

## Sexual Violence & Misconduct Policy

Date Established June 2008

Date Revised: March 2025

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### POLICY STATEMENT

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Trillium College is committed to providing its students with an educational environment free from sexual violence and misconduct, and treating its students who report incidents of sexual violence or misconduct with dignity and respect.

Trillium has adopted this Sexual Violence and Misconduct Policy, which defines sexual violence and sexual misconduct, and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence or misconduct made by its students that have occurred on its campus, or at one of its events which involve its students.

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### TARGET AUDIENCE

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All Trillium College Community Members.

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### DEFINITIONS

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**Trillium College Community Members** – All Staff, Faculty, Students and Visitors to our campuses and classrooms, both virtual and on-the ground.

**Respondent** - The person accused of engaging in sexual violence or sexual misconduct

**Complainant** - the person making the allegation

**Sexual violence** - means any sexual act or 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 sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

#### **Sexual Misconduct means**

- a physical sexual relationship with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of Trillium where:
  - the act constitutes an offence under the *Criminal Code (Canada)*,
  - The act infringes the right of the student under clause 7(3)(a) of the *Human Rights Code* to be free from sexual solicitation or advance, or
  - The act constitutes sexual misconduct as defined in the private career college's employee sexual misconduct policy or contravenes the policy or any other policy, rule or other

requirement of the private career college respecting sexual relations between employees and students, or

- any conduct by an employee of the private career college that infringes the right of the student under clause 7 (3) (b) of the *Human Rights Code* to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance. ("inconduite sexuelle")

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## REPORTING and RESPONDING

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1. Trillium shall include reference to the location of the Sexual Violence and Misconduct Policy in every contract made between it and its students, and provide a copy of the Sexual Violence and Misconduct Policy to career college management (corporate directors, controlling shareholders, owners, partners, other persons who manage or direct the career college's affairs, and their agents), instructors, staff, other employees and contractors and inform them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence or sexual misconduct involving its students.
2. The Sexual Violence and Misconduct Policy is published on the Trillium College website.
3. The Sexual Violence and Misconduct Policy is included in the HR Staff and Faculty Handbook.
4. Career college management, instructors, staff, other employees and contractors of Trillium will report incidents of or complaints of sexual violence or sexual misconduct to the Director, People & Policy.
5. Students who have been affected by sexual violence or misconduct or who need information about support services should contact [info@trilliumcollege.ca](mailto:info@trilliumcollege.ca).
6. To the extent it is possible, Trillium will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. Or where there is a legal duty for Trillium to disclose information (see para 10 below). This will be done by:
  - ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and
  - ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent; and
  - Trillium recognizes the right of the Complainant of a Sexual Violence or Misconduct incident in their choice not to:
    - report an incident;
    - make a complaint;
    - request an investigation; or
    - participate in any investigation that may occur.

7. In certain circumstances Trillium may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk.
8. In all cases, Trillium will appropriately accommodate the needs of its Students who are affected by sexual violence. Students seeking accommodation should contact [info@trilliumcollege.ca](mailto:info@trilliumcollege.ca).

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## INVESTIGATION

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Under this Sexual Violence and Misconduct Policy, any student of Trillium may file a report of an incident or a complaint to [he@trilliumcollege.ca](mailto:he@trilliumcollege.ca) in writing. The other officials, offices or departments that will be involved in the investigation are academic operations and compliance.

If students, in good faith, report an incident of, or make a complaint about sexual violence or sexual misconduct, they will not be subject to discipline or sanctions for violations of the private career college's policies relating to drug or alcohol use at the time the alleged sexual violence or misconduct occurred. For greater certainty, there shall be no reprisals of any kind made in relation to such good faith reporting.

Corporate directors, controlling shareholders, owners, partners, and all other persons who manage or direct the affairs of the private career college, agents, students, instructors and other employees, shall have an obligation to report incidents or complaints of sexual violence to Director, People & Policy, once they become aware of same.

Students who disclose their experience of sexual violence or sexual misconduct through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence and sexual misconduct, will not be asked irrelevant questions during the investigation process by the private career college's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Upon receipt of a report of an incident or a complaint of alleged sexual violence or sexual misconduct, the Director, People & Policy will respond promptly; and

- determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;
- determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved, and Trillium's duty of procedural fairness;
- determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, Trillium may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and

- determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.

**Once an investigation is initiated, the following will occur:**

- The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
- Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
- Informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;
- interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;
- providing reasonable updates to the Complainant and the Respondent about the status of the investigation.

**Following the investigation, the Director, People & Policy will:**

- review all of the evidence collected during the investigation;
- determine whether sexual violence or misconduct occurred; and if so
- determine what disciplinary action, if any, should be taken as set out in "Disciplinary Measures" section, below.

**Disciplinary Measures**

If it is determined by Trillium that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

- disciplinary action up to and including termination of employment of instructors or staff; or
- expulsion of a student; and /or
- the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
- any other actions that may be appropriate in the circumstances.

**Termination of Employment of Instructors or Staff for Sexual Misconduct**

If it is determined by Trillium that the Respondent did engage in Sexual Misconduct and their employment at Trillium will be terminated as a result of this determination:

- The termination will be deemed as just cause;

- They will not be entitled to notice of termination, termination pay or any other compensation or restitution as a result of the termination;
- Despite subsection 48(17) of the *Labour Relations Act, 1995*, and despite any provision in the employment contract, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the termination imposed by Trillium; and
- After termination, Trillium will not subsequently re-employ the Instructor or Staff at any time.

### **Non-Disclosure Agreements between Trillium and a Complainant Student**

An agreement between Trillium and a Complainant who is a Trillium student, shall not contain any term that prohibits Trillium from disclosing that an allegation or complaint has been made that an employee of Trillium committed an act of sexual misconduct toward a student, unless a student makes this request and provided that:

- The student has had a reasonable opportunity to receive independent legal advice;
- There have been no undue attempts to influence the student with respect to the request;
- The agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so; and
- The agreement is of a set and limited duration.

### **Appeal**

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision within 10 days by submitting a letter addressed to the President advising of the person's intent to appeal the decision. [andrew.jones@trilliumcollege.ca](mailto:andrew.jones@trilliumcollege.ca)

### **Making False Statements**

It is a violation of this Sexual Violence and Misconduct Policy for anyone to knowingly make a false complaint of sexual violence or misconduct or to provide false information about a complaint.

Individuals who violate this Sexual Violence and Misconduct Policy are subject to disciplinary and / or corrective action up to and including termination of employment of instructors or staff or expulsion of a student.

### **Reprisal**

It is a violation of this Sexual Violence and Misconduct Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence or misconduct, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

Individuals who violate the Sexual Violence and Misconduct Policy are subject to disciplinary and /or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

### **Review**

Trillium shall ensure that student input is considered in the development of its Sexual Violence and Misconduct Policy and every time it is reviewed or amended.

Trillium shall review its Sexual Violence and Misconduct Policy 3 years after it is first implemented and amend it where appropriate. Trillium's previous Sexual Violence Policy was implemented in 2008 and was reviewed every three years, and amended again on March 17, 2025 -- to now become the "Sexual Violence and Misconduct Policy", in compliance with current legislation.

### **Collection of Student Data**

Trillium shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Subsections 32.3 (8), (9) and (10) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

If the Trillium Sexual Violence and Misconduct Policy conflicts with the Discipline and Expulsion Policy, the Sexual Violence and Misconduct Policy prevails.

### **Resources**

This policy includes a list of confidential resources for victims of sexual violence or misconduct to reach out to and avail themselves of.

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## **ROLES AND RESPONSIBILITIES**

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Policy Holder: Director, People & Policy

Policy Administrator: Director, Operations & Student Experience

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## **RESOURCES**

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- Student Handbook
- Workplace Violence Policy
- Sexual Violence and Misconduct Policy

### **Academic Operations & Location Managers**

St Catharines 289-438-1918

Kingston

613-531-5138

## Off Campus Resources

<p><b><u>Niagara Regional Police</u></b></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911</p> <p>Non-emergencies: 905.668.4111</p> <p>In person: 68 Church St, St. Catharines</p>	<p><b><u>Victim Services Niagara</u></b></p> <p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p>24-Hr Crisis Line: 905.682.2626</p>	<p><b><u>Niagara Region Sexual Assault Centre</u></b></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line: 905.682.4584</p>
<p><b><u>Durham Regional Police</u></b></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911</p> <p>Non-emergencies: 1.888.579.1520</p> <p>In person: 77 Centre St. N, Oshawa</p>	<p><b><u>Victim Services Durham Region</u></b></p> <p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p>Emergency Line: 911</p> <p>(referral will be given by police department)</p>	<p><b><u>Sexual Assault Centre Durham</u></b></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line: 905.668.3050</p>
<p><b><u>Kingston Regional Police</u></b></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911</p> <p>Non-emergencies: 613.549.5660</p> <p>In person: 705 Division St, Kingston</p>	<p><b><u>Victim Services Kingston</u></b></p> <p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p>Emergency Line: 911</p> <p>(referral will be given by police department)</p>	<p><b><u>Kingston Sexual Assault Centre</u></b></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line:</p> <p>1.877.544.6424</p>
<p><b><u>Greater Sudbury Police</u></b></p>	<p><b><u>Sudbury &amp; Area Victim Services</u></b></p>	<p><b><u>Sudbury Sexual Assault Centre</u></b></p>

<p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p>24-Hr Emergency: 911</p> <p>Non-emergencies: 705-675-9171</p> <p>In person: 190 Brady St, Sudbury,</p>	<p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p>Emergency Line: 911</p> <p>(referral will be given by police department)</p>	<p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice and resources.</p> <p>24-Hr Crisis &amp; Support Line:</p> <p>211</p>
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