Number of disclosures, reports and formal complaints of sexual violence along with time taken to provide accommodation and resolution.
- e. The types of interventions required following complaints and the nature of sanctions applied upon conclusion of the investigations.
- f. The consultation process used to review this Policy, when applicable.

SCHEDULE A

DISCLOSURE FORM

(via Office 365-Microsoft Form)

For questions or additional information, please refer to the Secretary General.

➤ **Identification**

Employee: name, title, employee number, name of department

➤ **Declaration:**

I would like to disclose:

A. A sexual and/or romantic relationship with a student; (see Policy No. 24 *Concerning the Prevention of Sexual Violence and the Promotion of a Culture of Consent at John Abbott College* [[JAC-Policy-24](#)])

B. A conflict of interest due to a close personal relationship with a College employee, a student or any other individual; (see Policy No. 8 – Code of Ethics for College Employees [[JAC-Policy-08](#)])

If A:

➤ **Relationship Information**

Name of student you are in a relationship with, student ID number, age

When did this relationship start (date): _____

➤ **Acknowledgment**

You acknowledge and agree that:

- the College will contact the student you identified as being in a relationship with to confirm the information provided herein and sign this form;
- the information provided in this form is, to the best of your knowledge, accurate and complete.

If B:

➤ **Relationship Information**

Please provide information on the close personal relationship and the conflict of interest (including name of individual, entity they work for (if relevant), description of possible conflict of interest and description of close personal relationship)

➤ **Acknowledgment**

You acknowledge and agree that:

- the College may contact the individual you identified as being in a close personal relationship;
- the information provided in this form is, to the best of your knowledge, accurate and complete.

Thank you for filling out this form.

For purposes of clarity, annexes attached to this Policy are incorporated for information purposes only; as such, any amendment to such annexes do not require board approval.

(Annexes are under revision)