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Contact a community agency for additional, confidential support (see attached addendum 'Community and Campus Resources' for support resources specific to your area and campus).

Individuals who experience or witness Sexual Misconduct

Individuals



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A student who makes a Report may choose one of the following options to initiate an internal process:

To file a complaint under this policy if applicable, or any other relevant College Community Policy such as the Respectful College Community Policy or the Sexual Violence/Sexual Harassment Policy. The applicable policy legislation will prevail regardless of which policy it is filed under.

To initiate, as a Complainant through the Senior Vice President Academic and Student Success or Human Resources or the



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Any person who makes a disclosure can choose to file a complaint later. Any College employee who receives a disclosure and is unsure about their responsibility in the event of a disclosure or complaint, should seek advice from the Senior Vice President Academic Success and/or Human Resources Services.

A disclosure is not the same as a complaint and does not normally serve to initiate an investigation or other process unless the College believes one of the following circumstances applies:

- a person is at risk of self-harm or of harming others
- there is an imminent risk of harm to the College Community and/or the broader community
- the Disclosure involves Sexual Violence or Sexual Misconduct by an employee or representative of the College
- a person under the age of 19 is endangered
- disclosure is otherwise required by law

FILING A COMPLAINT

Any person who experiences or witnesses sexual misconduct involving a student may file a complaint with the College. The College will provide support to Complainants who request assistance with this process.

The complaint should be in writing and include the following information when possible:

- date/time of the incident
- name and contact information for the Complainant
- a description of the incident
- name(s) of the alleged respondent(s)
- names of potential witnesses

ACCOMMODATIONS AND INTERIM MEASURES

Accommodations and interim measures are available to any member of the College community who has experienced or witnessed sexual violence, including the respondent, regardless of whether they wish to disclose or file a complaint. Accommodations may include but are not limited to switching course sections, deferring exams, or other academic accommodations. Interim measures are put in place to protect the safety and wellbeing of staff, students and community members, and may include a ban from campus property or other necessary restrictions. Nothing in this policy prevents interim measures being imposed on a Respondent pursuant to a College policy or other agreement.

Interim measures:

- do not presume guilt



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may be imposed immediately upon receipt of a disclosure or complaint
may be imposed or removed at any time during the resolution of the complaint
may remain in effect until the conclusion of the process

REPORT TO POLICE

Students may report their allegations through the criminal justice or victim services system by contacting the local police detachment directly. Any individual who chooses this option may contact the Senior Vice President Academic and Student Success or Human Resource Services and/or the Campus Manager for assistance in making a report to the police. The College will cooperate with any criminal investigations.

INVESTIGATION

Anonymous complaints will not be investigated, but those wishing to make anonymous disclosures will be offered support services and information about all available options. At any time in the process, the Complainant may withdraw the complaint without consequence.



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- Establishing accommodations or interim measures if necessary.
- Third-party complaints, from witnesses to an event, may be accepted at the discretion of the Senior Vice President Academic and Student Success but consideration will be given to the desires of the student(s) directly harmed by the incident.

During the investigation process, all participants will be directed not to discuss the situation or process with others. This does not limit students from seeking support or sharing their story, but rather is intended to respect the dignity and rights of all individuals involved in the process, as well as the integrity of the process until it is concluded. The records of all complaints, decisions and outcomes will be maintained as confidential records



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conditions and standards of conduct the Respondent is required to abide by. Failure to meet the requirements of this contract may lead to further disciplinary or corrective measures up to and including termination of employment.

Restriction or prohibition of access or use: Conditions that are imposed to limit or ban, either indefinitely or for a specified period of time, an employee's right to access or use the College's lands, equipment, facilities, services, or other activities held by, on, or in association with the College.

Unpaid Suspension: Employee is provided a letter indicating a time frame that they are not to attend work activities. It may also include restricting access to College facilities.

Discretionary Measure: Any other disciplinary or corrective measure that the College determines is warranted under the circumstances, such as taking the necessary action to immediately remove the person from the College.

Disciplinary measures will be enforced in accordance with the Sexual Misconduct Policy and accompanying act. Employees are reminded that despite subsection 48 (17) of the Labour Relations Act, 1995 and subsection 14 (17) of the Colleges Collective Bargaining Act, 2008, and despite any provision of a collective agreement or employment contract specifying a penalty for the infraction, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the discharge or disciplinary measure imposed by Northern College.

The College is responsible for ensuring that provisions specific to Bill 26 regarding **No Re-employment, Agreements and Exceptions to Agreements** are adhered to. As such the language to cover these provisions must be considered and included in disciplinary communications and/or full and final settlements. For clarity, at no point can a full and final settlement agreement override the provisions of the Act or any applicable amendment specific to but not limited to Bill 26.

CONFIDENTIALITY

Confidentiality is particularly important to those who have disclosed sexual misconduct. Subject to the provisions of the Freedom of Information and Protection of Privacy Act, the confidentiality of all persons involved in a report of sexual misconduct must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses by restricting routine access to information to individuals with a need for such access and by providing education and training to those who are regularly involved in the administration of reports and complaints. However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another; and/or
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.



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In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor would not be released to the public. Where the College becomes aware of an allegation of sexual misconduct by a member of the Coll



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individuals of all sexes, sexual orientations, gender identities, and gender expressions, races, religions, ethnicities, and social and economic backgrounds.

Dating violence is physical acts of assault or threats of assault, detainment, or unwanted touching (or other acts as described above under IPV) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the



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stalking include the use of technology to harass, intimidate, and/or frighten others through repeated, unsolicited, threatening behavior of a sexual nature and/or targeting sexual orientation or gender identity.

Sexual Exploitation of a student includes the misuse of power or trust by a person in a position of power or trust over the student for a sexual purpose or purposes. Sexual exploitation also occurs where a person or person's offers drugs, food, shelter, protection, money, or the basics of life in exchange for sex or sexual acts from a student.

Examples of Sexual Exploitation include but are not limited to the following:

- Seeking the exchange of sex or sexual acts from an individual in return for something, including but not limited to drugs, food, shelter, protection, money, the basics of life, or some other benefit.
- Trafficking an individual regardless of benefit.
- Allowing a third party to watch consensual sexual contact without the permission of both parties involved in the sex act.
- Enticing a child for sexual purposes.
- Knowingly giving another a sexually transmitted infection (STI) or HIV.
- Allowing others to have sex with an incapacitated person.
- Exchange for improved grades and /or power/trust dynamics.

Indecent Exposure exposing one's body to another individual for a sexual purpose without their consent.

Voyeurism the recording or observation (in-person, electronically, or otherwise) of another individual without their consent for a sexual purpose, in circumstances where there is a reasonable expectation of privacy. The distribution of a sexually explicit photograph or video of a person to one or more people, without the Consent of the person in the photograph or video and with the intent to distress the person in the photograph or video.



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Freedom of Information and Protection of Privacy Act