

TITLE: Sexual Violence Policy

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Approved By:

- Board of Governors
- President's Council
- Senate

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The Sheridan College Institute of Technology and Advanced Learning (“Sheridan”) is committed to providing a working and learning environment that is free from Sexual Violence and that is supportive of academic achievement and the dignity, self-esteem and fair treatment of everyone taking part in its activities. Sheridan seeks to foster a climate of mutual respect that reinforces opportunity and allows for each person to contribute fully to the development and well-being of the community. Sheridan will not tolerate any form of Sexual Violence as defined by this Policy, or applicable legislation.

1. Purpose

All Members of the Sheridan Community (as defined under Definitions) have a right to live, work, and study in an environment that is free from any form of Sexual Violence. This Policy and the related Procedures for Students and Employees set out the ways in which Sheridan addresses Sexual Violence, including options for seeking support and reporting. They ensure that:

- individuals who disclose Sexual Violence are believed at the time of disclosure and their rights are respected;
- all individuals affected by Sexual Violence are appropriately accommodated; and
- Sheridan has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of Sexual Violence accountable.

2. Scope

This Policy and its related Procedures apply to Members of the Sheridan Community while on campus and may also apply off-campus, and to activities, including online activities, that engage Sheridan’s interest if the activities in question affect the safety, integrity and/or other interests of the Sheridan community, and/or any Member of the Sheridan Community.

This Policy acknowledges that while Sexual Violence impacts all members of society, some individuals or groups experience Sexual Violence at higher rates. Every effort to address Sexual Violence should be grounded in an intersectional approach, that is, an understanding that each person’s experience may be affected by many factors. This is including, but not limited to: their sex; gender identity and expression; sexual orientation; family status; Indigenous, racial, or ethnic background; language barrier; ability; age; faith; socio-economic status; academic standing; as well as their position within Sheridan.

3. Definitions

Accommodation: For the purpose of this Policy, an Accommodation (academic or otherwise) is a mean of preventing and removing barriers that impede full participation and access among Survivors of Sexual Violence. It is not a courtesy or a favour, nor is it a lowering of academic or employment standards. Accommodation is the recognition that individuals may require some adjustments in order to support their performance on the job or in the classroom.

Centre for Equity and Inclusion (CEI): For the purposes of this Policy, CEI is a space where Members of the Sheridan Community can disclose Sexual Violence and receive support. CEI promotes equity and inclusion on campus through education and awareness, provides advice and consultation on matters like accessibility, and helps resolve concerns of discrimination and harassment, as defined by the Ontario Human Rights Code.

Complainant: An individual who brings forward a Complaint that alleges an incident of Sexual Violence has taken place.

Consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely express yes. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity.

Along with a clear understanding of the definition of Consent, it is also imperative that everyone understands the following additional information about Consent:

- Silence or non-communication must never be interpreted as Consent and a person in a state of diminished judgment cannot Consent;
- A person is incapable of giving Consent if they are asleep, unconscious, incapacitated or otherwise unable to communicate;
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it;
- A person may be unable to give Consent when they are impaired by and/or under the influence of alcohol and/or other drugs;
- A person may be unable to give Consent if they have a mental or cognitive disability which prevents them from fully understanding the sexual acts;
- The fact that Consent was given in the past in a sexual or dating relationship does not mean that Consent is deemed to exist for all future sexual activity;
- It is the responsibility of the initiator of sexual activity to ensure that clear and affirmative responses are communicated at all stages of sexual engagement.
- A person can withdraw Consent at any time during the course of a sexual encounter; and
- Consent cannot be given on behalf of another person.

Position of Trust, Power or Authority

A person may be incapable of giving Consent to a person in a position of trust, power or authority.

- Any sexual relationship between an Employee and a Student, where the Employee teaches or has professional contact with the Student as part of their employment responsibilities, is prohibited.
- Any sexual relationship between an Employee with supervising responsibilities and an Employee who reports to them, directly or indirectly, must be reported to

their manager and Human Resources who will work with the parties to address any potential conflict of interest.

Age of Consent for Sexual Activity:

In Canada, children under 12 can never legally Consent to sexual acts. Sixteen is the legal age of Consent for sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve and 13 year-olds can Consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may Consent to sexual involvement that is mutual with a person who is less than 5 years older. Youths 16 and 17 years old may legally Consent to sexual acts with someone who is not in a position of trust or authority. It is the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Members of the Sheridan Community: For the purpose of this Policy, this includes Students, Employees, Governors, contractors/sub-contractors, suppliers of service, volunteers, guests, and individuals who are directly connected to any Sheridan initiative.

Respondent: An individual against whom a Complaint has been made alleging an incident of Sexual Violence.

Sexual Violence: Any act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's Consent and includes Cyber Sexual Harassment, Indecent Exposure, Sex Trafficking, Sexual Assault, Sexual Exploitation, Sexual Harassment, Stalking, and Voyeurism, as defined below:

Cyber Sexual Harassment: occurs when communication technologies, such as the Internet, social networking sites, websites, emails, text messaging and instant messaging are used to intimidate or harass others in a sexual manner. If severe enough, one incident can constitute sexual harassment.

Indecent Exposure: exposure of private or intimate part(s) of the body in a lewd or sexual manner, in a public place where the perpetrator may be readily observed.

Sex Trafficking: the recruitment, transportation, transfer, harbouring, sale or receipt of persons by improper means (such as force, abduction, fraud, coercion, deception, repeated provision of a controlled substance) for an illegal purpose, such as Sexual Exploitation. This is not to be confused with sex work where the person willingly takes part in the sale of sex.

Sexual Assault: non-consensual sexual contact or activity, that may include the use of force, intimidation, abuse of authority, coercion.

Sexual Exploitation: Also known as "sexploitation"; taking advantage of another person through non-consensual or abusive sexual control. May include digital or electronic broadcasting, distributing, recording or photographing people involved in sexual acts without their Consent.

Sexual Harassment: vexatious comments, conduct and/or communication based on sex, sexual orientation, gender, gender identity or gender expression that is known or should have been known to be unwelcome. May include: sexual solicitations, unwanted attention and sexual advances.

Stalking: behaviour which occurs on more than one occasion and collectively instills fear in the person or threatens their safety or mental health, or that of one's family or friends. May include: non-consensual communication, surveillance and pursuit, obscene or threatening gestures and sending unsolicited gifts.

Voyeurism: secretly observing of a person without their Consent and knowledge and in circumstances where they could reasonably expect privacy. May include direct observation, observation by electronic means, and visual recording of an individual(s) who are naked or engaging in sexual activity.

Sexual Violence may also include:

- unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, physical characteristics, gender, or sexual orientation,
- unwanted touching, or any unwanted or inappropriate physical contact such as, kissing, patting, hugging or pinching,
- unwelcome inquiries or comments about a person's sex life or sexual preference,
- leering, whistling, or other suggestive or insulting sounds,
- posting or displaying materials, articles, or graffiti including by electronic means, which is sexual in nature.
- requests or demands for sexual favours which include, or strongly imply, promises of rewards for complying (e.g. job advancement opportunities, improved academic grades)

Sheridan Official: An Employee and/or representative of Sheridan acting in the course of their duties.

Student Rights and Responsibilities Office (SRRO): For the purposes of this Policy, SRRO is a dedicated office within Sheridan that investigates formal complaints of Sexual Violence by Students. SRRO can also assist Students if they have any questions related to investigations or the Sexual Violence Procedures.

Survivor: A person affected by Sexual Violence may choose to identify as a "Survivor", rather than as a "victim". It is the choice of the person affected in these circumstances to determine how they wish to identify.

4. Policy Statement

Sexual Violence is unacceptable and will not be tolerated at Sheridan. Sheridan is committed to challenging and preventing Sexual Violence and creating a safe space for anyone in the Sheridan community who has been affected by Sexual Violence. Sheridan strives to be a safe and positive space where Members of the Sheridan Community are able to work, live, learn and express themselves in an environment free from Sexual Violence.

All reported incidents of Sexual Violence will be investigated to the best of the administration's ability and in a manner that ensures due process. This Policy intends to ensure individuals who have experienced, witnessed, and/or been affected by Sexual Violence are aware of how to receive support and options to file a report. It is important that individuals affected by Sexual Violence know that they are entitled to supports, whether or not they choose to file a formal complaint.

Sheridan recognizes that Sexual Violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the Ontario Human Rights Code. Sheridan also recognizes that individuals affected by Sexual Violence may experience emotional, academic, employment or other difficulties and will provide assistance and support accordingly.

5. Overarching Principles

Sheridan is committed to:

- A. engaging in public education and prevention activities;
- B. educating the Sheridan community about our Sexual Violence Policy and Procedures;
- C. providing appropriate education and training to the Sheridan community about responding to the disclosure of Sexual Violence;
- D. contributing to the creation of a campus atmosphere in which Sexual Violence is not tolerated;
- E. assisting those affected by Sexual Violence 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 reporting to the police, and appropriate Accommodations (with or without a formal investigation);
- F. ensuring that those who disclose that they have been affected by Sexual Violence are believed at the time of disclosure, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response;
- G. addressing harmful attitudes and behaviours that suggest that a person affected by Sexual Violence is somehow to blame for what happened;
- H. treating individuals who disclose Sexual Violence with compassion by recognizing that they are the final decision-makers about what decisions are best in their interests;
- I. ensuring that on-campus (internal) investigation procedures are available to address Sexual Violence, even when the individual chooses not to make a report to the police;
- J. 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;
- K. ensuring coordination and communication among the various departments (such as Campus Security, Health Services, SRRO, CEI, Wellness and Counselling) who are most likely to be involved in the response to Sexual Violence on campus; and
- L. monitoring and updating our policies and procedures to ensure that they remain effective and in line with other existing policies and best practices.

6. Confidentiality

Confidentiality is particularly important to those who have disclosed Sexual Violence. The confidentiality of all persons involved in a report of Sexual Violence must be strictly observed. Sheridan respects the confidentiality of all persons, including the Complainant, Respondent, and witnesses by restricting access to information to individuals with a need for such access.

While information provided by Complainants is treated as confidential, it may be shared as is reasonably necessary to investigate a formal complaint and/or as may be required by Sheridan policy and/or applicable law.

Confidentiality cannot be assured in the following circumstances:

- an individual is at risk of suicidal ideation and/or action;
- an individual is at risk of harming another;
- there are reasonable grounds to believe that others in the Sheridan or wider community may be at risk of harm; and/or
- disclosure of information is required by law.

In such circumstances, information would only be shared with necessary services to prevent harm.

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

7. Assistance and Support

At any time, Complainants and Respondents may attend meetings with another person (non-participating) of their choice who is not connected to the investigation (such as a friend, colleague, family member or union representative for Employees) as outlined in the Sexual Violence Procedures – Employees and Sexual Violence Procedures – Students.

If an Employee or Student requires accommodation in order to participate in any stage of this process, the request should be made as soon as possible.

- Employees should contact the Centre for Equity and Inclusion (CEI) to make this request.
- Students should contact the Student Rights and Responsibilities (SRRO) to make this request.

8. Disclosures

- A. Members of the Sheridan Community who are faculty, Employees, Governors and contractors have a duty to immediately report all incidents and suspected incidents of Sexual Violence to the appropriate individual(s) as identified in Sexual Violence Procedure.
- B. Members of the Sheridan Community who are Students are strongly encouraged to report incidents of Sexual Violence to the appropriate individual(s) as identified in the Procedure, but are not required to file a formal complaint of such incidents in order to obtain supports, services or Accommodation from Sheridan.

Sheridan's Sexual Violence Response Specialist serves as a confidential resource for Members of the Sheridan Community impacted by Sexual Violence.

The Sexual Violence Response Specialist (SVRS):

- creates a safe, supportive, inclusive and non-judgmental space for Survivors or others impacted by Sexual Violence to provide disclosure about Sexual Violence, talk about their experiences around Sexual Violence, and to obtain referrals for required supports, such as academic or professional Accommodation.
 - provides guidance and advocacy on where to find resources, supports and options including safety planning, and navigating systems, procedures and options within Sheridan and the surrounding communities.
 - contributes to building and sustaining a culture of Survivor resiliency through education awareness, training and relevant programs pertaining to the prevention of Sexual Violence for all Members of the Sheridan Community.
 - develops and delivers communication and training initiatives, and education and prevention workshops (with input from Members of the Sheridan Community) related to Sexual Violence across all campuses.
 - ensures best practice standards are used with regard to daily documentation and information sharing processes, as per the guidelines of the [Personal Health Information Privacy Act](#) and the [Freedom of Information and Protection of Privacy Act](#)
- C. Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to, or, where appropriate, to prevent Sexual Violence from occurring.
 - D. Where Sheridan becomes aware of an incident of Sexual Violence by a Member of the Sheridan Community or against a Member of the Sheridan Community, which occurs on or off Sheridan's property, and that poses a risk to the safety of Members of the Sheridan Community, Sheridan shall take all reasonable steps to ensure the safety of the campus community.

9. Formal Complaint Process

A formal complaint of Sexual Violence can be brought forward under this Policy by any Member of the Sheridan Community.

To address formal complaints of Sexual Violence, Sheridan has developed procedures for investigations and subsequent decision-making processes, specific to the profile of the Complainant and Respondent. For more information, please see:

- Sexual Violence Procedures – Student (LINK)
- Sexual Violence Procedures – Employee (LINK)

- SRRO is responsible for investigations and decision-making processes should the Complainant and/or Respondent be a Student.
- CEI is responsible for investigations and decision-making processes should the Complainant and/or Respondent be an Employee.
- In some circumstances, the SRRO and CEI may jointly meet with Students to receive formal statements required for next steps if the formal complaint also involves an Employee as a Complainant or Respondent.
- If you are not a Student or an Employee, and would like to report an incident of Sexual Violence, please report the incident to Campus Security (905.815.4044).
- Sheridan may also decide to use an external investigator where appropriate.
- Formal complaints are investigated by interviewing Complainants, Respondents and any witnesses and by reviewing any available information. The investigator(s) will consider all information gathered and determine whether or not there has been a violation of the Policy.

9.1 Sheridan Initiated Investigations

Sheridan understands that an individual who has been a Survivor of Sexual Violence, may wish to control whether and how their experience will be dealt with by the police and/or Sheridan. In most circumstances as described above, the person will retain this control. A person who has experienced Sexual Violence may choose not to request an investigation and has the right not to participate in any investigation that may occur.

In some circumstances, Sheridan may commence or continue an investigation without the approval of individuals directly affected, and/or when no formal complaint has been made when there is a risk to the safety to any member of the Sheridan community.

In these circumstances, Sheridan will consider:

- Whether the alleged offender is in a position of power at Sheridan;
- Whether Sheridan has reasonable grounds to believe the alleged offender may have committed multiple acts of Sexual Violence;
- Whether there is a pattern of similar behaviour; and,

- Any other considerations that Sheridan deems relevant.

9.2 Procedural Fairness

Sheridan will seek to achieve procedural fairness in dealing with all formal complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy. Respondents will be given details of the allegations and an opportunity to provide information related to the allegations.

Sheridan may decide how it meets these obligations in different circumstances and will do so with a view to providing a fair process, making a sound decision and preserving the dignity of Survivors.

9.3 Interim Measures

Sheridan may impose interim measures immediately and will take the necessary steps to minimize the impact of interim measures on the Complainant and the Respondent. Imposing an interim measure shall not be considered as discipline or as a finding of violation of this Policy.

A. Types of interim measures for Students include, but are not limited to:

- Complainants: safety plans during the course of an investigation and other measures to protect the Complainant during any internal process, including placing Interim Measures on the Respondent
- Respondents: being asked to remain off campus, being moved from residence, being restricted from certain areas of the campus, being restricted from attending classes and being required to have no direct or indirect contact with a Complainant.

B. Types of interim measures for Employees include, but are not limited to:

- Complainants: safety plans during the course of an investigation and other measures to protect the Complainant during any internal process, including placing Interim Measures on the Respondent.
- Respondents: being limited access to Sheridan facilities, making arrangements for alternative supervisory relationships, teaching or grading and being required to have no direct or indirect contact with a Complainant.

9.4 Outcomes

Sheridan will make a finding of fact based on its investigation and whether it constitutes a violation of this Policy. If Sheridan finds that there has been a violation, it will determine the appropriate sanction as determined in the related Procedures for Employees and Students.

- Student sanctions may include a range of disciplinary actions from a verbal warning, up to and including non-academic expulsion.

- Employee sanctions may include a range of disciplinary actions from a verbal warning, up to and including dismissal.
- Contractors, suppliers, volunteers and visitors may face penalties, cancelation of contracts and other sanctions.

9.5 Right to Withdraw a Complaint

A Complainant has the right to withdraw a complaint at any stage of the process. However, Sheridan 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.

9.6 Protection from Reprisals, Retaliation or Threats

It is contrary to this Policy for anyone to retaliate, threaten to retaliate, or engage in reprisals, against a Complainant or other individual for:

- having pursued rights under this Policy, the Ontario Human Rights Code, or other applicable legislation;
- having participated or co-operated in an investigation under this Policy, or other applicable legislation; or
- being associated with someone who has pursued rights under this Policy, the Ontario Human Rights Code, or other applicable legislation.

Sheridan takes 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 a breach of this duty. Sheridan may also address the potential for reprisals by providing an Accommodation appropriate in the circumstances. Please see the relevant sections on Interim Measures in the Sexual Violence Procedures – Employees, and Sexual Violence Procedures – Students.

9.7 Appeals

- A. As set out in the Sexual Violence Procedures - Student, appeals of Student violations may be pursued based on limited grounds.
- B. As set out in the Sexual Violence Procedures - Employee, requests for a review of the investigation process by Employees may be pursued based on limited grounds and an appropriate senior leader shall make a final decision on the disposition of the review.
- C. In cases involving both an Employee and a Student, the appeal procedure is determined by the profile of the Respondent (if they are an Employee or a Student).
- D. There is no formal appeal process for supplier, contractor, volunteer, or visitor violations.

10 Taskforce

- A. Under the Ministry of Colleges and Universities' direction, following the 2018 Student Voices on Sexual Violence Survey, Sheridan has implemented a Taskforce that is responsible for addressing Sexual Violence on Campus
- B. The Taskforce will be responsible for:
 - assessing the sufficiency of Sheridan College's Sexual Violence Policy;
 - assessing the effectiveness of current programs and services to combat Sexual Violence on campus; and
 - providing recommendations on the additional steps that Sheridan College may take to ensure a safe environment for all Members of the Sheridan Community.
- C. The Taskforce should represent the diversity of Sheridan College's Student population, as well as faculty and administration.
- D. The Taskforce must submit its independent report to Sheridan's Board of Governors. The report will also be made public.
- E. The Taskforce will not act as an investigative or adjudicative body responsible for receiving or investigating complaints or incidents of Sexual Violence

11 Responsible Offices

The Responsible Offices are CEI and SRRO jointly.

12 Related Documents

[Student Code of Conduct](#)
[Code of Professionalism and Civility](#)
[Sexual Violence Procedures – Students](#)
[Sexual Violence Procedures – Employees](#)