



# POLICY ON SEXUAL VIOLENCE

**Adoption:**

April 10, 2019

**Effective:**

September 1, 2019

**Amended:**

November 24, 2021

June 9, 2022

September 14, 2022

February 26 2024

## Contents

<b>Article 1</b>	<b>Purpose</b> .....	<b>2</b>
<b>Article 2</b>	<b>Scope</b> .....	<b>2</b>
<b>Article 3</b>	<b>Definitions</b> .....	<b>3</b>
<b>Article 4</b>	<b>Roles and responsibilities</b> .....	<b>5</b>
4.1	Dawson Student Union.....	5
4.2	Students.....	5
4.3	Board of Governors .....	5
4.4	Director General.....	6
4.5	Academic Dean and Management Personnel.....	6
4.6	Director of Student Services .....	6
4.7	Director of Human Resources .....	6
4.8	Coordinator of Auxiliary Services .....	6
4.9	Teachers.....	7
<b>Article 5</b>	<b>Standing Committee</b> .....	<b>7</b>
<b>Article 6</b>	<b>Prevention, awareness-raising and training</b> .....	<b>7</b>
6.1	Measures .....	7
6.2	Committee for the Prevention of Sexual Violence .....	8
<b>Article 7</b>	<b>Security and responding to sexual violence</b> .....	<b>8</b>
<b>Article 8</b>	<b>Rules governing social or welcoming activities</b> .....	<b>9</b>
<b>Article 9</b>	<b>Consensual intimate relationships</b> .....	<b>9</b>
<b>Article 10</b>	<b>Single-contact service</b> .....	<b>9</b>
10.1	Student Primary Contact Person .....	9
10.2	Employee Primary Contact Person.....	10
10.3	Former Students and Employees Primary Contact Person .....	10
10.4	Sexual Violence Response Team.....	10
10.5	Process.....	11
10.5.1	Disclosures .....	12
10.5.2	Reports.....	12
10.5.3	Complaints.....	12
10.6	Support to a respondent.....	14
<b>Article 11</b>	<b>Protection against retaliation</b> .....	<b>14</b>
<b>Article 12</b>	<b>Confidentiality</b> .....	<b>14</b>
<b>Article 13</b>	<b>Penalties in the event of non-compliance</b> .....	<b>15</b>
<b>Article 14</b>	<b>Appeals</b> .....	<b>15</b>
14.1	Grounds for appeal: procedural error .....	15
14.2	Grounds for appeal: new evidence .....	15
<b>Article 15</b>	<b>Dissemination</b> .....	<b>15</b>
<b>Article 16</b>	<b>Accountability to the Minister of Education</b> .....	<b>15</b>
<b>Article 17</b>	<b>Policy application and review</b> .....	<b>16</b>
<b>Acknowledgements</b> .....		<b>16</b>
<b>ANNEX 1 – FLOWCHARTS</b> .....		<b>17</b>
<b>ANNEX 2 - CONFIDENTIALITY FORMS</b> .....		<b>19</b>

# Policy on Sexual Violence

## Article 1 Purpose

It is illegal to commit any form of sexual violence.

Dawson will not tolerate intimidation, harassment, or assault of a sexual nature. The College is committed to promoting a healthy and safe learning, working, and social environment. It is committed to working toward a campus free of discrimination and harassment, and strives to foster an atmosphere of healthy attitudes and behaviours towards sexuality and gender.

This policy sets out the College's commitment to:

- Promote a safe learning and working environment for its students, employees, and visitors where sexual violence will not be tolerated;
- Strengthen actions to prevent and counter sexual violence;
- Develop and implement appropriate education and communication plans and materials aimed at educating all members of the college community about this policy and promoting a safe environment;
- Create a single point of service that will provide timely, appropriate assistance and support to members of the college community who have experienced or witnessed sexual violence;
- Respond promptly to disclosures, reports, and complaints employing a trauma-informed and intersectional understanding of the impact of sexual violence on an individual;
- Provide confidential assistance and support, to the discloser subject to the constraints imposed by laws or professional requirements;
- Provide appropriate support to a respondent accused of committing sexual violence;
- Present the relevant internal and external options for recourse, while ensuring support to both the discloser (with their consent) and respondent, depending on the circumstances.

This policy satisfies the College's requirements under the *Act to prevent and fight sexual violence in higher education institutions* (CQLR, chapter P-22.1).

## Article 2 Scope

This policy applies to all members of the college community including all students, employees, members of the Board of Governors, employees of associations at the College, interns, mentors, coaches and volunteers. The policy also applies to contractors, suppliers, individuals who are directly involved in any college initiative and visitors.

This policy applies to all pedagogical, social or sports activities that are organized by members of the college community and take place on or off campus, such as integration and welcoming activities, student trips, social events, internships, etc. It also applies to associated online activities of members of the college community.

The College acknowledges intersecting identities and recognizes that a person's national or ethnic origin, sexual orientation, gender identity, age, religion, ability, indigeneity, immigration status, medical condition, socio-economic status, etc., could make them more vulnerable to

sexual violence and could affect their needs and choices with regard to recourses. These circumstances will be taken into account when providing support and assistance.

Dawson College has other policies in place that are relevant to issues of sexual violence and harassment such as the *Policy to Stem Violence, Discrimination, Harassment and the Abuse of Power*, as well as the *Code of Conduct*. This policy complements those and other related college policies and is not intended to supersede or interfere with any applicable college policy, or the provisions of any collective agreements or contracts applicable to employees, or the justice system. In addition, nothing in this policy precludes individuals from exercising their rights under a collective agreement, management agreement, or from seeking alternate routes such as the justice system and the Quebec Human Rights Commission.

### Article 3 Definitions

#### People

**College community** consists of all students, employees, members of the Board of Governors, employees of associations at the college, interns, mentors, and volunteers.

**Employee** is any full-time, part-time, permanent or occasional employee in any category of employment at Dawson College (teachers, professionals, support personnel, coaches, contractual staff, and management personnel).

**Discloser** is a member of the college community who has experienced sexual violence. The individual may choose to identify as survivor, victim, or another term.

**Bystander** is anyone who is neither a discloser nor a respondent, but who may have witnessed sexual violence. It also refers to anyone who is in a position to intervene before, during or after the act.

**Respondent** is an individual who is accused of sexual violence against a member of the college community.

#### Relationships

**Consent** is the voluntary and explicit agreement of a person to engage in a sexual activity. It is the act of willingly and continually agreeing to engage in specific sexual behaviour, and requires that a person is able to choose freely between two options: yes or no. Anything other than voluntary and continuous agreement to engage in sexual activity is not consent.

It is imperative that members of the college community understand the following:

- Sixteen is the legal age of consent for sexual acts; eighteen is the legal age of consent for sexual acts with someone who is in a position of trust or authority as stated in the Criminal Code.
- Silence or non-communication must never be interpreted as consent.
- A person who is in a state of diminished judgment cannot consent. Examples of such a situation include but are not limited to:
  - A person who is asleep, unconscious or otherwise unable to communicate.
  - A person who is impaired by alcohol or drugs.
  - A person with a cognitive disability that specifically prevents them from fully understanding the nature of a sexual act.

- A person who has been threatened or coerced into engaging in a sexual activity is not giving consent.
- Consent given in a previous sexual or dating relationship does not mean consent has been given for any future sexual activities.
- A person can withdraw consent at any time during the course of a sexual encounter.

**Relationships of authority** exist between individuals who occupy different hierarchical positions in the college. For example, the relationship between an immediate superior and a member of their team or an employee-student relationship.

**Intimate relationships** include amorous as well as sexual relationships.

## Sexual violence

**Sexual violence** means any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, sexual exploitation, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without the individual's consent, and cyber harassment or cyber stalking of a sexual nature or related to a person's sexual orientation, gender identity and/or presentation.

**Sexual assault** is a criminal offence under the Criminal Code of Canada. Sexual assault is any unwanted act of a sexual nature imposed upon a person and includes such activities as kissing, fondling, oral, vaginal or anal sex, or other forms of penetration, without consent. Sexual assault can occur between strangers, acquaintances or be perpetrated by someone known to the individual. It can also occur in a dating relationship, between spouses, or in any other relationship.

**Sexual harassment** is a course of inappropriate remarks, behaviours, innuendo, taunting or communications of a sexual nature and/or a course of inappropriate remarks, behaviours or communications based on gender and/or sexual orientation. Sexual harassment may consist of unwanted attention of a sexual nature such as personal questions about one's sex life, unwelcome sexual invitations or requests, or unwelcome remarks about someone's appearance. Sexual harassment may also consist of unwelcome remarks based on gender, gender identity or sexual orientation where such remarks may not be of a sexual nature but are nevertheless demeaning such as derogatory gender-based jokes or comments. Sexual harassment can also occur in an online environment, such as on social networking sites, on message boards, in chat rooms, through text messages, or through email.

A single serious incident of such behaviour may also constitute harassment if it has the same consequences and produces a harmful effect on an individual.

## Process

**Disclosure** is a statement made by an individual for the purpose of receiving confidential support and assistance.

**Report** is a statement made to the Primary Contact Person (see articles 10.1 and 10.2) by a discloser, witness, bystander or concerned person for the purpose of receiving support and accommodations. A report may be considered a disclosure and may lead to a complaint, depending on the status and wishes of the person reporting.

**Complaint** is a formal statement concerning sexual violence made by a discloser to the appropriate person or authority for the purpose of pursuing internal and/or external processes, which may lead to sanctions against a respondent.

#### **Article 4 Roles and responsibilities**

Everyone in the college community has a role to play in preventing and responding to sexual violence. All members of the college community should model positive behaviours and attitudes by demonstrating respectful behaviour in relationships, respecting diversity, resolving conflicts in constructive and non-violent ways. All members are encouraged to speak out against negative attitudes and to intervene when comments are made that promote rape culture, sexual violence, and discrimination. Moreover, employees must recognize that they are in positions of authority relative to students and that it is necessary to maintain appropriate relationships.

Members of the college community must:

- Familiarize themselves with this policy and their responsibilities;
- Be aware of the response protocol when incidents of sexual violence occur;
- Participate in the training and prevention initiatives organized in connection with this policy, as appropriate to their role in the college;
- Cooperate in investigations of incidents of sexual violence.

##### **4.1 Dawson Student Union**

Representatives of the Dawson Student Union must:

- Participate in the mandatory annual training provided for in this policy and offered by the College;
- Ensure the application of this policy in all activities initiated by the Dawson Student Union;
- Ensure that employees of the Dawson Student Union comply with this policy;
- Collaborate with the College in the application of this policy.

##### **4.2 Students**

Students must:

- Participate in mandatory training sessions offered by the College;
- Comply with the Code of Conduct.

##### **4.3 Board of Governors**

The Board of Governors must:

- Adopt this policy and any subsequent revisions to it.
- Participate in the mandatory training sessions offered by the College.

#### 4.4 Director General

The Director General must:

- Ensure the application of this policy;
- Participate in the mandatory training sessions offered by the College;
- Provide the necessary resources for the application of this policy;
- Render an account of the application of this policy to the Ministry.

#### 4.5 Academic Dean and Management Personnel

Academic Dean and management personnel must:

- Supervise the application of this policy;
- Play a leadership role in raising awareness about sexual violence;
- Participate in the mandatory training sessions offered by the College.

#### 4.6 Director of Student Services

The Director of Student Services must:

- Co-Chair the Standing Committee meetings
- Ensure that the policy is easily accessible and is communicated to all students;
- Organize mandatory training activities for representatives of the Dawson Student Union;
- Organize prevention and awareness-raising activities for all students;
- Oversee the implementation of this policy as it applies to students;
- Receive complaints of sexual violence where the respondent is a student.

#### 4.7 Director of Human Resources

The Director of Human Resources must:

- Co-Chair the Standing Committee meetings
- Ensure that the policy is easily accessible and is communicated to all employees;
- Organize mandatory training activities for managers and employees of the college;
- Organize prevention and awareness-raising activities for all employees;
- Oversee the implementation of this policy as it applies to employees;
- Receive complaints of sexual violence where the respondent is an employee.

#### 4.8 Coordinator of Auxiliary Services

The Coordinator of Auxiliary Services must:

- Ensure security within the campus via contracted companies, individuals, or internal employees as needed;
- Participate in the mandatory training sessions offered by the College;
- Collaborate with the appropriate college personnel in conducting internal campus investigations;
- Work with external authorities and cooperate with their investigations;
- Follow best practices and legal requirements in creating a campus that is physically safe;
- Assess the physical safety of the campus through ongoing safety inspections;
- Track incidents to identify commonalities between reported incidents.

#### 4.9 Teachers

Teachers must:

- Provide individuals with appropriate academic accommodations, in discussion with their dean, in response to an incident of sexual violence;
- Participate in the mandatory training sessions offered by the College;
- Look for opportunities to inform students about information related to sexual violence and training and awareness activities.

### **Article 5 Standing Committee**

The College must maintain a Standing Committee to develop and review the policy, and to ensure it is followed. This committee will meet a minimum of once each semester.

The committee is responsible for:

- Reviewing and monitoring the policy;
- Establishing and overseeing the Committee for the Prevention of Sexual Violence;
- Implementing a process to ensure that students, employees, officers, and their respective associations and unions are consulted during the policy review process.

The committee is composed of the following members:

- Director of Human Resources, or delegate
- Director of Student Services, or delegate
- Director of Corporate Affairs
- Director of Plant and Facilities, or delegate
- Academic Dean, or delegate
- Member of the faculty, appointed by the DTU
- Member of the professional staff, appointed by the ADP
- Member of the support staff, appointed by the DSSU
- Two members of the student body, with at least one member prioritized from a marginalized community, appointed by the DSU
- Member of the management personnel, appointed by the ACCQ

### **Article 6 Prevention, awareness-raising and training**

#### 6.1 Measures

The College will work to eliminate sexual violence through the dissemination of educational material and the provision of year-round training programs for students, employees and other members of the college community.

Awareness-raising, prevention, and training activities will be offered to members of the college community. These activities will promote a culture of consent, encourage individuals to access support, and address issues of sexual violence, bystander intervention, and legal information. Mandatory annual training activities will be organized either by Human Resources or Student Services each year for certain individuals depending on their roles and responsibilities at the College, including managers, employees, representatives of their respective associations and unions, and representatives of the student union.

External partners, resources, and support may be invited to assist with these activities, as necessary.



## 6.2 Committee for the Prevention of Sexual Violence

To assist the College in developing awareness-raising, prevention, and training activities for members of the college community, the Standing Committee oversees a Committee for the Prevention of Sexual Violence. This committee will meet at least once per semester.

The committee is responsible for:

- Developing and implementing prevention, awareness-raising, and training measures for members of the college community;
- Evaluating the implementation of prevention, awareness-raising, and training measures for their impact, effectiveness, and relevance;
- Promoting this policy to all members of the college community;
- Reporting to the Standing Committee.

The committee is composed of the following members:

- Coordinator of Human Resources (co-chair), or delegate
- Coordinator of Student Services (co-chair), or delegate
- Coordinator of Communications, or delegate
- Coordinator of Auxiliary Services, or delegate
- Manager of Student Services
- Student Primary Contact Person
- Representative from Health Services
- Representative from Counselling Services
- Representative from the First Year Students Office
- Representative from the First Peoples' Centre
- Representative from Campus Life
- Representative from the Hive
- Member of the faculty, appointed by the DTU
- Member of the professional staff, appointed by the ADP
- Member of the support staff, appointed by the DSSU
- Three members of the student body, appointed by the DSU
- Member of the management personnel, appointed by the ACCQ
- Other members as deemed necessary by the Committee

### **Article 7 Security and responding to sexual violence**

To ensure the safety of the community and minimize risk, the College periodically assesses the premises, as well as emergency telephones, lighting, door locks, physical monitoring, cyber-surveillance, and video surveillance.

Campus Security provides support and services to all members of the college. Some examples of services provided by Security include:

- Accompaniment on campus of a student or employee who has safety concerns;
- Monitoring and/or implementing no contact orders;
- Responding to or taking reports of any incident of sexual violence and providing support and options to the person disclosing or reporting.

## **Article 8 Rules governing social or welcoming activities**

This policy applies to any social or welcoming activity organized by the College, a staff member, an employee, a sports organization or a student association. The various directorates must ensure that this policy is forwarded to all organizers of such activities, whether they take place on or off the college campus. The organizers of such activities must ensure compliance with this policy during the activities.

## **Article 9 Consensual intimate relationships**

The unequal institutional power inherent in a relationship between an employee and a student can potentially heighten the vulnerability of the student. For this reason, an employee should not enter into an intimate relationship with a student.

If a consensual intimate relationship between a student and an employee exists, including those that existed prior to the coming into force of this policy, the employee must inform the Human Resources Directorate within thirty (30) days following the adoption of this policy, or upon admission or hiring.

It is also recognized that intimate relationships between two employees may involve a power differential depending on their positions within the college.

Measures may be taken in order to avoid any pernicious influence in the academic process or work environment, real or perceived.

## **Article 10 Single-contact service**

Any member of the college community who has experienced or witnessed sexual violence can disclose, report, or file a complaint pertaining to the incident. Individuals who have experienced sexual violence have options when deciding where and how to file a formal report or complaint in response to an incident of sexual violence.

The single-contact service is the point of service for immediate and comprehensive response to disclosures, reports and complaints of sexual violence.

Any student or employee wishing to contact the Primary Contact Person, can do so in one of three ways, using the contact information on the Sexual Violence Information webpage:

- In person at the office of the Student Primary Contact Person (for students), or the Employee Primary Contact person (for employees), during regular office hours;
- By telephone (at any time); or
- Electronically (at any time).

There is no time limit for disclosing or reporting sexual violence, or filing a complaint internally.

The Primary Contact Persons are trained in dealing with sexual violence.

### **10.1 Student Primary Contact Person**

The Student Primary Contact Person for sexual violence is a counselor who is under the purview of Student Services.

The Student Primary Contact Person is responsible for:

- Receiving the discloser or anyone else choosing to report an incident of sexual violence
- Providing the discloser and/or witness with the support and guidance they need following the disclosure, report or complaint of sexual violence;
- Following up with the discloser for emergencies reported to 911 or to Campus Security;
- Coordinating the Sexual Violence Response Team;
- Ensuring that the respondent is offered the support and guidance they need following a report or complaint of sexual violence against them;
- Maintaining relevant records that will be transmitted to the Director of Student Services pertaining to cases of sexual violence that are dealt with under this policy;

In the event that an incident of sexual violence involving a student is reported to Campus Security or to 911, a copy of the incident report must be sent by Campus Security to the Student Primary Contact Person, who will initiate appropriate support services for the student.

#### 10.2 Employee Primary Contact Person

The Employee Primary Contact Person is an external counselor from a designated firm hired by the College. The firm will be informed of this Policy and its procedures and will ensure that the counselors assigned to the dossier are also provided with this information.

The Employee Primary Contact Person is responsible for:

- Receiving the discloser or anyone else choosing to report an incident of sexual violence;
- Providing the discloser and or witness with the support and guidance (internal or external) they need following the disclosure, report or complaint of sexual violence;
- Following up with the discloser for emergencies reported to 911 or to Campus Security;
- Participating in the Sexual Violence Response Team;
- Ensuring that the respondent is offered the support and guidance they need following a report or complaint of sexual violence against them;
- Maintaining relevant records that will be transmitted to the Director of Human Resources pertaining to cases of sexual violence that are dealt with under this policy.

#### 10.3 Former Students and Employees Primary Contact Person

The Primary Contact Person for former students and employees is an external counselor from a designated firm hired by the College. The firm is informed of this Policy and its procedures and ensures that the counselors assigned to a dossier are also provided with this information. Former students and employees will receive the same support as current students and employees.

#### 10.4 Sexual Violence Response Team

The Sexual Violence Response Team is an ad hoc committee convened and coordinated by the Primary Contact Person to meet on an urgent and priority basis in the event of a

reported incident of sexual violence, and will act together to provide a coordinated, timely and appropriate response. It is composed of the most relevant resources, depending on each case, as determined by the Primary Contact Person in accordance with the needs and consent of the discloser.

Following the reception of a disclosure, report or complaint, the Sexual Violence Response Team will coordinate the offer of referral, psychosocial and support services to the individual, and must respond within **seven (7) days**. Sexual Violence Response Team will provide reasonable accommodations to the discloser within **seven (7) days**.

The team is responsible for:

- Providing the disclosers and/or witnesses with the support and guidance they need following the disclosure, report, or complaint of sexual violence;
- Identifying all appropriate and reasonable accommodations and/or arrangements in support of the discloser, in accordance with existing policies and procedures;
- Providing appropriate and timely interventions, as requested by the Primary Contact Person and with the consent of the discloser;
- Ensuring that the respondent is offered the support and guidance they need following a report or complaint of sexual violence against them.

Members of the team will be selected, as necessary, from among the following:

- Student Primary Contact Person or the Primary Contact person for employees who will be a counselor from an external firm mandated by the College
- Health Services
- Counselling Services
- AccessAbility Services
- Coordinator of the First Peoples' Centre
- Dean of Academic Systems
- Director of Student Services
- Sector dean
- Program coordinator
- Faculty
- Director of Human Resources
- Director of Corporate Affairs
- Coordinator of Auxiliary Services
- Others as deemed appropriate

## 10.5 Process

In response to an incident of sexual violence, an individual has options when deciding how to proceed. The full range of support and services outlined under this Policy will remain available to the individual regardless of whether or not they disclose, report, or complain. Throughout the process, the person who is disclosing, reporting or filing a complaint, may be accompanied by the person of their choice. The discloser has the freedom to choose any or all of the three processes. A discloser may put an end to the process at any time unless there is a risk of harm to themselves, to members of the college community, or to the community at large.

### 10.5.1 Disclosures

An individual may disclose an incident of sexual violence for the purpose of receiving confidential support and assistance. Note that disclosing is not the same as reporting. Disclosure of an incident of sexual violence is confidential, subject to the limits set out in this policy (article 12).

### 10.5.2 Reports

An individual who has experienced, witnessed or is concerned about an incident of sexual violence may wish to report it to the Primary Contact Person.

Upon receiving a report, the Primary Contact Person assesses the situation, and in consultation with the individual, presents options for intervention. With the individual's consent, the Primary Contact Person will contact members of Dawson College's Sexual Violence Response Team to notify them of the situation in order to ensure the safety, follow up, and support to those affected by an incident of sexual violence. The identity of the individual(s) who report(s) will not be disclosed.

### 10.5.3 Complaints

At any time following a disclosure or a report, an individual may proceed with an official complaint to recognize the incident of sexual violence and to initiate an investigation. During this process, anonymity is not possible.

Complaints may be filed internally or externally, but are not mutually exclusive. Internal options are only available if the respondent is part of the college community. The Primary Contact Person will assist individuals in understanding each of these options and in ensuring that they have all the information they need in order to make a decision on next steps. Detailed information about options and what to expect for all parties, disclosers and respondents, will be available on the Sexual Violence Information webpage.

#### 10.5.3.1 Internal options

- In the case of an allegation against a student, the complaint will be submitted to the Director of Student Services.
- In the case of an allegation against an employee, the complaint will be submitted to the Director of Human Resources.
- In the case of a student allegation against an employee, or vice versa, the complaint will be submitted to both the Director of Student Services and the Director of Human Resources.
- In the case of an allegation against a director, the complaint will be submitted to the Director General.
- In the case of an allegation against the Academic Dean, the complaint will be submitted to the Chair of the Board and the Director General.
- In the case of an allegation against the Director General, the complaint will be submitted to the Chair and Vice-chair of the Board.
- In the case of an allegation against an External Board Member, the complaint will be submitted to the Director of Corporate Affairs.

An internal complaint recognizes the incident of sexual violence and initiates an investigation. Once a complaint has been received, the appropriate college authorities will undertake and complete an investigation **within 90 days**. The discloser may put an end to the process at any time, subject to the limitations set out in article 12.

To the greatest extent possible, the College will respect the individual's choice not to proceed with a complaint and investigation. However, the College may not be able to respect the individual's choice and may proceed with an investigation if there is reason to believe that the individual, a member of the college community, or the broader community may be at risk of harm, or if the College has a legal obligation to investigate. In such cases, the individual has the right not to participate in such an investigation.

The appropriate college authority will render a decision in the light of the investigation. The persons concerned will be informed in writing that a decision has been made. At the request of the individual who filed a complaint, the College shall provide them with information regarding the complaint process, that is to say, whether or not a sanction was imposed and the details and terms and conditions of the sanction, where applicable.

If the investigation finds that sexual violence occurred, sanctions may be imposed on the respondent. In the case of a respondent who is a student, disciplinary measures will be imposed by the Director of Student Services; in the case of a respondent who is an employee, disciplinary measures will be imposed by the Director of Human Resources or by the appropriate authority.

In most cases the Director of Student Services or the Director of Human Resources, will delegate the investigation to an external resource. In these cases, the findings of the investigation will be provided to the appropriate Director.

Individuals taking part in an inquiry will be asked to sign a confidentiality agreement in order to protect the integrity of the investigation process.

Persons making false accusations or statements that are vexatious or in bad faith could face disciplinary action under the Code of Conduct, in the case of students, or, in the case of employees, through the Human Resources Department, in accordance with college policies and the various collective agreements.

#### 10.5.3.2 External options

Members of the college are free to pursue any outside recourse they feel is appropriate. This policy and the internal complaint process do not prevent and are not intended to limit a member from also reporting sexual violence to the police, pursuing a complaint of sexual violence through the criminal justice system, and/or pursuing civil justice options. This policy also does not prevent a unionized employee from pursuing a grievance under the collective agreement.

#### Criminal option

Complaints can be made to the police with the goal of pursuing criminal charges under the Criminal Code of Canada.

#### Civil option

Legal resources such as lawyers and legal clinics can help orient individuals as to other external reporting options. Such options may include civil lawsuits against the respondent or other responsible parties.

### 10.6 Support to a respondent

In the event that a respondent is a member of the college community, support services will be offered by Counselling or other services in the case of a student. A counselor from an external firm mandated by the College will be available to employees, former students and former employees. Respondents can also enquire about other support that may be available to them.

#### **Article 11 Protection against retaliation**

It is forbidden to retaliate, to threaten or attempt to retaliate, against individuals who disclose, witness, or report an incident of sexual violence, or against respondents. For the purposes of this policy, threats of retaliation are considered retaliation. Retaliation may also occur prior to the start of the complaint, report or disclosure process. The College will take disciplinary action against persons who threaten or attempt to retaliate.

The College will put in place measures to protect individuals who file complaints, reports and make disclosures against reprisals from other members of the college community.

#### **Article 12 Confidentiality**

Ensuring confidentiality is vital in creating an environment where individuals feel safe to disclose and seek support and accommodation. The privacy and confidentiality of all members of the Dawson community involved in a disclosure, report or complaint will be protected, unless there is an obligation by law or professional duty to convey information to appropriate authorities in situations where:

- An individual may be at risk of self-harm;
- An individual may be at risk of harming another person;
- There is reason to believe that other members of the broader community may be at risk of harm;
- Evidence of sexual violence is made available in the public realm (e.g. video shared publicly on social media);
- There is suspected abuse of a minor (under the age of 18) as defined by the *Youth Protection Act*, article 38, (CQLR, chapter P-34.1)

In cases where confidentiality must be breached, only the individuals directly implicated, or those who may assist them, will be informed. Confidentiality also extends to a respondent to a complaint.

During the processing of a report or complaint, the individual will be informed of the findings of the investigation. In the event that the College decides to impose penalties on the respondent, this can be disclosed in accordance with Chapter P-22.1 *Loi visant à prévenir et à combattre les violences à caractère sexuel dans les établissements d'enseignement supérieur*.

### **Article 13 Penalties in the event of non-compliance**

Failure to comply with this policy may result in administrative or disciplinary action up to and including expulsion from the College and/or termination of employment. The nature, gravity and repetitive nature of the alleged acts will be considered when deciding whether to impose sanctions and the form those sanctions must take.

As part of its contractual relationship with a third party, the College may terminate any contract, without notice, for non-compliance with this policy. This policy will be presented to all third party contractors with the College and the third party must agree to abide by it.

### **Article 14 Appeals**

A discloser or a respondent may request an appeal of the process or the outcome of an internal investigation into sexual violence.

A request for an appeal should be submitted in writing to the Director General who will convene an Appeals Committee. In the case of an allegation against the Director General, the appeal will be submitted to the Chair and Vice-chair of the Board. They will render a decision within 20 days of receiving the appeal.

#### **14.1 Grounds for appeal: procedural error**

An appeal can be made on the grounds of a major procedural error that has caused or will cause prejudice to the person seeking the appeal. This appeal must be made within 10 days of receiving the findings of the investigation.

#### **14.2 Grounds for appeal: new evidence**

New evidence deemed relevant to the investigation can be submitted within 20 days of discovery to initiate an appeal.

### **Article 15 Dissemination**

This policy is available on the College's website to all members of the college community. It will be transmitted to students prior to the start of their first semester and to all new employees upon their hiring, and it will be disseminated at the beginning of each semester. This policy will be communicated to all individuals and bodies with whom the College maintains a contractual relation so that they are aware of their roles and responsibilities.

### **Article 16 Accountability to the Minister of Education**

In accordance with the *Act to prevent and fight sexual violence in higher education institutions*, the College will report on the application of this policy in its annual report, or in another document determined by the Minister. For the purposes of this reporting, all the data collected will be reported in an aggregated form to maintain confidentiality.



## **Article 17 Policy application and review**

The overall responsibility for the application of this policy rests with the Director General.

The Standing Committee will be responsible for reviewing this policy each year for the first three years following its implementation, and at least every five years thereafter. The committee will make any necessary recommendations to the Director General.

This policy will be adopted by the Board of Governors. It replaces and repeals any previous policy.

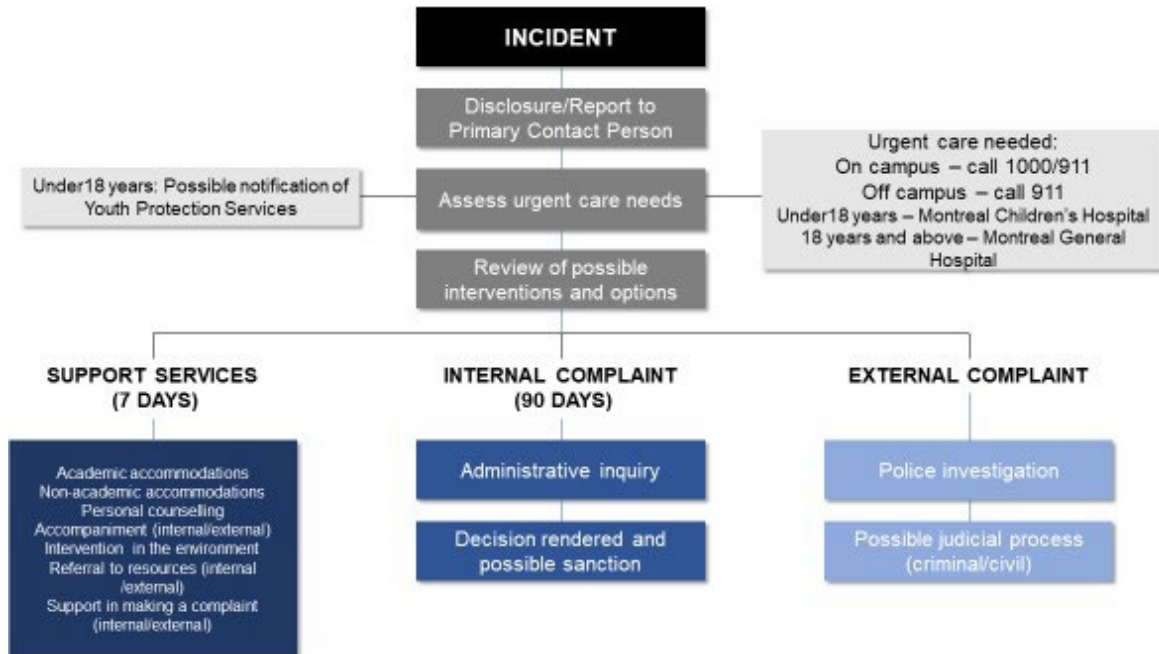
This policy will be implemented no later than 1 September 2019.

## **Acknowledgements**

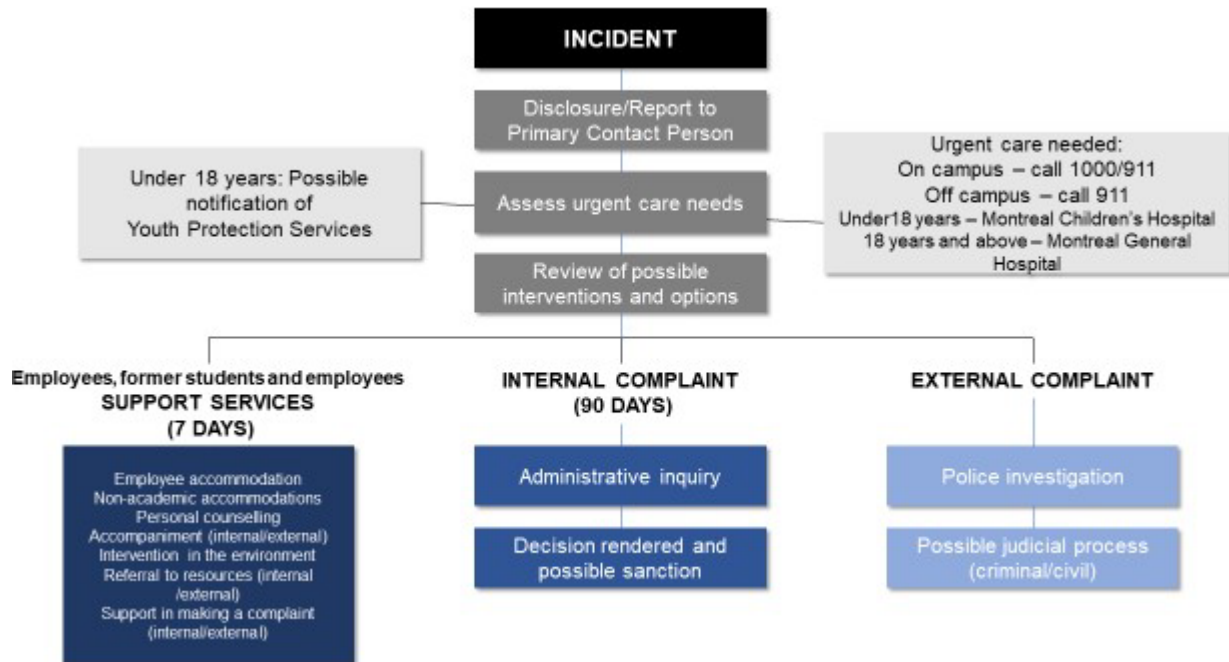
Dawson College would like to acknowledge the assistance and support of the many postsecondary institutions and organizations who shared information and copies of their documents. This material was instrumental in assisting Dawson to formulate its policy.

## ANNEX 1 – FLOWCHARTS

Flowchart to assist students dealing with an incident of sexual violence



Flowchart to assist employees, former students and employees dealing with an incident of sexual violence



**Note:**

The Single-Contact Service is the point of service for immediate and comprehensive response to disclosures, reports and complaints of sexual violence. Students will meet a Primary Contact Person who is a psychologist. Employees, former students and former employees will meet an external counselor from a firm hired by the College.

## **ANNEX 2 – CONFIDENTIALITY FORMS**

### **CONFIDENTIALITY AGREEMENT**

The process for handling a complaint is set out in the Dawson College Policy on Sexual Violence.

The investigation makes it possible to assess the overall situation concerning the reported allegations. At the end of the investigation, the Director of Human Resources or the Director of Student Services or the investigator from an external firm (depending on the complaint) will issue their opinion on the merits of the allegations.

The investigation process and your participation in it must remain confidential until the investigation is fully concluded. Confidentiality is an essential element for the proper conduct of the investigation and respecting these conditions aims to preserve the impartial handling of the case, as well as to avoid reprisals, rumors and remarks which could undermine the dignity and reputation of those involved.

A written commitment is required from you. However, this should not be interpreted as preventing you from benefiting from psychological support and/or from obtaining legal advice from a legal representative, trade union representative, association representative or any other representative dedicated to the defense of your rights.

I, \_\_\_\_\_ the undersigned, undertake to ensure the confidentiality of all information of which I have personal knowledge or which will be the subject of discussion during my exchanges with the Director of Human resources, the Director of Student Services or the person delegated by Dawson College to conduct this investigation.

Signed in \_\_\_\_\_ on \_\_\_\_\_

Formulaire d'engagement à la confidentialité (French Version)

FORMULAIRE D'ENGAGEMENT A LA CONFIDENTIALITE

Le processus de traitement d'une plainte est prévu dans la Politique sur le Violences à caractère sexuel du Collège Dawson.

L'enquête permettra d'apprécier l'ensemble de la situation concernant les allégations dénoncées. Au terme de l'enquête, la directrice des ressources humaines ou la directrice des services aux étudiants (dépendant de la plainte) émettra son opinion quant au bien-fondé des allégations.

Le processus d'enquête et votre participation à celui-ci doivent rester confidentiels jusqu'à la conclusion complète de l'enquête. La confidentialité est un élément essentiel au bon déroulement de l'enquête et le respect de ces conditions vise à préserver le traitement impartial du dossier, à éviter représailles, rumeurs et propos susceptibles de porter atteinte à la dignité et à la réputation des personnes concernées.

Un engagement écrit est exigé de votre part. Toutefois, cela ne doit pas être interprété comme vous empêchant de bénéficier d'un soutien psychologique et/ou d'obtenir des conseils juridiques auprès d'un représentant légal, syndical, d'une association ou de tout autre représentant voué à la défense de vos droits.

Je, soussigné, \_\_\_\_\_, m'engage à assurer la confidentialité de tout renseignement et de toute information dont j'ai personnellement connaissance ou qui fera l'objet de discussion lors de mes échanges avec la directrice du service des ressources humaines, la directrice des services aux étudiants ou la personne déléguée par le collège Dawson pour mener cette enquête.

Signé à \_\_\_\_\_ ce \_\_\_ jour du mois \_\_\_\_\_ année \_\_\_\_\_