

Employee and Student Personal Relationships Policy

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Director, People and Culture	Denise Balfe	05/31/2023
Policy Holder	Print Name	Date (MM/DD/YYYY)

College Council	05/31/2023
Advising Body	Date Consulted (MM/DD/YYYY)

Vice President, People and Culture	Alim Remtulla	03/05/2024
Approver	Print Name	Date (MM/DD/YYYY)

Purpose

This policy outlines the college's rules with respect to sexual relations, romantic relationships and close personal friendships between employees and students of the college. This policy also provides a clear procedure for disclosing these relationships between employees and students where required.

Scope

This policy applies to all students and employees of the college. Employees include all staff and faculty employed by the college.

This policy does not apply to consensual sexual relations, romantic relationships and/or close personal friendships between students who also are employed by the college, so long as one of the students is not in a position of authority over the other student in the context of their employment.

Definitions

Word/Term	Definition
<i>Sexual Misconduct by Employee</i>	In relation to the behavior of an employee towards a student of the college, Sexual Misconduct includes physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student where: (i) the act constitutes an offence under the Criminal Code (Canada); (ii) the act infringes the right of the student under the Human Rights Code to be free from a sexual solicitation or advance, and to be free from reprisal or threat of reprisal for the rejection of a sexual solicitation or advance; or (iii) the act is contrary to the rights of a student pursuant to Georgian College's Sexual Violence Procedure and/or the Employee Code of Conduct.
<i>Sexual Relations</i>	Sexual relations refers to physical sexual activity, even on a single occasion. Sexual activity includes sexual intercourse or the touching of an intimate part of another person for the purposes of sexual arousal and/or sexual gratification.
<i>Close Personal Friendships</i>	A friendship between an employee and a student that extends beyond the normal and acceptable professional relationship between an employee and student in an academic setting.
<i>Romantic Relationship</i>	A relationship between an employee and student which includes dating, exchange of personal affection and/or emotional attachment which may or may not involve sexual activity or physical intimacy.

Responsibility

The People and Culture department is responsible for reviewing this policy and recommending amendments, as necessary. Managers shall ensure that they and their employees are familiar with and comply with this policy.

Employees

- All employees have the responsibility and obligation to be aware of this policy and to ensure that their conduct aligns with it
- It is expected that all college employees will treat all other college community members with

respect and in a way that does not adversely affect the rights of others, whether on or off college property

- All employees shall cooperate in any investigation, and/or resolution of complaints pursuant to this policy and other related procedures, such as the Employee Code of Conduct and the Sexual Violence Procedure

People and Culture

- Receives and works with managers to respond to disclosures made under this policy
- Triages complaints and liaises with Campus Safety Services regarding investigations
- Advises managers regarding appropriate and/or required measures related to disclosures under this policy
- Provides training to the college community on this policy
- Liaises with the union, as required
- Supports the manager in applying and communicating disciplinary and corrective actions and follow-up when deemed necessary

Campus Safety Services

- Manages all imminent threats or illegal conduct
- Receives and processes complaints of Sexual Misconduct using the procedure set out in the Sexual Violence Procedure
- Liaises with People and Culture regarding investigations
- Conducts all formal investigations per section 2.2 of the Employee Code of Conduct

Policy

There is an inherent imbalance of power between employees and students at educational institutions. This creates the potential for conflicts of interest, exploitation, favoritism, and bias to exist and/or the perception of these to exist. As such, relationships that go beyond the professional interactions between employees and students may undermine the real or perceived integrity of any supervision, support or evaluation provided by employees.

This same imbalance of power can also lead to relationships that are not consensual, despite the belief of the individual whose position confers power or authority over the student. Such relationships may also have unintended or adverse effects on the climate of an academic program or work unit, thereby impairing the learning or working environment for others.

Relationships where one party evaluates the work or has influence over the success of the other party may also result in complaints by third parties when that relationship gives, even if just through perception, undue access/advantage to one party or restricts opportunities for others. Additionally, even when a relationship ends, there may be bias for or against the former partner.

1.0 Sexual Misconduct

Any act of sexual misconduct or sexual violence is strictly prohibited.

2.0 Prohibition on Sexual Relations, Romantic Relationships and Close Personal Friendships

Sexual relations, romantic relationship and/or close personal friendships between a student and a Georgian college employee are prohibited when the employee:

- Is in a direct or indirect position of authority, academic or otherwise over the student
- Might in the foreseeable future be in a position to exercise direct or indirect authority over a student
- Has or may have an influence over the student's academic progress
- Collaborates academically with the student

Procedures

3.0 Mandatory Disclosure

- 3.1 If a Georgian college employee and a student engage in sexual relations, a romantic relationship and/or close personal friendship that meets the criteria as described in section 2, the employee must disclose this engagement within 48 hours of engaging in sexual relations and/or at the early onset of a romantic relationship or close personal friendship.
- 3.2 A disclosure pursuant to section 3.1 may be made to the Vice President, People and Culture or their designate in the People and Culture department. The form attached as Appendix A may be used to submit the disclosure.
- 3.3 Upon the coming into effect of this policy, all employees must disclose past and current sexual relations, romantic relationship and/or close personal friendships that meet the criteria as described in section 2 if the student is still enrolled at the college as a student or plans to re-enroll regardless of whether the relationship occurred or commenced prior to this policy coming into force.
- 3.4 If an employee fails to disclose a situation as described in section 3 above, they may be subject to disciplinary action up to and including termination of employment.

4.0 Managing the Disclosure

Where a disclosure is made under section 3, the Vice President People and Culture will review and assess the information provided and may request additional information. Administrative measures may be implemented to ensure that the employee has no authority or influence over the student concerned.

An investigation may be conducted by the Manager, Conflict Resolution and Investigations or a designate.

Where an employee fails to disclose sexual relations with a student in accordance with this policy, the matter will be investigated pursuant to the college's Sexual Violence Procedure.

5.0 Discharge or discipline

If an employee is deemed to have committed an act of sexual misconduct toward a student or a violation of this policy, the college may discipline or discharge the employee. Disciplinary action could include a written warning, suspension(s) or termination of employment.

If an employee is disciplined or discharged for sexual misconduct, it is deemed to be for just cause for all purposes, and:

- The employee is not entitled to notice of termination or termination pay in lieu of notice or any other compensation or restitution as a result of the discharge or disciplinary measure; and
- Despite subsection 48 (17) of the Labour Relations Act, 1995 and subsection 14 (17) of the Colleges Collective Bargaining Act, 2008, and despite any provision of a collective agreement or employment contract specifying a penalty for the infraction, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the discharge or disciplinary measure imposed by the institution.

6.0 No re-employment

If an employee of the college commits an act of sexual misconduct toward a student of the college and the college discharges the employee for that act or the employee resigns from their employment, the college shall not subsequently re-employ the employee.

If the college determines that it has re-employed an individual contrary to this policy, the college will discharge the employee in accordance with section 5.0 noted above.

7.0 Non-Disclosure Agreements

The college cannot enter into any agreement that prohibits disclosure of an allegation or complaint unless the student requests that the institution do so, and provided that,

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

Related Materials

Georgian College's Sexual Violence Procedure
Georgian College's Employee Code of Conduct Policy
Georgian College's Conflict of Interest Procedure
Georgian College's Student Code of Conduct

Employee/Student Personal Relationship Disclosure Form

Please note that if your preference is to make a verbal disclosure, please contact the Vice President, People and Culture directly.

Name:

Position:

Department:

Manager:

I have the following personal relationship develop with a student (*check all the apply*):

- ☐ Sexual Relations
- ☐ Romantic Relationship
- ☐ Close Personal Friendship
- ☐ Other

Please provide the details of the disclosure. Details should include the name of the student, when the relationship started, your relationship with the student as it pertains to your role at the college (*eg. student is in my class*), any other information that is pertinent, etc.

Employee Signature

Date