











**4.5** York Construction Academy recognizes that confidentiality is key to create an environment and culture where survivors feel safe to disclose and seek support and accommodation.

**4.6** York Construction Academy is committed to providing on-going training, education, and initiatives aimed at changing attitudes and behaviors that perpetuate sexual violence. The York Construction Academy will support these initiatives through dedicated staff, programming, and related York Construction Academy resources. The York Construction Academy will broadly communicate these initiatives and effectively respond to the needs of the diverse members of the York Construction Academy community.

**4.7** York Construction Academy recognizes the extreme impact that rape culture has on society and will work collaboratively with its community to develop educational programs around this serious systemic issue.

**4.8** Reports of sexual violence made pursuant to the policy will be dealt with through York Construction Academy complaint procedures and any community member who is found to have committed sexual violence shall be held accountable and subject to sanctions and discipline up to and including notice of trespass, expulsion and/or termination of employment where appropriate.

**4.9** All York Construction Academy employees in any way associated with the implementation of this policy are required to ensure timeliness of response in order to reduce the time required to access supports, services, and accommodations, as well as to ensure the timely resolution of complaints.

**4.10** York is committed to ensuring that its processes for addressing sexual violence are designed to promote fair, just and timely resolution for complainants and respondents. Both parties will be provided with information explaining the process.

**4.11** York Construction Academy recognizes the traumatic effects of sexual violence and is committed to providing appropriate support and information about options available to survivors. York strives for survivors to:

- Be treated with compassion, dignity, and respect;
- Be provided with non-judgmental and empathic support;
- Have confidentiality maintained and any limits to confidentiality explained;
- Be informed of the procedures in place to address sexual violence;
- Be provided with timely safety planning assistance;
- Be informed about on and off-campus supports and services available to them; and to receive survivor-driven supports and services appropriate to their social identities including race, Indigeneity, economic status, gender identity, gender expression, sexual orientation, language, age, ancestry, ethnicity, ability, faith and/or immigration status;
- Be provided with necessary academic, workplace, extracurricular and/or housing/dining accommodations as appropriate;
- Decide whether to pursue criminal or non-criminal reporting options subject to the limits described in this policy;
- Determine what and how much they choose to disclose and to whom;

- Have reasonable and necessary actions taken to prevent further unwanted contact with the respondent;
- Have options for reporting and/or filing a complaint outlined clearly including the option to withdraw a complaint after commencing it or to decline to participate in the investigation of a complaint; and
- Wherever possible, retain control over the matter and any decisions pertaining to their experience including reporting to police.

## 5. Confidentiality

**5.1** York Construction Academy recognizes the importance of protecting confidentiality in order to provide an environment in which survivors can disclose sexual violence and obtain support and to ensure reports of sexual violence can be addressed in a fair manner.

**5.2** York Construction Academy will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence. It will limit disclosure of information to those within the York Construction Academy who need to know for the purposes of providing support and addressing incidents.

**5.3** Disclosures and reports of sexual violence made to the York Construction Academy are considered confidential and are treated in accordance with the *Freedom of Information and Protection of Privacy Act* and relevant collective agreements. Information regarding disclosures and reports will only be shared with those individuals who have a critical need to know to carry out functions appropriate to an individual's or unit's responsibility to properly address an incidence of sexual violence or as required by law.

**5.4** To the extent possible, the identity of the survivor and the responding person will be anonymized.

**5.5** The York Construction Academy may be unable to guarantee complete confidentiality if:

- a. an individual is assessed to be at imminent risk of harm to self;
- b. an individual is assessed to be at imminent risk of harming an identified person;
- c. there is reason to believe that members of the York Construction Academy community or the broader community may be at imminent risk of harm; and/or
- d. the York Construction Academy is obligated to investigate or some other reporting/action is required by law (e.g. incidents involving a minor, or requirements under occupational health and safety or human rights legislation).

**5.6** This list is the exception to the foundational rule of confidentiality and is necessary to ensure the York Construction Academy can act in the interests of the safety of the community and to meet related legal obligations.

**5.7** In cases where complete confidentiality cannot be maintained, the community member will be informed as soon as possible. Further, efforts will be made to limit the amount of information that is shared and the number of individuals with whom it is shared.

**5.8** York Construction Academy will treat complaints and their investigation as confidential and will not release any information unless required to do so by law or as indicated in this policy. Provision of information to witnesses during investigations will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation including witnesses and support persons will be advised of the need to maintain confidentiality to protect the integrity of the investigation and will be advised to refrain from discussing the matter during the investigation and adjudication process. The obligation to keep information confidential does not prevent a person from pursuing counselling and/or other support services, including personal support networks for either the complainant or respondent.

**5.9** York Construction Academy will collect data with respect to the number and types of incidents of sexual violence and the supports and services sought for the purpose of developing best practices, compliance with statutory reporting requirements or similar purposes.

## **6. Supports and Services**

### **6.1 For Those Affected by Sexual Violence**

**6.1.1** A number of supports and services are available to community members affected by sexual violence, irrespective of when or where the incident(s) occurred. York Construction Academy will maintain an up-to-date list of supports and services offered by the York Construction Academy and in the community. The York Construction Academy will publicize the availability of this information broadly to members of the York Construction Academy community.

**6.1.2** A list of supports and services currently available at York Construction Academy and in the community is found in the Supports and Services section of this Policy.

**6.1.3** It is not necessary to file a report or complaint in order to access the services provided by the York Construction Academy. Equally, accessing these services does not constitute filing a report or complaint to the York Construction Academy.

### **6.2 For Respondents**

**6.2.1** Supports and services are also available to respondents through the Office of York Construction Academy.

## **7. Disclosure**

**7.1** Disclosure occurs when an individual who has experienced sexual violence confides in someone about the experience. Disclosure can assist an individual in seeking out support and services and to learn about options available to assist them including options to make a formal report. Survivors determine when, what, and how much they choose to disclose.

**7.2** Every survivor is entitled to decide whether or not to disclose or report an experience of sexual violence. Subject to the limits of confidentiality described in the Confidentiality section of







## **8.3 Informal Resolution**

**8.3.1** Many cases of sexual violence are not well suited to alternative or informal resolution. However, there are instances in which the complainant and respondent wish to pursue informal resolution through mediation/facilitation, restorative justice, or similar methods.

**8.3.2** York Construction Academy will provide information to the complainant regarding informal resolution options and the Office of Student Community Relations (OSCR) will provide information to the respondent regarding informal resolution options. Participation in informal resolution is voluntary and either party may withdraw from the process at any time.

## **9. Complaint Process**

**9.1** York Construction Academy is responsible for receiving all non-emergency reports of sexual violence. Any community member who experienced sexual violence by another community member may commence the reporting process by contacting York Construction Academy in person or electronically

**9.2** A complaint is finalized on the date on which it is received by the York Construction Academy in writing and signed by the complainant. The complaint will include the following:

- a. name of the Complainant
- b. name of the Respondent (if known); and
- c. a description of the particulars including but not limited to date(s), time and location where the incident(s) occurred.

**9.3** The Complainant will be provided with a copy of the complaint.

**9.4** The York Construction Academy has the jurisdiction to investigate reports made against a community member and will do so as expeditiously as possible.

**9.5** Complaints involving staff or faculty respondents will be processed in accordance with the applicable collective agreement and/or York Construction Academy policy or program.

**9.6** Throughout the complaint process, complainants, and respondents have the right to be accompanied by a support person, who must also adhere to the confidentiality requirements of the process.

**9.7** Complainants and respondents will be provided with appropriate procedural fairness throughout the process.

**9.8** A complaint may be filed if the respondent is a community member at the time of the incident reported in the complaint. A complaint process may continue after the complainant's relationship to or with the York Construction Academy ends if the respondent continues to be a member of the York Construction Academy community. If the respondent's relationship to or with the York Construction Academy ends before the complaint process has been completed, the

process may be suspended. The process may resume if the respondent returns to the York Construction Academy at a future date.

**9.9** The filing of a complaint under this Policy is independent of any criminal investigation or proceeding (i.e. a person may report an incident to both the York Construction Academy and the police). The York Construction Academy's investigation and decision-making may be suspended pending in the outcome of the criminal proceeding. However, the York Construction Academy may take interim measures as it considers necessary to protect the complainant and/or the York Construction Academy community pending the outcome. Interim measures may include "no contact" orders, and/or changes in academic, extracurricular, housing, dining, employment or other arrangements.

**9.10** A complainant may withdraw a complaint at any time throughout the complaints process. The complainant may choose not to participate in the complaint process. However, it is recognized that the York Construction Academy may determine that it must or should continue with the investigation and that the complainant's non-participation may impact the scope of the investigation.

## **10. Complaints Against Students**

### **10.1 Preliminary Assessment**

**10.1.1** After a complaint is filed, it will be transmitted to the Director for preliminary assessment. The Director will assess whether the complaint falls within the jurisdiction of this policy. If the Director determines that the complaint is outside the jurisdiction of the policy or that the matter should not be investigated, it will provide written notice of that decision and reasons for the decision to the complainant.

**10.1.2** A Complainant may request reconsideration of a decision by the Director that a complaint will not be investigated. A request for reconsideration must be made in writing within 45 calendar days of receipt of the written notice of decision and must be submitted to the Director for decision.

**10.1.3** Requests for reconsideration may be facilitated through York Construction Academy.

### **10.2 Complaint Resolution**

**10.2.1** If the Director determines that the complaint should be processed through the complaint procedure of this policy, it will refer the complaint to York Construction Academy for Human Rights and Inclusion (REI) to appoint an investigator.

**10.2.2** The Director may impose interim measures as it considers necessary to ensure safety of the person reporting or others in the community, to reduce contact between the parties, to prevent retaliation or to avoid a hostile environment. Interim measures may include "no contact" orders, and/or changes in academic, extracurricular, housing, dining, employment or other arrangements. Both the respondent and the complainant may request modifications to the interim measures and

may make a written submission in support of their request. The SVRT will provide a written copy of the interim measures to the respondent and advise the complainant accordingly. Requests for modifications will be forwarded in a timely manner to the Director for consideration.

**10.2.3** Centre for Human Rights Equity and Inclusion (REI) will ensure a copy of the complaint is promptly forwarded to the respondent who will be provided with an opportunity to submit a written response.

### **10.3 Informal Resolution**

**10.3.1** Efforts to resolve a complaint informally may be undertaken at any time either before a complaint is filed or throughout the complaints process up to the point when a decision is rendered.

### **10.4 Formal Resolution**

**10.4.1** When a decision is made that formal resolution is the appropriate course of action York Construction Academy for Human Rights Equity and Inclusion (REI) will appoint an investigator to conduct a full investigation. The investigator may be an individual internal to REI or an external person retained for this purpose. The investigator will be properly trained to conduct investigations into sexual violence complaints, trauma-informed investigations, and the potential impact of intersectional identities on how sexual violence is experienced. The complainant and the respondent will be informed that they may have a support person present during the investigation process.

**10.4.2** The steps taken to investigate a complaint may vary but will generally involve the following:

- a. the complainant and the respondent are informed in writing that an investigation is being undertaken, describing the allegations and the possible sanctions.
- b. the respondent is given the opportunity to provide a written response to the complaint and the complainant has the opportunity to reply to the written response;
- c. the investigator conducts one or more separate interviews with the complainant and respondent to obtain any additional information, documents, names of witnesses and other evidence that may be considered relevant; both parties will never be interviewed at the same time;
- d. relevant documentary and other evidence are compiled;
- e. the complainant, respondent or witnesses will not be asked irrelevant questions particularly as they relate to sexual expression or past sexual history; and
- f. interviews are conducted with witnesses or other individuals who may have relevant evidence.

**10.4.3** Either party may decline to be interviewed by the investigator and/or to provide relevant evidence. The investigation report will reflect that a party was given the opportunity to participate in the investigation but did not do so.

**10.4.4** During the course of investigation, the investigator will keep the parties apprised of the status of the investigation and the expected time to completion. While the time to investigate and complete an investigation report will vary depending on the circumstances of the case, it is expected that investigation reports will be finalized within 60 calendar days.

**10.4.5** Following completion of the investigation, the investigator will prepare a written report containing a detailed summary of the facts and evidence gathered. A complete copy of the investigation report will be provided to the complainant and respondent.

**10.4.6** The complainant and respondent will be provided an opportunity to make written submissions with respect to the investigation report. Any submissions received by either party will be disclosed to the other.

**10.4.7** At any time prior to the investigation report being forwarded to the Director, either party may request informal resolution. Once the report has been submitted to the Director, requests for informal resolution must be submitted directly to the Director.

**10.4.8** The investigation report and the submissions of the parties will be presented to the Director for a decision as to whether based on a balance of probabilities there has been a breach of the policy. The role of the Director throughout this policy may be performed by a delegate appointed by the Director.

**10.4.9** Prior to a decision being made, oral submissions may be undertaken as follows:

- a. At the request of one or both of the parties or at the discretion of the Director.
- b. If oral submissions occur, the parties will not be required to be in the same room together when making submissions if they elect to provide oral submissions.
- c. The parties may have a support person present.
- d. The Director may request to meet with the investigator and/or any witnesses prior to making a decision.
- e. If either party declines to participate in an oral submission, they will be provided with questions in writing from the Director and will have the opportunity to provide written answers.
- f. If any new evidence is presented either orally or in writing, both parties may be given the opportunity to respond in writing prior to a decision being rendered.

**10.4.10** Based on the investigation report and the submissions of the parties, the Director will make one of the following decisions on a balance of probabilities:

- a. That the evidence supports a finding that the respondent violated this policy and that a particular sanction or penalty is imposed; or
- b. That the evidence does not support a finding that the respondent violated the policy and the complaint is therefore dismissed.

**10.4.11** The Director will set out a decision, in writing including a summary of the information relied upon in making the decision and the reasons for the decision. This written decision will be provided to the complainant and respondent.

**10.4.12** If the Director determines that the policy has been breached and issues a penalty or sanction, the complainant will be provided with sufficient information regarding the precise nature of the penalty or sanction so as to maintain the complainant's ongoing safety and/or to reduce the possibility of contact between the parties.

## **11. Appeals of Decisions of the Director**

### **11.1 Grounds for Appeal**

**11.1.1** A respondent subject to sanctions following a decision under the policy may appeal the finding of breach of the policy and/or the sanctions imposed by the Director if one or both of the following applies:

- a. A serious procedural error was made during processing of the complaint that caused prejudice to the respondent and/or might have affected the final outcome;
- b. The decision is clearly unreasonable or unsupportable on the evidence; and/or
- c. The sanction is unreasonable or unsupportable in the circumstances of the case.

**11.1.2** A complainant may appeal a finding that no breach has occurred and/or the sanctions imposed by the Director if one or both of the following applies:

- a. A serious procedural error was made during processing of the complaint that caused prejudice to the complainant and/or might have affected the final outcome;
- b. The decision and/or sanction are clearly unreasonable or unsupportable on the evidence.

## **12. Complaints Against Staff or Faculty**

**12.1** In cases where the respondent is a faculty or staff member a complaint may be initiated through York Construction Academy, which will ensure that the complaint is provided to the appropriate office under applicable collective agreements and York Construction Academy policies. The Academy will outline respective processes for the complainant.

## **13. Records of Investigations and Outcomes**

**13.1** Written records will be retained by the Academy with respect to a complaint investigation and its resolution. The York Construction Academy will comply with all criminal legal subpoenas, civil court ordered requests for records, or as required under FIPPA.

## **14. Authority to Amend Policy and Create Procedures**

**14.1** The President or delegate is authorized to amend the following aspects of this policy without the prior approval of the Board:

- a. the supports and services available at the York Construction Academy or in the community;
- b. the identity of officials, offices and departments at the York Construction Academy who can provide supports, services and/or accommodation; and
- c. the identity of officials, offices and departments at the York Construction Academy to whom reports of sexual violence should be made or who are involved in each stage of the investigation and decision-making processes.

**14.2** The President or delegate is authorized to establish and amend procedures, protocols, or guidelines pursuant to this policy

## **15. Policy Review and Amendment**

**15.1** This policy will be reviewed at least once every three years commencing from the date of its approval.

**15.2** The review and amendment process will include consultation with representatives of the York Construction Academy's elected student governments and with consideration of input from a diverse selection of students as well as input from faculty and staff, including staff and faculty associations.

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### **Support and Services**

#### **Toronto Rape Crisis Centre/Multicultural Women Against Rape (TRCC/ MWAR)**

416- 597-8808 (24/7 Crisis Line)

crisis@trccmwar.ca

<http://trccmwar.ca/>

#### **Assaulted Women's Helpline**

416-863-0511(24/7), TTY: 416-364-8762

Toll-Free: 1-866-863-0511, TTY: 1-866-863-7868

#### **Fem'aide**

1-877-336-2433

info@femaide.ca

<http://www.femaide.ca>



**Good2Talk**

1-866-925-5454

info@good2talk.ca

<http://www.good2talk.ca/>

**Hassle Free Clinic**

416-922-0566, Fax: 416-922-2018

66 Gerrard Street East, 2nd Floor, Toronto, ON

<http://hasslefreeclinic.org/>

**Lesbian Gay Bi Trans Youth Line**

1-800-268-9688, Text: 647-694-4275

<http://www.youthline.ca/>

**Women's College Hospital Sexual Assault/Domestic Violence Care Centre (SA/DVCC)**

416-323-6040, Fax: 416-323-6489

76 Grenville Street, Main floor, Toronto, ON

The Women's College Hospital SA/DV centre is located in the Acute Ambulatory Care Unit (AACU) on the 1st floor in Room 1305.

<http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domestic-violence-care-centre/>

**Sunnybrook Hospital Bayview Campus**

416-480-6100

2075 Bayview Avenue, Toronto, ON

**York Central Hospital Domestic Abuse and Sexual Assault Care Centre (DASA)**

905-883-1212

905-832-1406 – DASA ext. 2 (Information)

955 Major MacKenzie Dr, Richmond Hill, Ontario

<http://www.yorkcentral.com/main/contact.htm>

**Independent Legal Advice for Sexual Assault Survivors Pilot Program**

1-855-226-3904

<https://www.attorneygeneral.jus.gov.on.ca/english/ovss/ila.php>

**Support Services for Male Survivors of Sexual Abuse Program**

1-866-887-0015 – Information 1-888-579-2888

[http://www.attorneygeneral.jus.gov.on.ca/english/ovss/male\\_support\\_services/](http://www.attorneygeneral.jus.gov.on.ca/english/ovss/male_support_services/)

**Oasis Centre des femmes (Francophone)**

416-591-6565

services@oasisfemmes.org

<http://www.oasisfemmes.org/>

## **External Resources**

### **Toronto Police Services**

416-808-2222

<http://www.torontopolice.on.ca/>

### **York Region Police Services**

1-866-876-5423

<https://www.yrp.ca/en/index.asp>