

**TITLE: Sexual Violence Procedure - Employees**

**Effective Date: January 1, 2020**

**Review Date: January 1, 2025**

**Approved By: CEI and SRRO**

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 the Sexual Violence Policy, or applicable legislation.

## **1. PURPOSE**

The purpose of this Procedure, as set in the Sexual Violence Policy, is to provide the following information:

- How and where an Employee who has been affected by Sexual Violence can access resources, support and Accommodation on- and off-campus;
- Supportive ways to handle a disclosure of Sexual Violence and what to do if you witness or are informed about an incident Sexual Violence;
- Reporting options for an Employee, including local police services and Sheridan for informal and formal Complaints; and
- Sheridan’s Procedure when formal Complaints are filed.

## **2. SCOPE**

The scope of this Procedure is to implement the Sexual Violence Policy for Employees.

## **3. DEFINITIONS**

**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.

**Please see Appendix A for all defined terms.**

## 4. PROCEDURES

### 4.1. What to Do If You Have Experienced or Have Been Affected by Sexual Violence

It is often difficult to disclose and/or report incidents of Sexual Violence. Employees who have been experienced or have been affected by Sexual Violence are encouraged to come forward to report as soon as they are able to do so. Employees are not required to file a formal Complaint to obtain supports, services and/or Accommodation from Sheridan.

All Employees who have experienced or been affected by Sexual Violence have the right to:

- Be treated with dignity and respect;
- Be believed when disclosing;
- Be informed about on- and off- campus services and resources;
- Decide whether or not to access available services and to choose those services they feel will be most beneficial;
- Decide whether to report to Campus Security and/or to local police services;
- Have an on-campus Investigation with Sheridan's full cooperation;
- Have a safety plan created; and
- Have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s).

#### Confidentiality

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.

Information provided by Complainants and Respondents is treated as confidential, but may be shared at Sheridan's sole discretion with the other party as reasonably required to investigate a formal Complaint, resolve any Student appeal 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.

## **On-Campus Supports**

While everyone on campus has a role to play in responding to incidents of Sexual Violence, certain Members of the Sheridan Community will have specific roles in supporting Employees. These include:

### The Sexual Violence Response Specialist (the “SVRS”)

The SVRS serves as a point of contact for Employees who have experienced and/or been affected by Sexual Violence and accepts disclosures in a manner that ensures confidentiality, well-being and safety.

The SVRS may assist Employees by:

- Reviewing safety resources on- and off-campus and create safety plans for Employees;
- Providing detailed information about legal options and reporting to local police services;
- Reviewing on-campus Investigation procedures, even when the Employee chooses not to make a report to the police;
- Providing information and/or referrals to specialized off-campus resources;
- Ensuring coordination of supports and communication among various departments as required and with the express consent of the Employee; and
- Assisting Employees with accessing on-campus resources including referrals to:
  - Centre of Equity and Inclusion for formal Complaints or questions about the investigation process; and
  - Campus Security for safety concerns on campus and for SafeWalk.
- Assisting Employees with access off-campus resources including referrals to:
  - Medical services;
  - Local police services; and
  - Counselling services for confidential mental health and emotional support.

Employees are able to access the SVRS during regular business hours at:

- Davis: B295 by appointment; 905.845.9430 ext. 8430; and
- Email: [svrs@sheridancollege.ca](mailto:svrs@sheridancollege.ca)

Please note that the SVRS can arrange to meet you at either the Trafalgar or HMC campus, or off-campus if preferred

**Please note that the SVRS does not handle emergency situations. Please contact Campus Security at 905.815.4044 or 911 for emergency assistance.**

### [Campus Security](#)

Campus Security is available for Employees who may require assistance related to their safety concerns on campus. Security can assist Employees by providing SafeWalk on campus, which is an escort to and from parking lots, to and from work location and hallways, as well as obtaining information to create an Incident Report. Campus Security is also available for after-hours on-campus support.

To access Campus Security:

- Call ext. 4044 within the campus or 905.815.4044 on and off campus (24/7)
- Use an Emergency Phone located at the [Trafalgar](#), [Davis](#) and [Hazel McCallion](#) campuses
- Download the “Sheridan ALERT!” app for iOS and Android phones.

### [Centre for Equity and Inclusion \(CEI\)](#)

#### Services Offered:

- Consultations
  - Advise on making events, practices, and policies more equitable, accessible and inclusive
  - Provide guidance on inclusive language for documents and publications
  - Address concerns of Sexual Violence and gender-based violence
- Education
  - Develop customized workshops and presentations for classes, student clubs or work teams
  - Design awareness campaigns on equity issues
  - Partner with student and employee groups to develop educational events on topics related to equity and inclusion
- Complaint Resolution
  - Advise on conflicts related to discrimination and harassment
  - Offer mediation and other alternative dispute resolution services
  - Conduct investigations into concerns of discrimination and harassment, including Sexual Violence.

If you make a formal Complaint to the SVRS, you will be connected to a CEI staff person to discuss the Complaint handling procedure. Should you wish to speak with CEI directly, you can contact staff the following ways:

- Email [equity@sheridancollege.ca](mailto:equity@sheridancollege.ca)
- Phone 905.845.9430, ext. 2229

### **Off-Campus Supports**

If you have experienced or have been affect by Sexual Violence and require support off-campus, please see the following specialized resources:

#### Counselling Services

Employees can access the [Employee Family Assistance Plan](#) (“EFAP”) for counselling support (including E-counselling), referrals and resources to assist with an Employee’s mental health and emotional support. The EFAP is available 24/7/365 for confidential support.

To access EFAP, Employees can do the following:

- Contact EFAP at 1.844.880.9142
- Access EFAP online (Canada only) at [www.workhealthlife.com](http://www.workhealthlife.com)
- Downloading the EFAP app to register for E-counselling

#### Halton Region (Trafalgar Campus)

- [SAVIS](#), or [Sexual Assault and Violence Intervention Services of Halton](#) for crisis support and ongoing support at 905.875.1555
- [Nina's Place](#) – Sexual Assault and Domestic Violence Care Centre ( Joseph Brant Hospital- enter through Emergency Room) for medical attention at 905.632.3737 ext. 5708.
- [Victim Services-Halton Police](#) at 905.825.4777 ext. 4923 for the Sexual Violence Outreach person
- [Crisis Outreach and Support Team \(COAST\)](#) at 1.877.825.9011

#### Peel Region (Davis and HMC Campuses)

- [Hope 24/7](#) for crisis and ongoing support at 1.800.810.0180
- [Chantel's Place](#) – Sexual Assault and Domestic Violence Services (Mississauga Hospital – enter through Emergency Room) for medical attention at 905.848.7580 ext. 2548.
- [Victim Services of Peel](#) at 905.568.1068
- [24.7 Crisis Support Peel](#) at 905.278.9036
- [Family Services of Peel \(LGBTQQIAAP\)](#) at 905.453.5775

#### Additional Supports

- Support Services for [Male Survivors of Sexual Violence](#) at 1.866.887.0015
- [Assaulted Women's Helpline](#) at 1.866.863.0511
- [Talk4Healing](#) for Indigenous women at 1.855.554.HEAL at 1.855.554.4325
- [Canadian Human Trafficking Hotline](#) at 1.833.900.1010
- [Ontario Coalition for Rape Crisis Centres, or OCRCC](#)

#### Police Services

Employees who have been affected by Sexual Violence may require emergency assistance from police and/or may wish to have criminal charges laid. Police can also assist you by providing available support and resources in the community, including how to access medical attention.

For regional police services, you can contact:

- Halton Regional Police (Trafalgar campus)

- 905.825.4777 for non-emergency
  - 911 for emergency
  - You can visit one of their divisions located [here](#).
- Peel Regional Police (Davis and HMC campuses)
    - 905.453.3311 for non-emergency
    - 911 for emergency
    - You can visit one of their divisions located [here](#).

To obtain additional information about off-campus resources and supports, please contact the SVRS at 905.845.9430 ext. 8430 or [svrs@sheridancollege.ca](mailto:svrs@sheridancollege.ca) .

## **.2 What to Do If You Have Witnessed or Become Aware of Sexual Violence**

As previously mentioned, it is often difficult to disclose and/or report incidents of Sexual Violence. It is also difficult if you have witnessed Sexual Violence. Employees at Sheridan have a duty to immediately report all incidents and suspected incidents of Sexual Violence that they have witnessed, may have witnessed, or have been made aware of.

If you have witnessed Sexual Violence, you have the option to:

- Call Campus Security at 905.815.4044
- Speak with a Campus Security personnel in person at:
  - Trafalgar; B100
  - Davis; C216
  - HMC; B192
- File an [online](#) witness statement or security report
- Speak with the SVRS who will provide information and support on how to report the incident

If you are neither an Employee nor Student (e.g. a guest, volunteer, supplier, Governor and contractor/subcontractor) and you witness Sexual Violence at any of the campuses, please report the incident to Security at 905.815.4044 or use the emergency phones located both inside and outside on each campus.

## **4.3 What to Do If Someone Discloses an Experience of Sexual Violence**

A person may choose to confide in someone about an act of Sexual Violence, such as another Employee. An individual who has been affected by Sexual Violence may also inquire about where to seek support, resources and/or Accommodation from Sheridan. A supportive response involves:

- Listening without judgement and accepting the disclosure as true;
- Communicating that Sexual Violence is never the responsibility of the victim;
- Helping the individual identify and/or access available on or off campus services, including emergency medical care and counselling;

- Respecting the individual's right to choose the services they feel are most appropriate;
- Respecting the individual's right to decide whether to report to:
  - the Police;
  - the Sexual Violence Response Specialist at 905.845.9430 ext. 8430;
  - the Centre for Equity and Inclusion 905.845.9430 ext. 2229; or
  - Campus Security at 905.815.4044
- Recognizing that disclosing an experience of Sexual Violence can be traumatic and an individual's ability to recall the events may be limited;
- Respecting the individual's choices as to what and how much they disclose about their experience; and
- Making every effort to respect confidentiality and privacy.

If a disclosure is made by an Employee, necessary workplace Accommodations will be made consistent with the Workplace Accommodations Policy.

#### **4.4 Filing A Formal Complaint Within Sheridan**

**You are not required to file a formal Complaint in order to obtain supports, services or workplace Accommodations from Sheridan.**

Employees who have experienced Sexual Violence can file a formal Complaint under this Policy if the alleged individual is another Member of the Sheridan Community.

CEI is responsible for Employee investigations. If you are unsure about proceeding with a formal Complaint and/or have questions related to the Case-Handling Process or the Complaint filing process and investigation process, or would like to file a formal Complaint during business hours, please contact CEI at:

- 905.845.9430 ext. 2229

Employees may also contact CEI by email at [equity@sheridancollege.ca](mailto:equity@sheridancollege.ca) if they have any questions regarding how to file a Complaint or the investigation process.

**Please note that CEI does not handle emergency situations. Please contact Campus Security at 905.815.4044 or 911 for emergency assistance and during non-business hours.**

The Complaint procedure will vary depending on the profile of the Complainant (the person who is disclosing the act of Sexual Violence) and the Respondent (the person who is being accused of committing the act of Sexual Violence). Please see below for the correct procedure for filing a formal Complaint. You may also refer to Appendix B as quick reference guide.

#### **4.5 How Will Sheridan Respond to a Complaint of Sexual Violence?**

Where a Complaint of Sexual Violence has been reported to Sheridan, Sheridan will exercise care to protect and respect the rights of both the Complainant and the Respondent. Sheridan will ensure designated staff members respond in a prompt, compassionate, and personalized fashion. All Employees have the right to procedural fairness and due process when involved in an alleged breach of this Policy and any related policies (e.g. Discrimination and Harassment Policy).

## Complaint Handling Procedures

### **Addressing a Concern or Complaint**

Sheridan has developed these Procedures for dealing with concerns or complaints of sexual assault and sexual violence. The resolution processes are administered by CEI and are intended to provide a timely forum to address allegations of sexual violence when no other avenues of recourse are being actively pursued to resolve a concern or complaint.

Any individual who alleges or discloses sexual violence (“Complainant”), including a supervisor or a third-party representative, may report and/or initiate a concern or complaint by either contacting CEI directly or in writing. CEI will act on a complaint that details the nature of the allegations and any information in support of the complaint, including specific allegations of sexual violence and the names of possible witnesses.

### **Sheridan-Initiated Investigation**

Sheridan understands that an individual who has been the 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 certain circumstances, however, Sheridan may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the person’s consent, if Sheridan believes there is a potential risk to the safety of any Member of the Sheridan Community or the community itself, in accordance with Sheridan policies.

CEI may commence or continue a Sheridan-initiated investigation without the approval of the Survivor or when no formal complaint has been made, if CEI reasonably believes that:

- (i) a Sheridan Community Member has committed sexual violence that affects the work and learning environment; and,
- (ii) there is a serious risk to the safety of Sheridan Community Members, which is determined by considering:
  - a. Whether the alleged offender is in a position of power at Sheridan;
  - b. Whether Sheridan has reasonable grounds to believe the alleged offender may have committed multiple acts of sexual violence;
  - c. Whether there is a pattern of similar behaviour; and,
  - d. Any other considerations that CEI deems relevant.

CEI may initiate an investigation on the basis of an anonymous disclosure, third-party disclosure, informal disclosure or formal complaint. In such cases, Sheridan will consider the wishes of the Survivor. Individuals who receive disclosures of sexual violence from a Sheridan Community Member may make a third-party disclosure and consult with CEI staff on how to provide support



and advice to the Survivor. CEI will give the third-party discloser information on supports, services, accommodations, interim measures, and the Procedures under this Policy.

#### Withdrawing a Complaint

A Complainant has the right to withdraw a complaint at any stage in the process. However, Sheridan may continue to act on the issues identified in the complaint as required by the Policy, other Sheridan policies, in the interests of the Sheridan community, for health and safety reasons, or as otherwise required by law.

#### Costs

Any costs incurred by the parties during the complaint resolution processes (legal, travel, etc.) are their own responsibility. CEI will attempt to conduct processes that involve parties (intakes, investigation interviews, etc.) at the preferred location of the parties.

### **4.6 Resolution Processes**

- A. Facilitated Resolution - CEI may facilitate a resolution between the parties if the Complainant and Respondent agree to participate and the allegations are within the scope of the Policy. Complainants maintain the right to make a formal complaint if they have participated in a facilitated resolution.

Some examples of facilitated resolution outcomes may include:

- **Apology** – on a “without prejudice” basis for any impact or harm caused by alleged discriminatory or harassing behaviour;
- **Education/Training** - for parties involved. In some cases, education and training can be conducted without a Respondent being specifically identified;
- **Changing work responsibilities/course schedule** - to minimize contact between a Complainant and Respondent where operationally feasible.
- A **Memorandum of Agreement (MOA)** – where the parties agree to resolve the matter and adhere to certain behavioural expectations.

- B. Formal Complaint - If it is not appropriate to bring the matter to the attention of the person who is causing the offence (Respondent), or if a facilitated resolution is not successful, the individual may make a formal complaint of an alleged incident of sexual violence in writing to CEI at any time. After a formal complaint is made, CEI may recommend Survivor-centric interim measures and will provide the Complainant with access to supports, services, and accommodations. Complainants will be protected from face-to-face encounters with the alleged offender during the formal resolution process. A Complainant does not need to submit a formal complaint in order to obtain supports, services, and accommodations.

After a formal complaint is received, CEI will commence the investigation procedures listed below. If the Respondent is a student and an employee, CEI will decide whether to commence a Procedure against the Respondent as a student, employee or both.

- C. Formal Resolution (Investigation) - An Investigation appropriate in the circumstances may be conducted into Complaints that are reported to CEI. If CEI decides to proceed with formal resolution, the Respondent shall be notified within fifteen (15) College working days. The Respondent shall be provided with the allegations and particulars of the complaint and advised of the procedure to be followed in the course of the investigation. All investigations will be conducted in accordance with principles of procedural fairness.

#### **4.6 Preliminary Assessment**

Upon receipt of a complaint, Sheridan may conduct a Preliminary Assessment to determine whether, at face value,

- the complaint is within the timelines set in the policy;
- the action(s) complained of fall within the scope of the Policy;
- the complaint is within Sheridan's jurisdiction;
- there is sufficient evidence to warrant an investigation;
- the actions complained of are, or have been, the subject of other complaint processes including criminal charges, the Human Rights Tribunal of Ontario, grievances, and/or SRRO procedures;
- there are health or safety concerns that require immediate attention; or
- there is undisputed proof that the Policy has been breached in which case a determination is made without further investigation.

If the Preliminary Assessment determines that a complaint is, at face value, a matter of Sexual Violence, and/or demonstrates the existence of a Poisoned Environment, the appropriate resolution process in the circumstance will be initiated (i.e. Facilitated Resolution or Formal Resolution). The Complainant will be informed in writing of the outcome of any Preliminary Assessment. If a Complainant is not satisfied with the outcome of the Preliminary Assessment, they may appeal the decision pursuant to the applicable Appeal provisions outlined in paragraph 2.7 of these Procedures.

In the case of a Systemic Complaint, CEI in consultation with the appropriate VP or PVP senior leader shall determine who will respond to the allegations on behalf of Sheridan or the Unit/Department.

#### **4.7 Interim Measures**

Interim measures may be implemented, pending the outcome of a resolution process, by the supervisor or head of department/unit on the advice of CEI. Interim measures may include but are not limited to;

- limiting access to Sheridan facilities;
- making arrangements for alternative supervisory relationships, teaching or grading; or
- discontinuing contact between the Complainant and the Respondent during the period of the resolution process.

Interim measures may be deemed necessary when CEI determines that;

- an individual poses a safety risk;
- the continued proximity of the parties will impair the ability of any party or any other person to function in relation to studies or to work;
- there has been a reprisal or there exists the threat of reprisal.

#### **Impact of Interim Measures**

- Interim measures shall not be construed as discipline or as a finding of a violation/no violation of the Policy
- In accordance with Sheridan's regulations governing student behavior, where a student Respondent (or Complainant, if appropriate) is excluded from one or more of their classes, or an internship/placement site, the student's studies will be supported, to the point of

undue hardship, pending the outcome of the resolution process. CEI will work collaboratively with SRRO to facilitate this.

- An employee Respondent (or Complainant, if appropriate) who is placed on alternate or home assignment will be supported without loss of wages and benefits.

## **4.8 Investigation Process**

### **Appointment of Investigator**

As part of the Formal Resolution process, CEI may appoint a qualified internal or external investigator, or a team of investigators, as appropriate under the circumstances, and may modify the scope of an investigation in consultation with the investigator.

In determining whether to appoint an internal or external investigator, CEI will consider the severity of the allegations, the number of parties involved, the severity of the sanctions that may occur in response to the reported allegations, and/or the appearance or existence of bias by CEI or other Sheridan staff or employees.

Complainants and Respondents may challenge the appointment of an investigator on the grounds that the individual has a potential conflict of interest in the outcome of the matter, that there is a reasonable apprehension of bias on their part, or that the investigator does not have the training or qualifications to conduct the process.

Upon receiving a challenge to the appointment of an investigator, the Director of CEI will forward all documentation regarding the challenge to the Vice President, Inclusive Communities, who will consult with a Vice-President to whom the party does not report. A decision with regard to a challenge to the appointment of an investigator will be made within five (5) College working days of having received the challenge. That decision will be final.

### **Procedural Fairness**

Complaints are investigated by interviewing Complainants, Respondents, and any Witnesses, and reviewing any available documentation. Every attempt will be made to interview the Complainant first. Usually the Respondent will be interviewed second because they have the right to reply fully to the allegations made against them and to name their witnesses. Interviews may then be arranged and completed with Witnesses and any other individuals who may have information pertinent to the investigation. All persons involved in the investigation process will be informed that they may seek assistance, support or representation from another person of their choice (who is not connected to the investigation), such as a union observer/representative, or other support person.

A Respondent is entitled to know the allegations against them and the particulars of the complaint, and to have the opportunity to respond in full. Likewise, statements made by a Respondent may be disclosed back to a Complainant.

## **4.9 Evidence**

The investigator will consider all information gathered and determine whether or not there has been a violation of the Policy.

The investigator has the authority to access information and evidence relevant to the complaint, including but not limited to:

- Documents and Records (as defined by the *Records and Information Management Policy*)
- Information stored on telephone and computer systems (including hardware, software for which Sheridan is the licensee or owner, and file/data storage space in accordance with appropriate Sheridan protocols)
- Photographs and audio or video recordings (such as phone messages, or security camera video)

#### **4.10 Investigation Timelines**

An Investigation report should normally be completed within ninety (90) College working days after the commencement of the investigation. In the event the Investigation is not completed within ninety (90) College working days, the Complainant and Respondent will be notified of the delay and any extenuating circumstances that led to the delay.

The investigator may set timelines for individuals to respond to requests for interviews or for the production of relevant documents in an effort to ensure that the Investigation is completed in a timely manner, in compliance with the Policy and these Procedures.

#### **4.11 Investigation Outcomes**

At the conclusion of the investigation, the investigator will prepare a draft summary report that will be reviewed with each of the parties detailing:

- Allegations giving rise to the complaint;
- Grounds in the Policy that have allegedly been violated;
- Findings of fact; and
- One of three recommendations:
  - that the case be closed on the grounds that the complaint is not substantiated.
  - that a settlement be reached without the possibility of disciplinary action.
  - that procedures be initiated that could result in corrective or disciplinary action against the Respondent for breach of the Policy.

The parties will be given five (5) College working days to provide feedback to the investigator on the draft summary report.

CEI shall distribute a final report summary to the parties for their records.

#### **4.12 Final Report**

Where the recommendation in a final investigation report includes any corrective or disciplinary action, the appropriate Executive will determine whether any corrective or disciplinary action should apply, subject to any rights an individual may have under a collective agreement or contract with Sheridan, or under another policy or procedure. CEI may provide the final investigation report to the appropriate Executive for any follow-up action, as appropriate.

Any individual who is found to have violated the Policy, including failing to properly participate in an investigation, may be disciplined up to and including dismissal, expulsion or debarment.

Disciplinary action for employees shall be determined by the appropriate Executive in consultation with Human Resources, and in accordance with applicable Collective Agreements or contract with Sheridan where relevant.

The appropriate Executive may work with the necessary departments (e.g., Human Resources, Student Affairs or the Center for Professional and Organizational Development) to implement any corrective or disciplinary actions and manage the circumstances resulting from the investigation.

Where settlement without disciplinary action is recommended, CEI may consult with management in the affected area to conclude and effect the terms of that settlement.

Where a final report finds no breach of the Policy, the matter shall be considered resolved and no information shall be forwarded to Human Resources or Student Affairs, or placed in the official employee or student file of either of the parties.

Any relevant corrective or disciplinary action that has or will be taken as a result of an investigation may be relayed to the Complainant and to the Respondent in accordance with any relevant legislation, Collective Agreements, FIPPA and other applicable information-sharing protocols, as necessary.

#### **4.13 Appeals**

An appeal of a Preliminary Assessment may be made to the Vice President, Inclusive Communities.

An Appeal of any corrective or disciplinary action after an investigation has been completed may be made in writing to the Vice President, Inclusive Communities, or their designate within thirty (30) College working days of the date that the submitting party was provided with a final report summary.

A panel of three reviewers who are not familiar with the matter shall be appointed by the Vice President, Inclusive Communities to hear an Appeal of any corrective or disciplinary action, as appropriate.

An Appeal of a Preliminary Assessment or the investigation process must include a statement of the reasons for a review and one or more of the following grounds for appeal:

- I. There was a fundamental procedural error;
- II. All factors relevant to complaint were not reasonably considered;
- III. There was a failure to comply with applicable legislation; or
- IV. Relevant evidence emerged that was not available before the decision-making process was completed.

In the case of an Appeal of any corrective or disciplinary action, the Complainant and Respondent will be informed that an Appeal has been filed and will be given an opportunity to reply if it appears that there are adequate grounds to review the investigation process.

The disposition of the Appeal will be communicated to the parties within twenty (20) College working days.

#### **4.14 Complaints Involving the Centre for Equity and Inclusion**

A complaint against staff of CEI may be brought to the Office of the President who shall oversee the application of these procedures to the complaint.

Where appropriate, and the parties agree, an independent third party shall be appointed to attempt informal resolution between the parties.

Where formal resolution is required, the process for staff outlined in these Procedures shall be used and the Office of the President shall assume any responsibilities normally conducted by staff of CEI in relation to the matter and the parties involved.

## **5. RECORD KEEPING**

CEI will retain documentation related to complaints in its secure file system for thirteen (13) years from the date that the file is closed.

Where a formal complaint has been substantiated against an employee, a record of any disciplinary action will be placed in the Respondent's personnel file in accordance with applicable Sheridan policies and/or collective agreements.

Records may be protected by applicable privacy legislation and may be subject to disclosure under such legislation or by law.

## **7. ADDITIONAL RESOURCES AND SUPPORTS AVAILABLE TO YOU**

The following link provides a list of both on-campus and off-campus resources within both Halton (Trafalgar Campus) and Peel (Davis Campus and HMC Campus) Regions:

<https://www.sheridancollege.ca/about/respectful-and-safe-communities/sexual-assault/resources.aspx>.

## **8 RESPONSIBLE OFFICES**

The Responsible Offices are CEI and SRRO jointly.

## **9 RELATED DOCUMENTS**

[Code of Professionalism and Civility](#)

[Occupational Health and Safety Policy and Procedures](#)

[Sexual Violence Policy](#)

[Sexual Violence Procedure – Students](#)

[Student Code of Conduct Policy](#)

[Workplace Accommodation Policy](#)

[Workplace Harassment and Discrimination Policy](#)

## Appendix A

### DEFINITIONS

**Accommodations:** 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 Sexual Violence has taken place.

**Complaint:** An allegation of an incident or behaviour, or of a systemic barrier, that is believed by the Complainant to contravene the Sexual Violence Policy.

**Consent:** The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity.

**Employee:** Employee includes a person under the employ of Sheridan either: on a full-time, ongoing basis under the terms of the Academic Employees Collective Agreement, the Support Staff Collective Agreement, the Part Time Support Staff Collective Agreement, or the Terms and Conditions for Administrative Employees; on a less than full-time, and/or temporary basis under the terms of an employment agreement; on a cooperative or work-term placement educational training program; and/or on a volunteer basis. Employee also includes the term “Worker” as it is defined, for the purposes of “Workplace Harassment” protections, under the Occupational Health and Safety Act. An Employee can be defined as faculty and staff at Sheridan.

**Investigation:** The steps taken that are appropriate in the circumstance to determine whether a violation of the Policy has, on a balance of probabilities, occurred.

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

**Poisoned Environment:** Any working or learning environment where discriminatory or harassing actions or behaviours are condoned, such as insults, jokes or posting/displaying of offensive material, including by electronic means, relating to one of the prohibited grounds

or otherwise, though not necessarily directed at anyone in particular, that has the effect of creating or maintaining an offensive, or intimidating climate to work or study.

**Preliminary Assessment:** The process whereby it is determined whether a Complaint falls within the scope of the Policy. This may include, but is not limited to, reviewing documentation, and informal interviews with the Complainant(s) and Respondent(s) to a Complaint.

**Respondent:** An individual against whom a Complaint has been made alleging the commission 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 individuals(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)

**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

**Timelines:** This Policy provides an opportunity to deal with discrimination and harassment issues efficiently and fairly through the complaint processes described in the Procedures. Sheridan Community Members are encouraged to bring forward Complaints as soon as possible, but in any case, a Complaint must be initiated and filed within 12 months of the last occurrence of discriminatory or harassing behaviour. This time limit may be modified or extended at the discretion of CEI where the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

**Workplace Sexual Harassment:** Workplace Sexual Harassment means engaging in a course of vexatious comments or conduct against a worker in a workplace because of sex, sexual orientation, gender identity, or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcomed or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Appendix B**

Investigations: The complaint procedures will vary depending on the profile of the Complainant (the person who brings forward a complaint that alleges Sexual Violence) and the Respondent (the person alleged to have committed the act of Sexual Violence). Please see below for the correct procedure for filing a formal complaint in different instances or scenarios.

<b>Complainant</b>	<b>Respondent</b>	<b>Where to File Complaint</b>	<b>Resolution Lead</b>
1) Employee*	Employee	CEI	CEI
2) Employee	Student*	CEI	CEI (working with SRRO)
3) Student	Employee	SRRO	SRRO (working with CEI)
4) Student	Student	SRRO	SRRO
5) Other*	Employee	CEI	CEI
6) Employee	Other	CEI	CEI
7) Other	Student	CEI	CEI (working with SRRO)
8) Student	Other	SRRO	SRRO (working with CEI)

\* See Appendix A for definitions of “Student” and “Employee”. “Other” may include anyone who is not a Student or an Employee, but who is otherwise included in the definition of “Sheridan Community Member”.

### **Student to Student Complaints**

Where the Respondent and Complainant are both Students:

- Sexual Violence is a violation of the Sexual Violence Policy. It is considered a serious offence and will be addressed in a manner which is consistent with other serious offences.
- The SRRO is responsible for Student to Student investigations
- Please see the Sexual Violence Procedure – Students for details on how to file a Complaint.

### **Student to Employee Complaints**

Where the Complainant is a Student and the Respondent is an Employee:

- Sexual Violence is a violation of both the Discrimination and Harassment Policy and the Sexual Violence Policy at Sheridan. Allegations against Employees will be addressed in accordance with the procedures set out in this Policy, and in accordance with any applicable collective agreement, and/or other Sheridan policies. If the findings of an Investigation substantiate a violation of the aforementioned policies, Sheridan will decide on the appropriate disciplinary actions in accordance with any applicable collective agreement, and/or policies regarding discipline.
- The Centre for Equity and Inclusion (CEI) is responsible for investigations into allegations against Employees, and will work with the SRRO under these Procedures when the Complainant is a Student. In these circumstances, the SRRO and CEI may jointly meet with Students to receive formal statements required for next steps.

### **Employee to Student**

Where the Complainant is an Employee and the Respondent is a Student:

- The joint process described above will be used to receive formal statements from the Student. Students found responsible for violations of the Sexual Violence Policy may be subject to sanctions as described in the “Sexual Violence Procedure – Students”.
- Sheridan may also decide to use an external investigator when appropriate in the circumstances.

### **Employee to Employee**

Where both the Complainant and the Respondent are Employees:

- Sexual Violence is a violation of Harassment and Discrimination Policy. Allegations against Employees will be addressed in accordance with the procedures set out in any applicable collective agreements/Sheridan policies, this Policy as well as the procedures in the Harassment and Discrimination Policy as Sexual Violence is a violation of that policy. If the findings of an Investigation substantiate a violation of the policy Sheridan will decide on the appropriate disciplinary actions in accordance with any applicable collective agreement and/or policies regarding discipline.
- CEI is responsible for Employee to Employee complaint handling. The intake and disclosure of the Complaint will be completed by a member of CEI (i.e. the SVRS).
- Sheridan may also decide to use an external investigator, where appropriate.

## **Employee to Other**

Where the Complainant is an Employee and the Respondent is not a Student or an Employee:

- “Other” may include contractors, suppliers, volunteers, guests, and/or Sheridan’s Work-Integrated Learning partners. Others who attend on campus, or who are otherwise connected to Sheridan’s operations, will be subject to Complaints if they engage in prohibited conduct.
- In order for this Procedure to be applicable in circumstances where the Complainant is an Employee and the Respondent is not an Employee or Student, the incident in question must meet the Scope as outlined in the Code of Professionalism and Civility, which states the following:
  - *‘This document applies to Sheridan Employees, Contractors, consultants, volunteers and others who are on Sheridan property, as applicable. It also applies to off-property worker and/or activities, including online activities that engage Sheridan’s interests.’*
- All contractual relationships entered into by Sheridan will be governed by a standard contract compliance clause stating that contractors must comply with Sheridan’s Policies (including the responsibility to co-operate in investigations), the Ontario Human Rights Code, and all other applicable legislation. Breach of the clause may result in penalties, cancellation, or other sanctions.  
CEI is responsible for Complaint handling when the Respondent is not a Student or an Employee.
- Sheridan may also decide to use an external investigator, where appropriate.

## **Other to Employee**

Where the Complainant is not a Student, or an Employee and the Respondent is an Employee:

- “Other” may include contractors, suppliers, volunteers, guests, and/or Sheridan’s Work-Integrated Learning partners.
- In order for this Procedure to be applicable in circumstances where the Complainant is not a student or an Employee, and the Respondent is an Employee, the incident in question must meet the Scope as outlined in the Code of Professionalism and Civility, which states the following:
  - *‘This document applies to Sheridan Employees, Contractors, consultants, volunteers and others who are on Sheridan property, as applicable. It also applies to off-property worker and/or activities, including online activities that engage Sheridan’s interests.’*
- Sheridan will determine on a case by case basis how the matter will be handled. Employees found responsible for violations of the Sexual Violence Policy and/or the Discrimination and Harassment Policy may be subject to sanctions as described within the aforementioned Policies and their related Procedures.
- A report of Sexual Violence may also be referred to the police at the Complainant’s discretion, or otherwise where appropriate.