

## **B3009 – SEXUALIZED VIOLENCE RESPONSE**

### **COMPLAINT PROCEDURES INVOLVING STUDENT RESPONDENTS**

#### **Scope**

These procedures apply to individuals who have experienced or witnessed sexualized violence where the respondent is a student. Where the respondent is an employee or a non-student member of the College community, please refer to Procedures for Employee and Non-student Respondents.

#### **Formal Complaint**

1. An individual who has experienced sexualized violence or misconduct or has witnessed sexualized violence or misconduct may make a formal complaint to the College.
2. An individual who wishes to make a formal complaint on behalf of another person must first obtain written consent to act on that person's behalf. The letter of consent must be submitted with the formal complaint. A formal complaint made on behalf of someone else will only proceed if appropriate, after consultation with the individual(s) involved.
3. Individuals who wish to make a formal complaint, after witnessing sexualized violence or misconduct affecting someone else, may submit a formal complaint using their own name.
4. A formal complaint must be in writing and include the following:
  - a. Complainant name(s) and contact information. Contact information will not be shared with the respondent, witnesses, or others named in the complaint.
  - b. Respondent name(s) and contact information if known.
  - c. Description of the incident(s) including dates and time frames.
  - d. Witness name(s) and contact information if known.
  - e. Date and signature
5. Individuals may submit a formal complaint where the respondent is a student to:
  - a. The Manager, Safety, Security and Emergency Management
  - b. The Office of Student Conduct and Academic Integrity
6. When a formal complaint involving a student respondent is submitted to the Manager, Safety, Security and Emergency Management the complaint will be forwarded to the Office of Student Conduct and Academic Integrity for follow-up.
7. On receipt of a formal complaint involving a student respondent, the Office of Student Conduct and Academic Integrity will meet with the complainant and review the options to proceed. These options may include:
  - a. Explore the suitability of and/or interest in an alternate resolution process.
  - b. Explore the suitability and/or interest in proceeding with an investigation.
  - c. Delay responding to the complaint until the complainant decides how they wish to proceed.
  - d. Take no action.
8. When a complainant requests no action by the College or the complaint is abandoned, the

Office of Student Conduct and Academic Integrity will cease action except if there is a duty to proceed (see section 35).

### **Interim Measures**

9. The Office of Student Conduct and Academic Integrity may arrange or implement interim measures deemed appropriate to the circumstances. Interim measures may include, but are not limited to:
  - a. Alteration of the academic schedule of students involved in a complaint of sexualized violence or misconduct.
  - b. Arrangements so students don't have to study together, if feasible.
  - c. Arrangements for a no-contact requirement between students involved in a complaint.
  - d. Temporary, non-disciplinary leave of absence; or
  - e. Any other interim measures deemed appropriate by the College.

### **Student Meeting**

10. Student meetings may be face to face or by some other form of technology. A student respondent must attend a student meeting when notified. Failure to comply will be deemed a breach of the Standards of Student Conduct Policy.
11. During the student meeting, the student respondent will be given:
  - a. An opportunity to receive information regarding the formal complaint received by the Office.
  - b. An opportunity to respond to the complaint and provide any information that might be helpful in addressing the matter.
  - c. Information about either the alternate resolution process or the investigation process, whichever is relevant to the situation.

### **Support During Student Meeting**

12. If a student respondent requires access accommodation to attend the meeting, the student should inform the Office of Student Conduct and Academic Integrity with sufficient notice to make the necessary arrangements.
13. A student respondent may be accompanied to a meeting by a support person who is a member of the College community. Attendance at a meeting by a person other than a member of the College community shall be at the discretion of the Director, Student Conduct and Academic Integrity or delegate. A support person does not participate in the meeting.
14. Students who need language translation during a meeting should inform the Office of Student Conduct and Academic Integrity with sufficient notice to make the necessary arrangements.

### **Post Student Meeting**

15. Information obtained from the formal complaint and the student meeting will be assessed to determine if:
  - a. A decision can be made based on the available information.
  - b. The situation is appropriate for alternate resolution.
  - c. The situation warrants further investigation.

- d. The situation would be better addressed under another College policy or process.
- e. The situation does not require further action.

### **Failure to Attend a Student Meeting**

16. If a student respondent fails to attend a student meeting with the Office of Student Conduct and Academic Integrity, the Director or delegate may:
  - a. Apply interim measures until a meeting takes place.
  - b. Undertake a formal investigation.
  - c. Decide whether the matter under consideration is in breach of the policy based on the available information.

### **Alternate Resolution**

17. Alternate resolution is a voluntary and collaborative process used to resolve an issue without resorting to a formal investigation or as an alternative to completing an investigation. The goal of an alternate resolution is to promote reconciliation, settlement, or understanding among those involved.
18. A complainant may make a request for an alternate resolution by speaking with the Office of Student Conduct and Academic Integrity.
19. When a request for an alternate resolution is received, the request and related information will be reviewed to determine if an alternate resolution is suitable and appropriate in the situation. An alternate resolution process will only be used if exploitation or intimidation is not a factor, and if all parties agree to participate in good faith.
20. If an alternate resolution process is appropriate, agreement to participate will be sought from those involved.
21. The Office of Student Conduct and Academic Integrity will coordinate and/or facilitate the resolution process.
22. An alternate resolution process may include coordination or facilitation of one or more of the following:
  - a. Separate meeting with the individual(s) involved to review and resolve the concern to the mutual agreement of the parties.
  - b. Joint meeting with the individuals involved to facilitate a conversation aimed at resolving the concern.
  - c. A restorative conference or meeting with the goal of repairing harm and promoting reconciliation.
23. The Office may follow-up with individuals involved after the alternate resolution process to ensure any agreements are upheld.
24. If a resolution is reached, a written record of the resolution will be prepared and housed in the Office of Student Conduct and Academic Integrity. The matter will be considered closed.
25. If an alternate resolution is not reached, if either party withdraws from the process, or the agreement is not followed, the Office of Student Conduct and Academic Integrity may decide based on the available information to undertake further investigation.

**Investigation**

26. When the Office of Student Conduct and Academic Integrity determines that further investigation is needed, the Office will notify both the complaint and respondent in writing.
27. Investigations will normally commence within 15 business days of receiving a formal complaint and will normally conclude within 90 business days, notwithstanding extenuating circumstances.
28. If the respondent student withdraws from the College during an investigation, the investigation will continue until a decision is reached.
29. An investigation may include any or all the following:
  - a. Interviews with student(s), other affected parties, and any relevant witnesses, if available.
  - b. A review of relevant documents, media, on-line communications, and any other material relevant to the investigation.
  - c. A review and analysis of all information to determine the facts and any policy breach.
30. Decisions following an investigation will be made on the balance of probabilities, based on the preponderance of evidence.
31. When an investigation establishes that the student has breached the Sexualized Violence Response Policy, the student will be notified in writing (using accessible format when requested) of the decision and any responses or conditions imposed.

**Withdrawing from an Investigation**

32. A complainant may withdraw from an investigation by making a written request to the Office of Student Conduct and Academic Integrity.
33. Upon receipt of a complainant's request to withdraw, the investigation will cease, and the parties will be notified, except where the College has a duty to proceed.
34. Withdrawal from an investigation will have no consequence on the individual's College status and activities.

**Duty to Proceed**

35. The College reserves the right to proceed with an investigation or other action if,
  - a. The allegation involves a minor.
  - b. Federal or provincial legislation requires an investigation.
  - c. There is a reasonable assumption of risk of harm to any member(s) of the College community.
36. Where the College is required to act based on any of the reasons outlined above, the individuals involved will be notified.

**College Response**

37. The College's response to anyone found responsible for a breach of the Sexualized Violence Response Policy may include actions up to and including suspension from the College or rescindment of a credential.
38. When deciding the appropriate response, the Office of Student Conduct and Academic Integrity will consider both aggravating and mitigating factors in the given situation.

39. When a student is found to have breached the Sexualized Violence Response Policy, the Office of Student Conduct and Academic Integrity will notify the student in writing (using accessible format when requested) of:
  - a. The decision and reasons for the decisions.
  - b. The response(s) imposed, and any conditions in relation to the response.
  - c. Appeal options, as applicable.
40. The Office of Student Conduct and Academic Integrity will notify the relevant department in situations where the response will impact the student's participation in the classroom, practicum, co-op, workplace, or in department activities.
41. The Office will implement the response and monitor compliance.

### **Suspension, Rescindment or Denial of a College Credential**

42. Where the Office of Student Conduct and Academic Integrity determines that suspension or rescission/denial of a credential is a possible response for a breach of the Sexualized Violence Response Policy, the Director or delegate will consult with the Associate Vice-President, Students.
43. If the Office of Student Conduct and Academic Integrity and the Associate Vice-President, Students agree that suspension or the rescinding/denial of a credential is under consideration, the student respondent will be provided with:
  - a. A written summary of facts and a recommendation including reasons for the recommendation.
  - b. An invitation to respond to the recommendation.
44. Following receipt of the student response, the Director, Student Conduct and Academic Integrity or delegate, and the Associate Vice-President, Students will review the student response and determine if the recommendation for suspension or rescinding/denying a credential will proceed.
45. If the recommendation will not proceed, the Office of Student Conduct and Academic Integrity will decide whether to impose an alternate response and will notify the student.
46. If the recommendation will proceed, the Office of Student Conduct and Academic Integrity and Associate Vice-President, Students will prepare a written recommendation for the President and will notify the student that the recommendation will advance to the President.
47. If the President agrees that suspension or rescission/denial of a College credential is the appropriate response, the President shall impose the decision.
48. If the President does not agree that suspension or rescission/denial of a College credential is appropriate, the President will refer the matter back to the Office of Student Conduct and Academic Integrity.

### **Return After Suspension**

49. A student who has been suspended from the College is required to meet with the Office of Student Conduct and Academic Integrity prior to registration to review:
  - a. Any conditions or requirements related to the return.
  - b. The College's expectations regarding student behaviour.
  - c. Returning to the College does not mean or guarantee a return to a specific program.

**Disputes**

50. Any student who has a concern about the reporting or investigation process under this policy may notify the Associate Vice-President, Students or Vice-President, People and Culture of their concerns.
51. Disputes regarding responses imposed for violations of the Sexualized Violence Response Policy must be addressed through the Appeal Procedures associated with the policy.