

# **RANDOLPH COLLEGE**

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## **FOR THE PERFORMING ARTS**

### **HARASSMENT POLICY FOR STUDENTS**

(Includes Sexual Violence and Sexual Harassment)

**Type:** Administrative  
**Responsibility:** Administration  
**Effective Date:** October 2018  
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#### **APPLICATION**

1. This Policy applies to students who feel that they have been harassed by a member of the Randolph College of the Performing Arts (“RCPA”) community, such as other students, employees, teachers, members of the Board, contracted staff, or any other individual affiliated with RCPA.

2. This Policy **does not apply** to teachers, employees, and other individuals defined as a “Worker” in the RCPA’s *Workplace Harassment Policy* who feel they have been harassed by a student, teacher, employee, or other individual affiliated with RCPA. Such incidents are to be addressed under the *Workplace Harassment Policy*.

## **PURPOSE**

3. All students at RCPA have the right to study, learn, and perform in an environment that is free from any form of harassment. This document sets out RCPA’s policy and response procedures to harassment, including sexual harassment, and ensures that those who experience harassment have their rights respected.

## **COMMITMENT**

4. Harassment will not be tolerated. RCPA is committed to preventing harassment and to creating a safe space for anyone in the RCPA community who has experienced harassment. We recognize that students who have experienced harassment may experience emotional, academic or other difficulties.
5. All reported incidents of harassment will be addressed in a manner that ensures due process. It is this policy’s intention to make students feel comfortable about making a report in good faith about harassment that they have either experienced or witnessed.
6. RCPA is committed to:
  - a) Assisting those who have experienced harassment by providing choices, including detailed information and support, such as provision of and/or referral to counseling and medical care, information about legal options, and appropriate academic and other accommodations;
  - b) Ensuring that those who disclose that they have been harassed have their right to dignity and respect protected throughout the process of disclosure, investigation and institutional response;
  - c) Ensuring that those who disclose have a safety plan, and have reasonable and necessary actions taken to prevent further unwanted contact with the alleged harasser(s);
  - d) Addressing harmful attitudes and behaviours (e.g., adhering to myths of harassment that reinforce that the person who experienced harassment is somehow to blame for what happened);
  - e) Treating individuals who disclose harassment with compassion, recognizing that they are the final decision-makers about their own best interests;
  - f) Ensuring that internal investigation procedures are available in the case of harassment, even when the individual chooses not to make a report to the police;
  - g) Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with RCPA policies and standards, and that ensure fairness and due process; ensuring coordination and communication among the various departments most likely to be involved in the response to harassment in the RCPA community;
  - h) Providing information to the RCPA community about its harassment policies and procedures;

- i) Contributing to the creation of an atmosphere in which harassment is not tolerated;
- j) Monitoring and updating RCPA policies and procedures to ensure that they remain effective and in accordance with other existing policies and best practices.
- k) Providing training on this *Harassment Policy for Students* and procedures to the following individuals:
  - Members of RCPA’s Board of Directors, and other senior administrators;
  - Faculty, staff and other employees and contractors of RCPA; and
  - Students enrolled at RCPA.

## DEFINITIONS

7. The following terms are defined in **Appendix A**:

- Age of Consent
- Bullying
- Coercion
- Consent
- Discrimination
- Harassment
- Sexual Assault
- Sexual Harassment
- Sexual Violence
- Stalking

## REPORTING SEXUAL VIOLENCE AND SEXUAL ASSAULT

8. Sexual Violence and Sexual Assault (defined in **Appendix A**) are serious crimes and should be immediately reported to the proper authorities.
9. If you have experienced Sexual Violence or Sexual Assault:
  - Go to a Safe Place
  - Call the Toronto Police or go to the nearest police station. Non-Emergency: 416-808-2222. Emergency: 911.
  - Call the Toronto Rape Crisis Centre: 416-597-8808
  - Visit or call the Sexual Assault/Domestic Violence Care Centre at Women’s College Hospital: 416-323-6040; located at 76 Grenville Avenue
  - Call the Victim Services of Toronto: 416-808-7066
  - Call the Distress Line of Toronto: 416-408-4357
  - Report the experience to RCPA (strongly recommended if the incident involved another RCPA student or RCPA staff member)
10. If you witnessed Sexual Violence or Sexual Assault:
  - Call the Toronto Police or go to the nearest police station. Non-Emergency: 416-808-2222; Emergency: 911.

- Call the Toronto Rape Crisis Centre: 416-597-8808
- Call the Victim Services of Toronto: 416-808-7066
- Call the Distress Line of Toronto: 416-408-4357
- Report the experience to RCPA (strongly recommended if the incident involved another RCPA student or RCPA staff member)

11. RCPA's Director, Student Services ([studentservices@randolphcollege.ca](mailto:studentservices@randolphcollege.ca)) can also assist you with contacting any of the authorities listed above and can provide support and counsel on any additional resources that may be required to help support you through this process.

12. Students may obtain support from the Director, Student Services without being required to submit a report of harassment.

## REPORTING HARASSMENT TO RCPA

### Where to File a Report

13. An incident or complaint of harassment should be reported directly to the individual who serves as RCPA's Student Harassment Officer:

**Jenny Richmond Bravo**  
**[studentservices@randolphcollege.ca](mailto:studentservices@randolphcollege.ca)**

14. If the Student Harassment Officer is the alleged harasser, the individual should report the complaint to the Health and Safety Representative ([admin@randolphcollege.ca](mailto:admin@randolphcollege.ca)), or another RCPA staff member with whom the student is comfortable, to help them with the complaint process.

### How to File a Report

15. Complainants may report incidents or complaints of harassment verbally or in writing. When submitting a written complaint, Complainants are asked to use the Incident Report Form (**Appendix B**). When reporting verbally, the Harassment Officer along with the Complainant will complete the Incident Report Form.

16. The report of the incident should include the following information:

- a) Name(s) and contact information of the Complainant who has allegedly experienced harassment
- b) Name(s) and contact information, if available, of the alleged harasser(s)
- c) Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- d) Details of what happened including date(s), frequency and location(s) of the alleged incident(s)

- e) Any supporting documents the Complainant may have that are relevant to the complaint (e.g., emails, texts, etc.).
- f) A list of any documents that may be relevant to the complaint.

### What Happens After Filing a Report

17. All incidents or complaints will be kept confidential except to the extent necessary to protect the Complainant, to investigate the complaint or incident, to take corrective action, or otherwise as required by law.
18. Confidentiality requirements may change once the Complainant or RCPA decides to report the incident. All members of the RCPA community who are involved in receiving a report of an incident of harassment or who are involved in addressing or investigating it will treat the matter as discreetly and confidentially as practicable, within the context of their roles in implementing this policy. Information will only be shared to the extent necessary to carry out responsibilities under this policy or as required to provide a fair process during the investigation and decision-making process.
19. Once a Complainant has made a report of an incident of harassment to the Student Harassment Officer, the Complainant has initiated RCPA's complaint process. Each stage of the process is expected to be completed as expeditiously as practicable.

## **RCPA RESPONSE TO HARASSMENT COMPLAINTS**

### Assisting the Complainant

20. Following the submission of the complaint, the Student Harassment Officer will provide assistance to the Complainant and will discuss with the Complainant the potential available options. The Student Harassment Officer will outline information about available support and services, including information about interim measures and accommodations that may be available to address the immediate situation.
21. Some of the options that may be made available to the Complainant at the first point of contact following a report include, but are not limited to:
  - a) Referral to contacts for suitable support, services or resources available within and outside RCPA and in the City of Toronto;
  - b) Availability of academic accommodation, including interim measures provided for under and in accordance with other RCPA policies such as the *Student Code of Conduct (Student Policies and Procedures Manual)*. Examples of such measures for students include: separation of the parties, making changes that are not disciplinary but precautionary to avoid contact between parties, exam or assignment deferral, class and/or schedule changes.

### External Assistance

22. The Student Harassment Officer can, on a confidential basis, consult or seek the assistance of other internal personnel or resources of RCPA for direction, and can consult or seek the assistance of external parties relevant to the particular incident.
23. In particular, the Student Harassment Officer may inform the Chief Executive Officer (CEO) and/or the Board of Directors that a complaint has been filed and may need to be investigated. The Student Harassment Officer may recommend that the investigation be conducted by an outside third-party. The Student Harassment Officer is not required to reveal the name(s) of the Complainant and alleged harasser(s), or details of the incident, at this stage of the process unless the safety of students may be at risk and/or if temporary action (e.g., a suspension of the alleged harasser(s) while an investigation takes place) is required.

### Informing the Respondent

24. The Student Harassment Officer will send written notice to the alleged harasser(s) (the “Respondent”) that a harassment complaint against them has been filed under the terms of this Policy. This notice will indicate that the Respondent will have an opportunity to respond to the allegations and has the right to seek legal advice and to bring a support person, including legal counsel, to any meetings related to the complaint and/or investigation.
25. The notice to the Respondent will also indicate if an investigation will be initiated and the identity of the Investigator.
26. The Student Harassment Officer, in consultation with the CEO, may also decide to suspend the Respondent, and/or take other measures to ensure the safety of students (including the Complainant), until the process has concluded. If applicable, the written notice to the Respondent will indicate which temporary measures may be applied (if any) until the process is concluded and will stress that any such measures are not an indicator of guilt or pre-judgment.

### Appointing an Investigator

27. The Student Harassment Officer, upon reviewing the Incident Report Form and meeting with the Complainant, and following consultation with the CEO and/or Board of Directors, will determine whether an investigation is warranted. In making this determination, the Harassment Officer should consider the nature and scope of the complaint and the alleged incidents.
28. The Complainant may request that an investigation not proceed and RCPA will agree to the Complainant’s request.

29. Depending on the nature of the complaint and the parties involved, an external investigator qualified to conduct investigations may be retained to conduct the investigation; or an internal investigator employed by RCPA may be appointed.
30. If appointed, the Investigator will act in a timely, fair, impartial, and professional manner. The Investigator will treat the information gathered during the investigation in a confidential manner in accordance with the requirements of this Policy.

### Investigation

31. The Investigator will conduct the investigation in a manner befitting the Investigator's experience and recommendations with such matters, with the following guidelines:
  - a) The Investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The Investigator will remind individuals contacted during this process that the process is confidential. The Investigator will keep confidential the personal information of the people contacted.
  - b) The Investigator will interview the Complainant and the Respondent separately.
  - c) The Complainant and/or Respondent may decide not to participate in the investigation. However, the investigation may continue without either party's involvement.
  - d) The Investigator will provide the Respondent with a reasonable opportunity to respond in writing or verbally to the allegations. If the response is verbal, the Investigator will confirm the content of the response with the Respondent in writing. If the Respondent does not respond within a reasonable timeframe set by the Investigator, or chooses not to participate in the investigation, the Investigator may proceed in the absence of their response.
  - e) The Investigator will interview any relevant witnesses in the RCPA community who may be identified by either the Complainant or the Respondent or as necessary to conduct a thorough investigation. The Investigator will make reasonable efforts to interview any relevant witnesses who are not members of the RCPA community if there are any identified.
  - f) Any individual interviewed in the investigation process, including the Complainant and Respondent, has the right to have an additional person present during the interview.
  - g) The Investigator will collect and review any relevant documents.
  - h) The Investigator will take appropriate notes and statements during the interviews.

- i) The Investigator will prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the Complainant, the response from the Respondent, the evidence of any witnesses, and the evidence gathered. The report will set out findings of fact and come to a conclusion about whether, on a balance of probabilities, harassment occurred.

### Investigator's Report

32. Within ten (10) business days of the investigation being completed, the Investigator will provide the Student Harassment Officer with a written Investigator's Report. The Complainant and the Respondent will be informed in writing of the results of the investigation, and optionally an executive summary, but they are not to be sent the full Investigator's Report.

### Decision

33. If there was no investigation, the Student Harassment Officer will provide the Respondent with an opportunity to respond to the allegations. Then, the Student Harassment Officer, CEO, Board of Directors, and/or Artistic Director, as applicable, will determine the appropriate course of action which may include the following:
- a) No sanction;
  - b) Verbal warning;
  - c) Written warning;
  - d) Suspension; and/or
  - e) Expulsion or discharge.
34. If an investigation took place, the Investigator's Report will be reviewed by the Student Harassment Officer, CEO, Board of Directors, and/or Artistic Director, as applicable, prior to a course of action being determined.

### Appeal

35. A decision made about a report of harassment informed wholly, or in part, by an investigation process may be appealed by either the Complainant or Respondent as follows:
- a) The appeal must be made in writing to the CEO (or Board of Directors, if the CEO is the Respondent);
  - b) The appeal must describe the reasons why the investigation was flawed or incomplete, or any other issue with the investigation that may have led to an incorrect decision; and
  - c) How the CEO (or Board of Directors, if the CEO is the Respondent) can change or overturn the decision to correct errors that were created by the flawed investigation process.
36. Appeals must be made within seven (7) days following the decision.



37. Within five (5) days of an appeal being received, the CEO (or Board of Directors, if the CEO is the Respondent) will decide to either dismiss the appeal or accept the appeal and issue a new or corrected decision.

*Additional RCPA Obligations – Confidentiality*

38. Information about complaints and incidents shall be kept confidential to the extent possible. Information obtained about an incident or complaint of harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect the individuals, to investigate the complaint or incident, or to take corrective action or otherwise as required by law.

39. While the investigation is ongoing, the Complainant, the Respondent and any witnesses must not discuss the incident or complaint or the investigation with other individuals unless necessary to obtain advice about their rights. The Investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

40. All records of the investigation will be kept confidential.

*Additional RCPA Obligations – Complainant Options*

41. The Complainant can choose not to request an investigation by RCPA and has the right not to participate in any investigation that may occur.

42. If a Complainant requests that RCPA not investigate or act on their report of an incident of harassment, RCPA will consider that person's request but may decide to proceed, having regard to the health and safety of members of the RCPA community and its obligations and responsibilities. In such cases, the Complainant has a right to choose not to participate in such an investigation.

43. The Complainant is entitled to receive other support outlined in this Policy regardless of whether they decide to request an investigation or choose not to participate in one.

44. If requested by the Complainant and subject to any applicable legal obligations and access to information and privacy legislation, the Complainant will be informed of the outcome of such an investigation.

45. A Complainant has the right to withdraw a complaint at any stage of the process. However, RCPA may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.

*Additional RCPA Obligations – Report Filed by Other Party*

46. An allegation of harassment made by someone other than the Complainant can also be reported to RCPA. However, RCPA's ability to address the allegation will depend on several

factors regarding the information available and the Complainant’s decision respecting whether or not to participate in the process.

47. It may transpire that an allegation of harassment is reported to RCPA anonymously. RCPA’s ability to address the allegation will be dependent on several factors, including the information available to substantiate the allegation and to permit a fair process.

### **UNSUBSTANTIATED OR VEXATIOUS COMPLAINTS**

48. If a person, in good faith, discloses or files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.
49. Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the Respondent, may result in sanctions and/or discipline against the Complainant.

## APPENDIX A – DEFINITIONS

1. **Age of Consent** - The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen (16) is the legal age of consent for sexual acts. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

There are variations on the age of consent for adolescents who are close in age between the ages of 12 and 16. Twelve and 13-year olds can consent to have sex with other youth who are less than 2 years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than 5 years older.

2. **Bullying** – Bullying occurs when an individual or a group of people, with more power, repeatedly and intentionally cause hurt or harm to another person or group of people who feel helpless to respond. Bullying can continue over time and is likely to continue if no action is taken. Bullying is not:
  - a) single episodes of social rejection or dislike
  - b) single episode acts of nastiness or spite
  - c) random acts of aggression or intimidation
  - d) mutual arguments, disagreements or fights

The above actions can cause great distress. However, they do not fit the definition of bullying, and they're not examples of bullying unless someone is deliberately and repeatedly doing them.

3. **Coercion** - In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.
4. **Consent** - The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity.
  - a) Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
  - b) A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
  - c) A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.

- d) A person who is drugged is unable to consent.
- e) A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- f) A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- g) The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- h) A person can withdraw consent at any time during the course of a sexual encounter.
- i) A person is incapable of giving consent to a person in a position of trust, power or authority, such as a faculty member initiating a relationship with a student whom they teach, or an administrator in a relationship with anyone who reports to that position.
- j) Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Note: For information purposes only, the *Criminal Code* defines "consent" as follows:

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

- i. the agreement is expressed by the words or conduct of a person other than the Complainant;*
- ii. the Complainant is incapable of consenting to the activity;*
- iii. the accused induces the Complainant to engage in the activity by abusing a position of trust, power or authority;*
- iv. the Complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or*
- v. the Complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.*

- 5. **Discrimination** - Differential treatment of an individual based on one or more prohibited grounds which include race, citizenship, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability. Discrimination is harassment.
- 6. **Harassment** - A course of vexatious comment or conduct against an Individual or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:
  - a) Written or verbal abuse, threats, or outbursts;
  - b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
  - c) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;

- d) Leering or other suggestive or obscene gestures;
- e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect learning conditions;
- f) Practical jokes which endanger a person's safety, or may negatively affect performance;
- g) Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any group member based on class, number of years with the group, experience, or talent;
- h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- i) Deliberately excluding or socially isolating a person from a group;
- j) Physical or sexual assault;
- k) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
- l) Retaliation or threats of retaliation against a person who reports harassment to RCPA.

**7. Sexual Assault** - 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 integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

**8. Sexual Harassment** - A course of vexatious comment or conduct against an Individual because of sex, sexual orientation, gender identify or gender expression, where the course of comment 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 advance to the Individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Types of behaviour that constitute Sexual Harassment include, but are not limited to:

- a) Sexist jokes;
- b) Threats, punishment, or denial of a benefit for refusing a sexual advance;
- c) Offering a benefit in exchange for a sexual favour;
- d) Demanding hugs;
- e) Bragging about sexual ability;
- f) Leering (persistent sexual staring);
- g) Seductive behaviour (giving inappropriate gifts, neck massages);
- h) Turning work discussions into personal sexual topics;
- i) Sexual assault;

- j) Display of sexually offensive material;
- k) Distributing sexually explicit messages such as pictures or video files;
- l) Sexually degrading words used to describe an Individual;
- m) Ranking a person's beauty or desirability;
- n) Unwelcome inquiries into or comments about an Individual's gender identity or physical appearance;
- o) Inquiries or comments about an individual's sex life;
- p) Persistent, unwanted attention after a consensual relationship ends;
- q) Persistent sexual flirtations, advances, or propositions; and
- r) Persistent unwanted contact.

**9. Sexual Violence** - A broad term that describes any violence, physical and psychological, carried out through sexual means or by targeting sexuality. Sexual violence is any kind of contact without mutual consent. This violence takes different forms including sexual abuse and sexual assault. Anyone, regardless of age, gender identity, or sexual orientation, can be a victim of sexual violence. Sexual violence can profoundly impact the physical and mental well-being of an individual.

**10. Stalking** - A form of criminal harassment prohibited by the *Criminal Code* of Canada. It involves behaviours that occur on more than one occasion and which collectively instil fear in the victim or threaten the victim's/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include, but are not limited to, non-consensual communications (face-to-face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media/cyber-stalking; and uttering threats.

## APPENDIX B – INCIDENT REPORT FORM

**Date:**

**Your name and contact information:**

**Name(s) of alleged harasser(s), and contact information if available:**

**Details of the complaint of harassment:**

*Please describe in as much detail as possible the incident(s), including: (a) the names of the parties involved; (b) any witnesses to the incident(s); (c) the location, date and time of the incident(s); (d) details about the incident(s) (behaviour and/or words used); (e) any additional details.*

*Attach additional pages if required.*

**Relevant documents/evidence:**

*Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.*