



Disclosure, Reporting and Complaints Procedures

1) Purpose

The College recognizes that survivors of sexual violence experience varying degrees and forms of trauma and thus have highly individualized needs when it comes to whether or how they want it addressed. Given that acts of sexual violence are fundamentally about asserting power and control over another individual, the Disclosure, Reporting and Complaints Procedures and the processes that will be followed reflect the College's commitment to the following:

- a) to establish safe, confidential, effective, and diverse means for individuals' reports, to disclose or make a complaint of sexual violence that is informed by survivor-centered, trauma-informed and gender-inclusive approaches
- b) to support and empower those affected by sexual violence by providing timely, locally-coordinated support and accommodation options
- c) to reduce harm and create opportunities for victim-survivors to be in control of the resolution process through the facilitation of alternative measures
- d) to address sexual violence in accordance with the laws and regulations in effect through the creation of the present policy and relevant local procedures¹

2) Definitions and Roles

Complainant: a member of the Champlain community who has experienced an incident which allegedly violates the present policy and who files a complaint about the incident. A complainant is a victim-survivor.

Complaint: a formal and official step during which a written report or statement alleging sexual violence is made to a local designated resource person (SVPC) or an administrator for the purpose of initiating an investigation and/or an alternative resolution process.

Disclosure: a revelation/declaration that a person has been the victim/survivor of or witness to sexual violence. A disclosure does not necessarily trigger an investigation or formal complaint and can be anonymous.

Informal Report: an informal verbal or written account by any member of the community providing information regarding an act of sexual violence that can be anonymous.

Respondent: a member of the Champlain community against whom an allegation of sexual violence as defined by the Policy has been made.

Third party: a person not directly involved in or impacted by an incident of sexual violence; a bystander, witness, or person to whom an incident is disclosed.

¹ If the victim is under 18 years old, we have an obligation to make a formal complaint.



Standing Committee: a committee composed of at least five members as defined by the Committee Rules of Procedure, which is responsible for the elimination and prevention of sexual violence procedures and future revisions of the policy against sexual violence. Because students are involved in the Standing Committee, it cannot be advised of any investigation due to a conflict of confidentiality.

Subcommittee: a committee composed of three (3) members of the Standing Committee members as defined by the Committee Rules of Procedure responsible for reviewing any investigation. The students involved in the Standing Committee cannot be members of the Subcommittee or participate in the review of any investigation in order to protect the confidentiality of the complainant.

Sexual Violence Prevention Coordinator (SVPC): a person whose role is to help and support students, staff, and faculty at Champlain College who have been affected by any form of sexual violence (sexual harassment or cyber sexual harassment) that have occurred in or outside of the campus. The SVPC helps victims to understand, access, and navigate supports such as counselling, medical services, academic or workplace accommodations, financial and legal aid and work, with the Standing Committee, to end sexual violence on campus through training and education. The SVPC is also responsible for launching an investigation in case of formal complaint.

All definitions found in Section 3 of the Policy apply to these procedures.

3) Support

The College is committed to providing support to all individuals who disclose an incident of sexual violence under the Policy. Request for referral to available services or options for action (e.g. accommodations, interim measures, restorative measures, counselling and /or intervention in the community) will be processed within seven (7) business days.

The Sexual Violence Prevention and Response Coordinator (SVPC) and other designated College employees with training in receiving disclosures of sexual violence and the reporting process will be available to assist any member of the college community with the reporting process in order to provide support throughout the resolution of an incident.

In accordance to Law P.22, all students must complete the training about the Policy, available resources, and support personnel during their studies. The Policy training will be disseminated to all new students at the beginning of their studies.

In accordance to Law P.22, all employees must complete the training about the Policy, available resources, and support personnel. The policy training will be disseminated to all new employees when they are hired. All employees must complete training on Sexual Violence prevention on an annual basis.

Information about the Policy will be readily accessible at all times to all members of the college community. (See section 17 of the Policy)

4) Receiving a Disclosure of Sexual Violence

Members of the College community may receive a disclosure and are expected to do the following:

- a) to participate in training related to the reporting process as required by the College
- b) to respond to disclosures of sexual violence in a victim-centered and trauma-informed way while respecting the confidentiality of the victim-survivor. (See Privacy and Confidentiality in section 16 of these procedures.)
- c) to inform the victim-survivor of the available resources both on and off campus
- d) to inform the victim-survivor of the Policy and available options, including formal complaints and anonymous reporting
- e) to inform the victim-survivor of possible interim measures and accommodations, and the process for obtaining them. (See Support Service and Accommodations in section 8 and Interim Measures section 9 of these procedures.)
- f) to obtain the consent of the person who disclosed to them before sharing any information about them and making every effort possible to maintain the confidentiality of all parties involved
- g) to complete an incident report as a third party in cases in which the victim-survivors do not do so themselves. (Incident reports and information about how to complete them will be made available online-and easily accessible to all members of the college community)
- h) to file the incident report with the SVPC, who is the college designated person responsible for the intake of all incident reports and coordinating requests for support services, accommodations, and interim and alternative measures.

College employees are not obligated to communicate any information regarding a disclosure to the College, other than that which is required to comply with the College's legal obligations under the *Act to Prevent and Fight Sexual Violence in Higher Education Institutions (P-22.1)*, unless obligated to do so by their professional order or by laws.

In accordance with the Youth Protection Act (art.39), if the victim is under 18 years old, there is an obligation to declare. Because of the Criminal Negligence Act, art.219, 220 and 221 of the Criminal Code, if the respondent represents a danger to the community, College employees cannot by themselves make the decision to not report and therefore must inform the SPVC.

A minimum of personal information must necessarily be included in the incident report in order to provide the victim-survivor with support services, accommodations and/or interim measures.

5) Maintaining Records of Information

The SVPC gathers data and maintains a record of all disclosures and complaints received by the College and regularly provides reports² to the Campus Director in conjunction and/or the Designated Administrative

² To protect the confidentiality of any victim-survivor or complainant, these reports do not contain details of the events; rather, they serve to provide an accurate picture of sexual violence taking place on campus so that measures to prevent them are more coherent and effective.



Authorities, in compliance with the requirements of the *Act to Prevent and Fight Sexual Violence in Higher Education Institutions (P-22.1)* and, in order to achieve the following:

- a) to ensure the safety of all the participants (victim-survivor, witness, third-party) and the College community
- b) to ensure relevant information is available throughout the investigation process (See the local procedures on Investigations.)
- c) to provide necessary and appropriate information to the victim-survivors and the respondent
- d) to ensure requests for accommodations and interim measures are processed and upheld for the applicable period
- e) to ensure that the delays and obligations to which the College is subject are met.

In cases of formal complaints, the SVPC will trigger the assessment of admissibility by presenting a redacted copy of the incident report to the Subcommittee. See the Local Procedures on the Assessment of Admissibility for more information on this process.

At the request of the complainant and in cases where deemed necessary to ensure the safety and well-being of the complainant or the community, the SVPC may also recommend interim measures be assessed by the Subcommittee. In such cases, the personal information of the complainant and respondent will not be transmitted to the Subcommittee. More detailed information about interim measures can be found in section 9 of these procedures.

Throughout the resolution of incidents, the SVPC acts as a Designated Resource Person and liaison between the complainant, the respondent, witnesses, and the different bodies formally involved in the process.

6) Disclosing an Incident of Sexual Violence

All victim-survivors, those impacted by sexualized violence, and witnesses covered by the Policy may choose to make a disclosure to any member of the college community. (See section 1 of the Policy.)

They may also report incidents of sexual violence to the College by submitting a completed incident report and delivering it by electronic means to the college-designated email address, by dropping it off at the designated confidential and anonymous location, or by delivering it to the offices of the college-designated resource people, namely the SVPC. A list of available on and off campus addresses and locations will be made widely available to all members of the college community both on campus and online.

The intake form will gather information about the victim-survivor, the respondent, and the incident along with information that will enable the College to provide the necessary support services, accommodations, and interim measures where relevant and applicable. The victim-survivor will also be given the option to file the report as a formal complaint, which will trigger the investigative process.

The SVPC is responsible for processing the requests and may contact the victim-survivor if additional information is required to ensure support is provided. The task will be done in a trauma-informed and survivor-centered manner.

6.1 Accompaniment

All parties who disclose to the College may be accompanied by a support person, an observer of their choice, or a union representative at any stage of the procedures outlined in the Policy. Support people,



advisors, or observers will not be permitted to actively participate in the interviews conducted as part of the investigative process unless called upon as witnesses, if relevant.

6.2 Anonymous and Third-Party Disclosures

The College understands that victims of sexual violence underreport incidents they have experienced for many reasons, including the fear of retaliation or disbelief, feelings of shame, a lack of confidence in the process of resolution, and the desire not to relive their trauma. Certain vulnerable populations, including members of racialized communities and those from other marginalized groups, are even less likely to report. This is especially true for cisgendered men.

In order to address some of the common concerns of victim-survivors and to provide multiple ways to address sexual violence on campus, the College accepts anonymous, bystander, and third-party statements from any person covered by the Policy who has been affected by sexual violence.

The SVPC is responsible for the intake of all anonymous, bystander, and third-party disclosures received by the College and regularly provides reports³ to the Campus Director and the Designated Administrative Authorities.

Before reporting an incident to the College, a third party must have the consent of the survivor or person impacted by sexualized violence to share information about an incident that the third party was not involved in. The College encourages third parties to include their own personal information when completing an incident report should the College need to contact them for further information or action.

The College's ability to investigate anonymous and third-party reports may be limited due to lack of information, and therefore support services and accommodations cannot be processed.

The SVPC will immediately inform the Campus Director and/or the Designated Administrative Authorities of any incidents or pattern of incidents that may put the College or its community members at risk in accordance with Criminal Negligence Act: art.219, 220 et 221 of Criminal Code.

7) Filing a Formal Complaint

Victim-survivors of sexual violence are not obligated to file a formal complaint with the College though at any time during which they are covered by the Policy, the option is available to them. Complainants have the right to withdraw their complaints at any stage in the resolution process and may add information, retract the complaint, or reinstate it at any time.

In addition to options detailed above, all college community members that are unionized employees may also report incidents of sexual violence by filing a grievance through their union.

The victim-survivors must file an incident report through the SVPC and indicate that they wish to file a formal complaint. Complaints must be processed within ninety (90) days of their submission.

³ To protect the confidentiality of any victim-survivor or complainant, these reports do not contain details of the events; rather, they serve to provide an accurate picture of the sexual violence taking place on campus so that measures to prevent them are more coherent and effective.



Based on reported information provided by the SVPC, the Subcommittee on Sexual Violence may act as the victim-survivor and initiate an investigation into incidents of sexual violence.

The College may do so regardless of whether the report is made anonymously or by a third-party reporter, or whether the victim-survivor filed an informal report in cases in which the following are factors:

- a) Repeated allegations are made about the conduct of the same individual and/or specific environment, or the safety of members of the community are at risk in accordance with Criminal Negligence Act: art.219, 220 et 221 of Criminal Code;
- b) The power differential in the alleged incident suggests the potential for a pattern of repeated sexual violence; and
- c) The College, as employer, has a duty to investigate under the provisions of the applicable Collective Agreements.

Where the complainant is the victim-survivor or a person impacted by sexualized violence and his/her identity is known to the College, he/she will not be obligated to participate in an investigation. If he/she chooses not to participate, his/her anonymity will be maintained throughout the complaint resolution process.

8) Support Services and Accommodations

Information, support services, accommodations, and interim measures are available to individuals affected by sexual violence at all stages throughout the formal and informal resolution process and are put into place on a case-by-case basis based on the needs expressed by those concerned.

Accommodations are applied in accordance with other College policies and/or applicable collective agreements.

Requests are processed by the SVPC at the request of the claimant, the respondent and/or others impacted by incidents of sexual violence.

The SVPC communicates student requests to the Dean of Student Services (DSS) and employee requests to the Human Resource Manager (HRM) as Designated Administrative Authorities.

The Designated Administrative Authorities communicate with the appropriate bodies at the College in order to provide individuals with the necessary information, support services, and/or accommodations.

These may include, but are not limited to, the following:

- a) information, resources, and support for personal and immediate safety planning (e.g., accessing buildings, movements on campus, identifying safe(r) spaces, and housing if in residence)
- b) information on and referral to health services on and off campus, including specialized services dealing with immediate and ongoing effects of sexual violence
- c) referral to on and off campus services and/or resource counselling, emotional and/or spiritual support
- d) motivating absences both for employees and students and facilitating longer term leaves
- e) academic accommodations such as, but not limited to, changing a student's course schedule, enrolling that student in different sections, changing instructors or supervisor, deferring

evaluations and course work, requesting alternative forms of assessment or missed class content, and requesting that evaluations be assessed by other teachers

- f) adjusting the schedule, availability, and workspace location of employees of the college
- g) deferring employee performance evaluations or having them overseen and/or assessed by an alternative manager.

9) Interim Measures

Interim measures, when appropriate, will be applied within seven (7) business days of the submission of a complaint to the SVPC and will be communicated in writing to the individual to whom they have been applied. They will remain in place, unless otherwise indicated by the Designated Administrative Authority, for the duration of the complaint resolution process.

Interim measures may be applied to ensure the safety of the person who files a formal complaint so as to discourage or prevent retaliation, to ensure the safety of members of the college community, to prevent further harm or sexual violence, or to protect the integrity of an ongoing investigation or disciplinary process.

Interim measures may be imposed on an individual (or group of individuals) against whom a formal complaint of sexual violence has been filed, in accordance with section 14.1 of the Policy and any applicable collective agreements.

The application of interim measures is coordinated by the SVPC. In certain cases where the interim measures affect the respondent, the SVPC may call upon the Subcommittee to corroborate and/or assess the need for and appropriateness of the measures.

Interim measures do not constitute disciplinary measures and may be modified throughout the complaint resolution process. Violating the terms of the measures may result in sanctions.

Employees affected by the interim measures may request, in writing, reconsideration through the designated administrative authority. In cases where measures are applied to employees, the Human Resources Manager will review the request. In cases concerning students, the request will be reviewed by the Dean of Student Services.

10) Assessment of Admissibility

Upon receiving a formal complaint, the SVPC will call upon the Subcommittee in order to review the complaint information and determine whether a complaint is admissible under the Policy. A decision must be rendered by the Subcommittee and communicated to the relevant parties within seven (7) business days of the receipt of the complaint by the College. A decision must be rendered by the Subcommittee and communicated to the relevant parties within seven (7) business days of the receipt of the complaint by the College.

10.1 Decision of Admissibility

If the Subcommittee determines that the complaint is admissible, it will notify the SVPC of its decision, in writing, and will request that an investigation be carried out. (See Local Procedures for Investigations.)



The SVPC will be responsible for notifying the complainant, in writing, of the decision rendered by the Subcommittee within the prescribed delays.

The SVPC will also inform respondents, in writing, that a complaint of sexual violence against them has been received. The respondent is provided with information sufficient for the respondent to understand the details of the complaint and is given an opportunity to respond to the allegations in writing. The College may redact the information provided to the complainant for health or safety reasons or for the protection of involved parties against retribution or retaliation.

10.2 Decision on Non-admissibility

The decision of non-admissibility will be communicated with necessary justification, to the SVPC, who will subsequently inform the complainant.

Complainants may contest the decision by submitting their appeal in writing to the DSS or designated administrative authority within five (5) business days of the receipt of the written notice of the decision. (See Local Procedures for Appeals for details.)

11) Investigation

If a complaint is deemed admissible by the Subcommittee, the conduct of the respondent may be investigated under this Policy and/or other relevant College policies and/or collective agreements in order to determine if it constitutes a violation of the Policy.

The College will hire a neutral investigator committed to the values and approaches outlined in the Policy. Investigations under the Policy will respect the rights of all parties under other policies or collective agreements. In cases where more than one policy or process may apply, the SVPC, and others as appropriate, will determine jurisdiction, and will work with appropriate officers of the College and/or the unions concerned to co-investigate, if appropriate.

Investigators must prepare an investigation report that will be submitted within the delays prescribed in the Policy to the Designated Administrative Authority responsible for the adjudication of cases.

Complete details on the investigation process can be found in the Local Procedures on Investigation.

12) Adjudication

The Designated Administrative Authority responsible for adjudication is the Dean of Student Services in cases in which students are the respondents, and the Human Resources Manager, in cases in which the respondent is an employee of the College.

Based on the conclusions and recommendations established in the Investigation Report, the aforementioned Designated Administrative Authorities will make a determination about whether the Policy was violated by the respondent.



Adjudicators are also responsible for producing a written decision outlining the findings of the investigation and justifications for the decision rendered, and where applicable, must also assign appropriate sanctions.

12.1 Determination of Responsibility and Applicable Sanctions

The designated authority will communicate the decision rendered and reasons for the decision to the complainant and the respondent. The College reserves the right to redact any information if disclosing it would threaten the safety or mental or physical well-being of any member of the college community, or cause fear of retribution or retaliation.

The complainant will be informed of any restrictions that the College imposes on the respondent if there is a health or safety issue directly affecting the complainant. The complainant will not, however, be provided with all of the specific details of the sanctions imposed by the College on the respondent where they are not directly tied to a safety or health issue.

A decision regarding any applicable sanctions will be provided in full to the respondent as will information on the mechanisms for appeal.

A nonexhaustive list of possible sanctions can be found in section 14.4 of the Policy.

13) Appeals

All appeals will be reviewed by the Campus Director and may be addressed, in writing, to the SVPC within the delays prescribed in the Policy. (See section 15.)

Appeals can be made by the respondent regarding the decision rendered through the application of this Policy, namely, the Assessment of Admissibility and the Determination of Responsibility.

The claimant can appeal a decision on nonadmissibility within seven (7) business days of receipt of the written communication regarding the decision. Both the claimant and the respondent can appeal the outcome of the adjudication within seven (7) business days, following of the receipt of the decision.

In the case of an appeal on the determination of responsibility, the decision and related sanctions will be in effect until the conclusion of a new investigation by the Campus Director.

Details on the process of Appeals can be found in the Local Procedures on Appeals.

14) Restorative Justice Measures

Any victim who discloses an incident of sexual violence and expresses a desire to enter into a Restorative Justice process may make the request directly to the SVPC or through the information provided in the incident form. The respondent may not initiate the request.

The request for alternative measures can be made as a stand-alone response to a disclosure or at any point prior to, throughout, or after the resolution of the complaint.



Engaging in the formal complaint process does not preclude a victim-survivor from engaging in Restorative Justice measures.

The College must give a response to the request within seven (7) business days following the receipt of the request made to the SVPC, who will then direct it to the college-appointed facilitator. The College commits to engaging in the process of restoration within thirty (30) business days.

Complete details regarding these measures can be found in the Local Procedures for Restorative Justice.

15) Maintaining a Record of Personal Information

The College will collect and keep a record of all instances linked to the policy, with the minimum amount of personal information required to respond to the policy. Legal reporting requirements will be retained under restricted access and kept according to college policy on the conservation of documents.

The College collects personal information under the investigation procedures for the purpose of the following:

- a) ensuring the safety of the participants and the college community
- b) ensuring the principles of the investigation process are met (section 2 of these local procedures)
- c) providing necessary and appropriate information to the complainant and the respondent
- d) conducting the investigation process that will lead to conclusions and recommendations including those related to possible sanctions
- e) providing an accurate picture of sexual violence taking place on campus so that measures to prevent them are more coherent and effective.

16) Privacy and Confidentiality Agreement

As per section 9 of the Policy, the College is committed to respecting the privacy of all members of the college community. Throughout the process of addressing a report of resolving a complaint, any employees called upon by the College to intervene will be given only the information that is necessary to perform their duties and must treat such information as confidential.

All those involved in a complaint process, including complainants, respondents, witnesses, support persons, observers, union advisors, members of the Subcommittees and others, must keep any information they learn through the complaint resolution process confidential.

Complainants, respondents, and witnesses are free to speak about their own experiences. However, individuals are not permitted to divulge previously unknown information that was gained solely as a result of this process.

Complainants should be aware that initiating a formal complaint process may have implications for their privacy and confidentiality. The College may be required to disclose information that would be sufficient for respondents to identify the complainants, for example, in the notice to respondents about the complaint filed against them. Information provided to the respondent in such cases is subject to redactions made in response to retaliation, health, or safety concerns.



The College may also use or disclose personal information if it is required by law or legal procedure (e.g. to comply with a subpoena, a warrant, or an order issued by a court, person, or body in Canada with jurisdiction to compel the production of such information).