

<b>Procedure #</b>	GA 702-S
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<b>Approved by:</b>	Jason Hunter
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<b>Policy Holder:</b>	Vice President, Student and Community Engagement
<b>Admin. Contacts:</b>	Dean of Students
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## **Students' Sexual Assault and Sexual Violence Procedure**

### **Purpose:**

The purpose of this procedure is to assist students of the Humber College Institute of Technology and Advanced Learning and the University of Guelph-Humber (hereafter referred to as "Humber" or the "College") community in knowing how and where to report any incident of sexual assault and sexual violence, to highlight resources available to assist students both on and off campus, and to encourage reporting of sexual assault and sexual violence.

**This document is available in alternate format on request.**

### **Definitions:**

See Appendix A.

### **Procedures:**

#### **1. Supports for Students who have Experienced or Have Been Affected by Sexual Assault and Sexual Violence**

It is often difficult to disclose and/or report incidents of sexual assault and sexual violence. It is entirely up to individual students to choose to disclose and/or report the incident/s; however, students are strongly encouraged to do so.

Students who require emergency support should call the Department of Public Safety (Security) at: 416-675-6622, ext. 4000, or the Police (911 for emergency).

Students who require medical attention may wish to seek support at hospitals that provide full support for survivors (like Chantal's Place at Trillium Health Partners – see section 10.) A complete medical evaluation will include evidence collection, a physical examination and treatment. If possible, do not change your clothes, bathe, or brush your teeth until the evidence on your body and clothes has been collected. Please note you have the opportunity to choose whether to continue or stop the medical examination at any time during the process.

If you are in need of advocacy, counselling or medical support during business hours, the following resources are available:

- If you require advocacy and wish to discuss your options before making a decision, contact the Student Support and Intervention Coordinator;
- If you want to understand your rights at Humber College, learn more about the complaint process, or file a complaint under the Student Code of Conduct, contact the Office of Student Conduct;
- If you would like to access confidential health or counselling support contact the Student Wellness and Accessibility Center;
- If you live in residence or if the assault took place in residence, you may wish to talk to Residence Life Staff

Information about these resources is available in Section 8 of this Procedure: Resources and Supports Available.

Anyone who has experienced sexual assault and sexual violence can expect to:

- be treated non-judgmentally, in a supportive manner, with empathetic and unconditional regard and respect;
- meet with sensitive and well trained employees;
- be informed about on-and-off-campus services and resources;
- decide whether or not to access available services and to choose those services they feel will be most beneficial;
- have coordinated support that minimizes the retelling of stories to the extent possible;
- decide whether to report to campus security and/or local police;
- have their rights under Humber College's Code for Student Conduct explained to them;
- have an on-campus investigation with Humber's full cooperation;
- have the investigation process explained;
- receive relevant information on the timing of Humber's investigation process;
- have support in developing a safety plan;
- have reasonable and necessary actions taken to prevent further unwanted contact with the respondent(s); and
- have interpreters available for accessible services such as American Sign Language, and/or lingual interpretation services for those for whom English is a second language.

A student who has experienced sexual assault and sexual violence may choose not to file a report, request an investigation or participate in any investigation that may occur. A student does not need to file a report or complaint in order to obtain campus supports, services and academic accommodation.

## **2. Filing a Formal Complaint within the College**

Students who have experienced sexual assault and sexual violence are encouraged to come forward to report as soon as they are able to do so and to the avenue that they feel most comfortable to report.

### Where the Respondent is a Student

Sexual Assault and Sexual Violence are breaches of the Code of Student Conduct at Humber College. The Department of Public Safety (Security) and the Office of

Student Conduct receive complaints of sexual assault and sexual violence. If the respondent is another student, you may file a complaint under the Code of Student Conduct.

#### Where the Respondent is an Employee

Sexual assault and sexual violence is a violation of the Workplace Violence Prevention Policy & Procedure and the Human Rights Policy & Procedure. Allegations against employees will be addressed in accordance with the procedures set out in the applicable Policy, and in any applicable collective agreement, and/or in any other College policies. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline. Contact the Department of Public Safety, or the Centre for Human Rights, Equity and Diversity.

#### Where the Respondent is not a Student or an Employee

Contractors suppliers, volunteers or visitors who attend on campus or are involved in college related activities will be subject to complaints if they engage in prohibited conduct. Where a complaint against the respondent is substantiated, the College will take appropriate action. Contact The Department of Public Safety.

All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with Policy, the *Ontario Human Rights Code* and the *Ontario Occupational Health and Safety Act*, including co-operating in investigations. Breach of the clause may result in penalties, cancellation of contract, or other sanctions.

Individuals who have experienced sexual assault and sexual violence may also wish to press charges under the *Criminal Code of Canada*. The Department of Public Safety (Security) and/or the Office of Student Conduct can assist students with contacting the local police. Where criminal and/or civil proceedings are commenced in respect to the allegations of sexual violence, the College may conduct its own independent investigation into such allegations, and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

Students who wish to discuss their options confidentially before reporting, are encouraged to meet with either a counsellor in the Student Wellness and Accessibility Centre or the Student Support and Intervention Coordinator.

### **3. Reporting and Support Options for Students who Witness Sexual Assault and Sexual Violence**

Students who have witnessed an incident of sexual assault and sexual violence, or who have reason to believe that sexual assault and sexual violence may occur are encouraged to call the Department of Public Safety (Security) at: 416-675-6622, ext. 4000 or Police Services by dialling 911.

Students in need of less urgent support during business hours, may seek support from any of the following resources:

- Student Support and Intervention Coordinator

- Student Wellness and Accessibility Centre
- Office of Student Conduct
- Residence Life Staff (for students who live in residence)

All members of the College community who have witnessed sexual assault and sexual violence have a duty to cooperate with a College investigation.

#### **4. What to Do if Someone Discloses Sexual Assault and Sexual Violence**

Students may confide in other students or staff (coach, faculty, residence life assistant, for example) about an act of sexual assault and sexual violence.

A supportive response involves:

- listening without judgement and accepting the disclosure as true;
- recognizing that disclosing can be difficult or traumatic;
- communicating that sexual assault and sexual violence is never the fault of the survivor;
- providing appropriate resource information or referral support to hospital, police, Department of Public Safety (Security) the Student Wellness and Accessibility Centre, or the Office of Student Conduct and respecting the individual's right to choose the services they feel are most appropriate.
- Faculty and staff at Humber College will consult with their immediate supervisor, or Department of Public Safety (Security), subsequent to student disclosures of sexual assault and sexual violence. In certain circumstances, if the College believes that the safety of members of the college community are at risk, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation. This step will be taken even when the survivor has chosen not to pursue a formal complaint or has exercised their right to withdraw a complaint.

Students do not need to disclose personal information to faculty in order to receive accommodation. If disclosure is made to any faculty or staff member by a student seeking support or academic accommodation, the faculty or staff shall refer the student to the Student Wellness and Accessibility Centre to ensure that the student receives all necessary supports and academic accommodation if required.

#### **5. Roles and Responsibilities of the College Community**

While everyone on campus has a role to play in responding to incidents of sexual assault and sexual violence, some campus members will have specific responsibilities which include:

- the Department of Public Safety (Security): responsible for maintaining campus safety. Officials provide incident response, facilitate reports and investigations, and collaborate with local police where appropriate.
- the Office of Student Conduct: responsible for the Code of Student Conduct at Humber College. Officials explain the Code of Student Conduct, receive complaints of alleged breaches to the Code of Student Conduct, carry out due-process in investigation of complaints under the Code of Student Conduct, collaborate with the Department of Public Safety in developing safety plans, communicate outcomes of investigation processes under the Code of Student Conduct, outline appeal mechanisms;

- the Student Wellness and Accessibility Centre: responsible for supporting student well-being and facilitating academic accommodations. Staff can provide confidential psychological and emotional support; confidential preliminary medical assistance and referral; assistance with safety planning; academic accommodation that respects student confidentiality, assistance with referrals to other services. Counselling is available to the survivors and student respondents. Efforts will be made to ensure that counsellor appointments with survivors and respondents respectively, are not booked concurrently or with the same counsellor;
- faculty, staff and administrators to support academic accommodations requested by Student Wellness and Accessibility Centre on behalf of those who have been affected by or have experienced sexual assault and sexual violence, e.g., extensions on assignments, continuing studies from home.
- residence staff to facilitate safe living arrangements to the best of their abilities;
- the Centre for Human Rights, Equity and Diversity to assist with any incidents of sexual assault and sexual violence relating to students who are also employees of the College;
- persons in a position of authority at the College, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual assault and sexual violence from occurring and shall report such incidents. The College takes the failure to report and/or to take action seriously when it affects the safety of Humber community members;
- where the College becomes aware of incidents of sexual assault and sexual violence by or against a member of the College community that occur on or off College property and pose a risk to the safety of members of the College community, the College shall take all reasonable steps to ensure the safety of the College community;
- a report of sexual assault and sexual violence may also be referred to the police, or to other community resources at the complainant's request, where the persons involved are not members of the College community; in circumstances where the College is unable to initiate an internal investigation under this Policy or if the College believes that the safety of other members of the College community is at risk.

## **6. Complaint Investigations**

Where a complaint of sexual assault or sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. Appropriate actions may be taken by the College to ensure the safety for the individuals involved in the complaint.

No disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of the Policy. Except as otherwise stated, the College provides those whose rights, privileges or interests may be affected by a decision, a disclosure of facts relevant to an investigation, an opportunity to be heard, notice of the decision made and mechanisms for appeal, as defined in the Code of Student Conduct.

The College may decide how it meets these obligations in different circumstances, and will do so with a view to providing a fair process, making a sound decision and preserving the dignity of survivors/complainants. Investigations will traditionally be carried forward by staff in the Office of Student Conduct, but may also involve staff from the Department of Public Safety, and/or third party investigators.

Decisions on whether a student has engaged in prohibited conduct will be based on the review of information and facts provided by the parties involved, and assessed on the standard of **balance of probabilities**.

Full detail on the investigation process, interim measures, potential outcomes/sanctions (ranging from no action, to various restrictions to campus access, to expulsion from the College), and the appeal process are available in the Code of Student Conduct

<http://www.humber.ca/policies/code-student-conduct>.

#### Interim Measures

The rights and privileges of a respondent may be restricted by the College before it makes a final determination about the alleged misconduct. For example, a respondent may be moved from a complainant's residence, restricted from entering certain parts of campus and restricted from attending class.

Such interim measures will be imposed only as necessary to meet the needs of complainants and persons who report incidents of sexual violence or otherwise under the College's Code of Student Conduct. The College will also take steps to minimize the impact of interim measures on respondents.

Interim measures are not punishment and do not represent a finding of misconduct. The College may impose interim measures immediately, without a hearing.

#### Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. The College understands that students who have experienced sexual assault and sexual violence may wish to control whether and how their experience will be dealt with by the police and/or the College. In most circumstances, the student will retain this control. However, in certain circumstances, if the College believes that the safety of other members of the College community is at risk, the College may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even when the complainant has exercised their right to withdraw a complaint. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

#### Protection from Reprisals, Retaliation or Threats

It is contrary to this Policy and Procedure to retaliate, engage in reprisals or threaten to retaliate against a complainant, respondent or other individual for:

- having pursued rights under this Policy, the Code of Student Conduct, the *Ontario Human Rights Code*; the *Occupational Health and Safety Act*; and/or under the *Criminal Code of Canada*;
- having participated or co-operated in an investigation under this Policy, the Code of Student Conduct, the *Ontario Human Rights Code*, or the *Occupational Health and Safety Act*; and
- having been associated with someone who has pursued rights under this Policy; the Code of Student Conduct, the *Ontario Human Rights Code*; and/or the *Occupational Health and Safety Act*.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

### Appeals

Respondents may request an appeal of decisions made through Student Code of Conduct investigations. In order to do so, the respondent must complete the Non-Academic Appeal Form within ten (10) business days of receipt of the written decision of the Investigating or Hearing Officer. A right of appeal is available where at least one of the following conditions/grounds is met: 1. There is new information that is likely to change the outcome 2. There is evidence of procedural error or bias in the process 3. The sanction imposed is not consistent with the nature of the offense.

### Vexatious Complaints

Following an investigation, disclosures or complaints that are found to be frivolous, vexatious or made in bad faith, may result in sanctions and/or discipline against the complainant.

## **7. Confidentiality**

Confidentiality is important to those who have disclosed sexual assault and sexual violence. The confidentiality of all persons involved in a report of sexual assault and sexual violence must be strictly observed, and the College will do its best to respect the confidentiality of all persons, including the complainant, respondent/s, and witnesses.

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.

In such circumstances, information will only be shared with necessary service areas/departments to prevent harm; and the name of the survivor would not be released to the public.

The nature of complaint investigation precludes anonymity, hence confidentiality has limitations in the investigation processes. However, due diligence shall be exercised to protect the rights of the complainant, respondents and witnesses.

Where the College becomes aware of an allegation of sexual assault and sexual violence by a member of the College community against a student, the College may also be obliged to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, specific College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act* as applicable.

OTHER:

- Training and information about the Policy & Procedures is available at <http://humber.ca/student-life/sexual-assault>

## 8. Resources and Other Supports Available

### On Campus

#### **Aboriginal Resource Centre**

416-675-6622 ext. 5424 (North); 416-675-3111 ext. 3767 (Lakeshore); by appointment  
<http://www.humber.ca/aboriginal/>

#### **Counselling Services (Student Wellness and Accessibility Centre)**

416-675-6622 ext. 5090 (North); ext. 3331(Lakeshore); 8:30 am-4:30 pm, Monday to Friday  
[www.humber.ca/student-life/swac](http://www.humber.ca/student-life/swac)

#### **Health Services (Student Wellness and Accessibility Centre)**

416-675-6622 ext. 4533 (North); ext. 3234 (Lakeshore); 8:30 am - 4:30 pm, Monday to Friday  
[www.humber.ca/student-life/swac](http://www.humber.ca/student-life/swac)

#### **Centre for Human Rights, Equity & Diversity**

416-675-6622, ext. 4425; Available for all campuses, by appointment  
<http://hrs.humber.ca/human-rights-equity-diversity.html>

#### **Department of Public Safety (Security)**

416-675-6622, ext. 4000; available 24 hours a day at North, Lakeshore and Carrier Drive Campuses.  
[www.humber.ca/publicsafety/](http://www.humber.ca/publicsafety/)

#### **Interfaith Support**

416-675-6622 ext. 4427; Available for all campuses, by appointment  
<http://www.humber.ca/interfaith/>

#### **Office of Student Conduct**

416-675-6622, ext. 5546; available for all campuses, by appointment.  
[www.humber.ca/knowthecode/](http://www.humber.ca/knowthecode/)

#### **Residence**

416-675-6622, ext. 77201 (North); ext. 77301 (Lakeshore); available 24 hours a day.  
[www.humber.ca/residence/](http://www.humber.ca/residence/)

#### **Student Support and Intervention Coordinator:**

416.675.6622 ext. 5546

### Off-Campus

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

1-866-863-0511; available 24 hours a day, in 200 languages  
[www.awhl.org/](http://www.awhl.org/)

The Assaulted Women's Helpline serves as a free, anonymous and confidential 24-hour telephone and TTY crisis telephone line to all women in the province of Ontario who have



experienced any form of abuse. They provide crisis counselling, safety planning, emotional support, information and referrals accessible 7 days a week, 365 days a year.

### **Chantel's Place**

Trillium Health Centre 100 Queensway West, Mississauga  
905-848-7580 ext. 2548; available 24 hours a day, via Trillium's Emergency Department  
<http://trilliumhealthpartners.ca/patientservices/womens/Pages/Chantels-Place.aspx>

Chantel's place is a partner in an Ontario network of sexual assault and domestic violence treatment centres. All services are free and individuals can obtain a physical examination, an assessment and treatment of injuries, medication to prevent or limit the risk of contracting a sexually transmitted infection or HIV. Staff may also take forensic evidence such as photographs, in the event of abuse; the hospital may be able to provide some immediate and long term counselling. A medical record is confidential.

### **Central Toronto Youth Services (CTYS) - Pride & Prejudice**

<http://www.ctys.org/category/programs/#pride-amp-prejudice>

P&P offers unique programs, including individual and group counseling, for lesbian, gay, bisexual, Trans, queer and questioning youth, ages 13-24.

### **David Kelley Lesbian and Gay Community Counselling Program**

[www.fsatoronto.com/programs/fsaprograms/davekelleylesgay.html](http://www.fsatoronto.com/programs/fsaprograms/davekelleylesgay.html)

The David Kelley Lesbian, Gay, Bisexual, Trans, Queer (LGBTQ) Counselling Program provides professional, short-term, individual, couple and family counselling to people who identify as lesbian, gay, bisexual, trans or queer. The David Kelley program also provides [Partner Assault Response](#) (PAR) services for court- and probation-mandated individuals charged with assault to a same-sex partner.

### **Good2Talk**

1-866-925-5454 or 2-1-1;  
Available 24 hours a day.  
[www.good2talk.ca/](http://www.good2talk.ca/)

Good2Talk is a free, confidential and anonymous helpline providing professional counselling and information and referrals for mental health, addictions and well-being to post-secondary students in Ontario.

### **Hope24/7**

1-800-810-0180

Crisis Line is Available:      Monday, Tuesday, Wednesday 8:00 am-8:00 pm  
   Thursday, Friday 8:00 am-12:00 am  
   Saturday and Sunday 10:00 am-12:00 am

2250 Bovaird Drive East,  
Suite 610, Brampton  
[www.hope247.ca](http://www.hope247.ca)

Hope 24/7 offers a free confidential crisis intervention. Crisis Line staff are trained in trauma and crisis intervention. All callers to the Crisis Line will be referred to their in-person services.

**Police Services – Emergency, Call 911**

Toronto: 416-808-2222

York: 1-866-876-5423

Peel: 905-453-3311

Halton: 905-825-4777

**The 519 Community Centre (Toronto)**

[www.the519.org/](http://www.the519.org/)

For over 35 years, The 519 has been working with our neighbours and our lesbian, gay, bi, Trans and queer (LGBTQ) communities to build healthy, welcoming spaces to meet, participate and celebrate together.

**The Sexual Assault and Domestic Violence Care Centre at Women’s College Hospital**

416-323-6040

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

The Sexual Assault/Domestic Violence Care Centre (SA/DVCC) available 24 hours a day, seven days a week, is a comprehensive service that assists women, men, and Trans people who are survivors/survivors of sexual assault and domestic/intimate partner violence.

**Sunrise Program**

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

The Sunrise Program offers three programs through one website – including medical and crisis support, and counseling for children, youth, and adults, in the Dufferin county area.

**Toronto Rape Crisis Centre/Multicultural Women Against Rape**

416- 597-8808; available 24 hours a day.

<http://trccmwar.ca/>

A confidential community support group that can provide referrals, information and resources. They can also offer a support group or one-on-one counseling. A crisis line can provide immediate support and information anonymously.

Additional resources for Peel Region (Brampton, Mississauga, and Caledon, including Orangeville) can be found at: <http://www.peelregion.ca/health/sexual-assault/help.htm>

Within Ontario, the Women’s Assault Helpline ([www.awhl.org/](http://www.awhl.org/)) can assist in finding local resources.

To find a local sexual assault centre in Ontario, visit <http://www.sexualassaultsupport.ca/> Free, confidential counseling is available.

**References:**

Colleges Ontario, Sexual Assault and Sexual Violence Policy and Protocol Template

“Dispelling Myths and Misconceptions About Sexual Assault”

The Ontario Women’s Directorate resource: “Developing a Response to Sexual Violence: A Resource Guide for Ontario’s Colleges and Universities”

**Appendices:**

Appendix A: Definitions

Appendix B: Sexual Assault Centres (Ontario)

Appendix C: Reporting Procedures: Sexual Assault and Sexual Violence Flowchart

## Appendix A: Definitions

*Sexual violence*: 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. Some examples of sexual violence are sexual assault and rape, (date, marital, partner, stranger, gang, and armed conflict, trafficking and forced marriage, etc.); ritual abuse; sexual harassment; stalking; incest, childhood sexual abuse, molestation; indecent/sexualized exposure (flashing), voyeurism; dissemination of sexual photographs electronically (cyber harassment), trafficking, etc. Sexual violence is about power and control, not about sexual desire.

Anyone, regardless of race, age, ability, gender identity, gender expression, or sexual orientation can experience and be affected by sexual violence. Sexual violence impacts the well-being of individuals and communities.

*Sexual assault*: Sexual assault is a form of sexual violence and is a criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviours from any unwanted touching to penetration.

*Sexual harassment*: Sexual Harassment is a form of sexual violence prohibited by the Ontario Human Rights Code (Code). Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and gender that is known or ought to be known as unwelcome. Under Ontario's Occupational Health and Safety Act (OHSA), workplace harassment has been expanded to include sexual harassment:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Gender-based harassment is a subset of sexual harassment and prohibited by the Code. It refers to behaviours that regulate and reinforce traditional heterosexual gender norms.

Sexual harassment includes, but is not limited to the following:

- Any deliberate and unsolicited sexual comment, the use of overt sexual language, suggestion or physical contact that creates an uncomfortable learning/working environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- A sexual advance or solicitation made by a person to another, where the person making the advance or solicitation knows or ought reasonably to know that it is unwelcome;
- A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
- Unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;

- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, including audio or visual images of an individual through technological devices, equipment and services provided by Humber or other service providers; Unnecessary physical contact such as touching, patting or pinching;
- Expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;
- Requests for sexual favours; and/or
- Sexual assault

Please note that the behaviours and actions described above are not an exhaustive list of examples of sexual harassment.

Consent & the Criminal Code of Canada: For survivors seeking legal redress, it is important to know that the *Criminal Code of Canada* uses the following definition of “consent”:

Consent: Consent is the voluntary agreement to engage in the sexual activity in question. No consent is obtained, where:

- a) the agreement is expressed by the words or conduct of a person other than the complainant;
- b) the individual is incapable of consenting to the activity;
- c) the accused induces the individual to engage in the activity by abusing a position of trust, power or authority;
- d) the individual expresses, by words or conduct, a lack of agreement to engage in the activity; or
- e) the individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Considerations related to consent:

- should never be assumed or implied
- is not silence or the absence of “no”
- cannot be given when someone is incapable of consenting (by virtue of intoxication, being asleep or being unconscious, for example)
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity

Acquaintance sexual assault: Acquaintance sexual assault is a form of sexual violence that includes forced, manipulated, or coerced sexual contact by a friend or acquaintance.

Intimate partner sexual violence: Intimate partner sexual violence is a form of sexual violence that includes sexual assault within an intimate relationship. It includes not only marital rape, but all other forms of sexual assault that take place within a current or former intimate relationship, whether the partners are married or not.

Age of consent for sexual activity: Age of consent for sexual activity in Canada indicates that a person can legally consent to sexual activity at the age of 16 years. Children under 12 can

never legally consent to sexual acts. There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Children between 12 and 13 years of age can consent to non-exploitative sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to non-exploitative sexual activity that is mutual with a person, who is less than 5 years older than them. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Note: Non-exploitative activity is defined as sexual activity that does not involve prostitution, trafficking or pornography, and where there is no relationship of power, authority or dependency between the persons involved.

Coercion: Coercion is the use of emotional manipulation, blackmail, or threats, or the promise of rewards or special treatment, to persuade someone to engage in sexual acts.

Rape: This policy uses the term sexual assault to align with the current language used in the *Criminal Code*. The term “sexual assault” provides a much broader definition and criminalizes unwanted behaviours, such as touching and kissing, as well as, unwanted oral sex and vaginal and anal intercourse. Although the term rape no longer has legal meaning in Canada, it is still commonly used.

Stalking: Stalking is a form of sexual violence prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instill fear or threaten one’s safety or mental health. Stalking can also include threats of harm to one’s friends and/or family. These behaviours include non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; cyber-stalking; and uttering threats.

Survivor: Some persons who have experienced sexual assault and sexual violence may choose to identify as a survivor. Individuals may be more familiar with the term “survivor”. Humber uses the term “survivor” throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

**Appendix B**
**Sexual Assault Centres (Ontario)**

<i>Region in Ontario</i>	<i>Sexual Assault Centre</i>	<i>24-hr Crisis Line</i>	<i>Office Phone</i>
<b>Algoma (Sault Ste. Marie)</b>	Women In Crisis Algoma	1-877-759-1230	705-759-1230
<b>Belleville-Quinte</b>	Sexual Assault Centre for Quinte & District	1-877-544-6424	613-967-6300
<b>Brant</b>	Sexual Assault Centre of Brant	519-751-3471	519-751-1164
<b>Bruce County</b>	Women's House Serving Bruce and Grey: Sexual Assault Services	1-866-578-5566	519-372-1113
<b>Chatham-Kent</b>	Chatham-Kent Sexual Assault Crisis Centre	519-354-8688	519-354-8908
<b>Cornwall</b>	Sexual Assault Support Services for Women, Cornwall	English: 613-932-1603 French: 613-932-1705	613-932-1755
<b>East Algoma (Elliot Lake)</b>	Counselling Centre of East Algoma	1-800-721-0077	705-848-2585
<b>Guelph-Wellington</b>	Guelph-Wellington Women in Crisis	519-836-5710 1-800-265-7233	519-836-1110
<b>Halton (Oakville)</b>	Sexual Assault & Violence Intervention Services of Halton	905-875-1555	906-825-3622
<b>Hamilton</b>	Sexual Assault Centre Hamilton & Area (SACHA)	905-525-4162	905-525-4573
<b>Kawartha (Peterborough &amp; Area)</b>	Kawartha Sexual Assault Centre	705-741-0260	705-748-5901
<b>Kenora</b>	Kenora Sexual Assault Centre	807-468-7233 1-800-565-6161	807-468-7958
<b>Kingston</b>	Sexual Assault Centre Kingston	613-544-6424 1-877-544-6424	613-545-0762
<b>Waterloo</b>	Sexual Assault Support Centre of Waterloo Region	519-741-8633	519-571-0121
<b>London-Middlesex</b>	Sexual Assault Centre London	519-438-2272 1-877-529-2272	519-439-0844
<b>Muskoka</b>	Athena's Sexual Assault Counselling & Advocacy Centre	705-737-2008 1-800-987-0799	705-737-2884
<b>Niagara</b>	Niagara Region Sexual Assault Centre	905-682-4584	905-682-7258
<b>Nipissing</b>	Amelia Rising Sexual Assault Centre of Nipissing	705-476-3355	705-840-2403
<b>Oshawa-Durham</b>	Oshawa-Durham Rape Crisis Centre	905-668-9200	905-444-9672
<b>Ottawa SASC</b>	Sexual Assault Support Centre of Ottawa	613-234-2266	613-725-2160
<b>Ottawa RCC</b>	Ottawa Rape Crisis Centre	613-562-2333	613-562-2334
<b>Peel</b>	Hope 24/7: Sexual Assault Centre of Peel	1-800-810-0180	905-792-0821
<b>Renfrew</b>	Women's Sexual Assault Centre of Renfrew County	1-800-663-3060	613-735 – 5551
<b>Sarnia-Lambton</b>	Sexual Assault Survivors' Centre	519-337-3320	519-337-3154

<b>Sudbury</b>	Sarnia-Lambton Voices for Women Sudbury		705-523-7100 ext. 2647
<b>Thunder Bay</b>	Thunder Bay Sexual Abuse & Sexual Assault Counselling & Crisis Centre	807-344-4502	807-345-0894
<b>Timmins</b>	Timmins and Area Women in Crisis	1-877-268-8380	705-268-8381
<b>Toronto</b>	Multicultural Women Against Rape/Toronto Rape Crisis Centre	(416) 597-8808	416-597-1171
<b>Windsor-Essex</b>	Sexual Assault Crisis Centre of Essex County	519-253-9667	519-253-3100
<b>York</b>	Women's Support Network of York Region	1-800-263-6734 905-895-7313	905-895-3646

**Pour le support francophone aux femmes survivores d'agression sexuelle:  
CALACS (Francophone Sexual Assault Centres) in Ontario**

Centre Passerelle pour femmes: CALACS du Nord de l'Ontario

[www.centrepasserelle.ca](http://www.centrepasserelle.ca)

C.P. 849 Timmins (Ontario) P4N 7G7  
705 360-5657

Centre francophone d'aide et de lutte contre les agressions à caractère sexuel d'Ottawa

[www.calacs.ca](http://www.calacs.ca)

40, rue Cobourg  
Ottawa (Ontario) K1N 8Z6  
613 789-8096  
calacs@calacs.ca

Centre Novas : Centre francophone d'aide et de lutte contre les agressions à caractère sexuel  
de Prescott-Russell

[www.centrenovas.ca](http://www.centrenovas.ca)

C.P. 410  
Casselman (ON) K0A 1M0  
613 764-5700  
1 866 772-9922 poste 221  
administration@centrenovas.ca

Carrefour des femmes du Sud-Ouest de l'Ontario: CALACS de la région du Sud-Ouest

[www.carrefourfemmes.on.ca](http://www.carrefourfemmes.on.ca)

Casier Postal 774, London (ON) N6A 4Y8 519 858-0954  
1 888 858-0954  
bienvenue@carrefourfemmes.on.ca

Centre Victoria pour femmes

[www.centrevictoria.ca](http://www.centrevictoria.ca)

C.P. 308  
Sudbury (ON) P3E 4P2  
705 670-2517  
info@centrevictoria.ca





Centr'Elles, centre des Femmes Francophones du Nord-Ouest de l'Ontario  
[www.centrelles.com](http://www.centrelles.com)  
P.O. Box 26058  
Thunder Bay (Ontario) P7B 0B2  
807 684-1955  
1 888 415-4156  
[admin@centrelles.com](mailto:admin@centrelles.com)

Oasis Centre des femmes  
[www.oasisfemmes.org](http://www.oasisfemmes.org)  
465 Yonge Street PO Box 73022 Wood Street PO Toronto ON M4Y 2W5  
Toronto  
416 591-6565  
[services@oasisfemmes.org](mailto:services@oasisfemmes.org)

Colibri - Centre des femmes francophones du comté de Simcoe  
[www.centrecolibri.ca](http://www.centrecolibri.ca)  
80, rue Bradford, bureau 340  
Barrie (ON) L4N 6S7  
Barrie  
705 797-2060  
1 877 797-2050  
[admin@centrecolibri.ca](mailto:admin@centrecolibri.ca)

Centre de santé communautaire Hamilton/Niagara - Espace entre Elles  
[www.centredesantecommunautaire.com](http://www.centredesantecommunautaire.com)  
1320 rue Barton Est  
Hamilton (Ontario) L8H 2W1  
905 528-0163  
1 866 437-7606  
[cschn@cschn.ca](mailto:cschn@cschn.ca)

Pour le support francophone aux femmes survivores d'agression sexuelle, se il vous plaît visitez  
(*for French-language support to women survivors of sexual assault, please also visit*): Action  
ontarienne contre la violence faite aux femmes.

**Appendix C: Reporting Procedures: Sexual Assault and Sexual Violence Flowchart**
