



## **POLICY 1.52 – Policy on Gender-Based and Sexual Violence**

<b>Policy Category:</b>	General
<b>Subject:</b>	Gender-Based and Sexual Violence
<b>Approving Authority:</b>	Board of Governors
<b>Responsible Officers:</b>	Provost & Vice President (Academic) Vice-President (Operations & Finance)
<b>Responsible Office:</b>	Equity & Human Rights Services Associate Vice-President (Student Experience)
<b>Related Procedures:</b>	
<b>Related University Policies:</b>	<a href="#">Safe Campus Community Policy</a> , <a href="#">Non-Discrimination/Harassment Policy</a> , <a href="#">Code of Student Conduct</a>
<b>Effective Date:</b>	
<b>Supersedes:</b>	January 1, 2017 and September 23, 2014

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### **A. PURPOSE AND SCOPE**

1.00 The University is committed to providing and maintaining an environment in which Gender-Based and Sexual Violence is not tolerated. It takes seriously its responsibility to address gender-based and sexual violence that is pervasive in society through education, training, and response. This policy and its related procedures identify ways to recognize and prevent gender-based and sexual violence through policies, resources, education and community support and provide members of the University community with information to help them respond effectively to incidents of Gender-Based and Sexual Violence.

2.00 The University recognizes that Gender-Based and Sexual Violence can have serious and lasting impacts on the physical, mental, and emotional welfare of individuals who are affected by Gender-Based and Sexual Violence. The Members of the University Community will treat Survivors with dignity and respect.

3.00 This policy applies to all Members of the University Community in their interaction with other Members of the University Community.

### **B. Definitions**

1.00 The following definitions shall apply to this policy:

1.01 **Adjudicator:** A person appointed by the University's Provost to hear appeals under Section F.

1.02 **AVP-SE:** Means the Associate Vice-President (Student Experience) or designate.

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- 1.03 **Complaint:** The sharing of information concerning an act of Gender-Based and Sexual Violence by a Survivor with the intention of initiating a formal process identified in this Policy.
- 1.04 **Complainant:** A Member of the University Community who has filed a Complaint under this policy.
- 1.05 **Consent:** The voluntary agreement of an individual to engage in a sexual activity. Consent is direct, active, voluntary and a conscious choice. Consent can be revoked at any time. Consenting to one kind of sexual activity does not mean that consent is given for another sexual activity. Consent is not obtained where a person is Incapacitated; cannot be obtained under threat or coercion; cannot be given on behalf of another person; and may be compromised where individuals are in a position of power, trust or authority over the person whose Consent is required.
- 1.06 **Disclosee:** means University employees, emeriti, visiting professors, contractors, affiliated persons and Student Leaders who receive a Disclosure but excludes healthcare providers, Health & Wellness employees, and members of the Student Emergency Response Team who receive a Disclosure in the provision of healthcare services to the Survivor.
- 1.07 **Disclosure:** The sharing of information by a Survivor with a Member of the University Community concerning an incident of Gender-Based and Sexual Violence. A Disclosure may or may not be for the purpose of accessing supports, services and/or accommodations.
- 1.08 **Equity & Human Rights Services:** A department of the University that provides support, education, and advice to students, staff, faculty, and academic and administrative leaders on the University's discrimination and harassment policies, as well as on diversity, inclusion and human rights related issues.
- 1.09 **Gender-Based and Sexual Violence:** Any sexual act or act targeting a person's sexuality, gender identity and 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, cyber harassment and sexual exploitation.
- 1.10 **Gender-Based Violence & Survivor Support Case Manager:** A staff member of the University who provides support to undergraduate and graduate students at the University, or its affiliates, who have been subjected to Gender-Based and Sexual Violence at any time in their life.
- 1.11 **Gender-Based Violence Prevention Education Coordinator:** A staff member in Student Experience who advances education surrounding the spectrum of gender-based violence on campus and is responsible for developing, delivering and evaluating education programs and training aimed at preventing gender-based violence and fostering support for survivors.
- 1.12 **Incapacitated:** An inability to understand the nature of the sexual activity or appreciate the option of declining to participate in the sexual activity. Under this Policy, a person who is significantly impaired (and not merely disinhibited) by alcohol or drugs is deemed to be incapable of consenting, as is a person who is asleep, unconscious or otherwise unable to communicate.

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- 1.13 **Manager on Call:** means the manager in the applicable Residence available to offer resources, support and accommodation in accordance with this Policy or the residence contract.
- 1.14 **Members of the University Community:** Includes employees, emeriti, post-doctoral fellows/associates, students, visiting professors, visiting students, contractors and other affiliated persons.
- 1.15 **Normal Business Hours:** Means the hours from 9:00 am to 4:00 pm, Monday to Friday, excluding statutory holidays and other University closures.
- 1.16 **Residence** means a residence operated by the University excepting University owned apartments (e.g. Platt's Lane Estates).
- 1.17 **Resource and Support Adviser:** In the context of disclosures, means either the Gender-Based Violence Prevention and Education Coordinator in the case of a student or visiting student Survivor or Equity & Human Rights Services in the case of a Survivor who is an emeriti, post-doctoral fellow/associate, visiting professor, contractor or other affiliated person.
- 1.18 **Respondent:** A Member of the University Community against whom a Complaint has been filed against under this policy.
- 1.19 **Secretary:** Means the Secretary of the University or designate.
- 1.20 **Student Leaders:** Means residence dons and residence advisors.
- 1.21 **Survivor:** A person who has experienced Gender-Based and Sexual Violence.<sup>1</sup>

### C. PRINCIPLES

- 1.00 Gender-Based and Sexual Violence is prohibited.
- 2.00 Gender-Based and Sexual Violence is a serious societal problem. The University is committed to addressing Gender-Based and Sexual Violence through support, education, training and prevention programs and through the appropriate handling of Disclosures and Complaints.
- 3.00 The University understands that each individual's experience of Gender-Based and Sexual Violence, including the level of risk they face and how they access services and supports, is unique and can be based on, or influenced by, the intersection of Gender-Based and Sexual Violence with discrimination and harassment including, but not limited to sex, ancestry, race, ethnicity, culture, language, disability, creed, age, socioeconomic status, sexual orientation, and gender expression. In particular, the University recognizes that Gender-Based and Sexual Violence often intersects with acts of racism, ableism, homophobia or transphobia. The University is committed to an intersectional approach reflective of and relevant to its diverse University Community.
- 4.00 Any Member of the University Community who commits an act of Gender-Based and Sexual Violence against another Member of the University Community will be held accountable in a manner that recognizes the dignity and needs of the Survivor, the health and safety of Members of the University Community and the educational mission of the University.

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<sup>1</sup> The University uses the term "Survivor" in this Policy but acknowledges that individuals may prefer other terms to define themselves in relation to their experience such as "victim" or "thrivor".

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### **D. REVIEW**

1.00 The University will conduct a review of this Policy every three years. Every time the Policy is reviewed or amended, the University shall ensure student input is considered in accordance with any legislative or regulatory requirements.

## **Procedures for Policy on Gender-Based and Sexual Violence**

### **A. General**

1.00 In these Procedures, reference to “the Policy” shall mean the Policy on Gender-Based and Sexual Violence.

2.00 These following procedures apply to all matters relating to Gender-Based and Sexual Violence.

### **B. Confidentiality**

1.00 The University will treat Disclosures and Complaints of incidents of Gender-Based and Sexual Violence in a confidential manner and in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act* and *Personal Health Information Protection Act*.

2.00 The University will limit sharing of information to those within the University who have a need to know the information for the purposes of implementing the Policy, including providing support, accommodation and interim measures, and the investigation and decision-making processes.

3.00 Confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of a Member or Members of the University Community or where required by law.

4.00 Where a Complainant files a Complaint against a Respondent, the name of the Complainant, if known, and the material allegations being made will be disclosed to the Respondent.

### **C. Disclosures**

1.00 A Disclosure can be made to any Member of the University Community. A Disclosure by a Survivor may involve a perpetrator who is or is not a Member of the University Community. A Disclosure does not initiate a formal Complaint process.

2.00 If personal security is an immediate concern, staff at Community Campus Police Services (CCPS) are available on a 24/7 basis and can provide guidance, support and response.

3.00 A Disclosure does not result in a Complaint being made and does not initiate a process to address the act of Gender-Based and Sexual Violence. The decision to make a Disclosure and the decision to file a Complaint are separate decisions to be made by a Survivor. A Survivor who has made a Disclosure is not required to file a Complaint and is not required to request or participate in an investigation by the University.

4.00 The University recognizes that some individuals may be hesitant to make a Disclosure or Complaint or participate in an investigation process in cases where they have been drinking while under-age or were using drugs at the time the Gender-Based and Sexual Violence took place. A Survivor or witness acting in good faith who makes a Disclosure or Complaint or participates in an investigation process will not be subject to sanctions for violations of the University’s policies related to drug and alcohol use at the time that the Gender-Based and Sexual Violence took place.

5.00 Any Member of the University Community who receives a Disclosure should listen to the Survivor, inform the Survivor of the Policy and refer the Survivor to the Gender-based Violence & Survivor Support Case Manager and other available supports. For a list of supports, please refer to Schedule A of these procedures.

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6.00 Members of the University Community who receive a Disclosure should refrain from judging and taking steps to address the alleged act of Gender-Based and Sexual Violence on their own initiative and outside of formal processes. Unless trained in providing counselling to those who have experienced Gender-Based and Sexual Violence, Members of the University Community who receive a Disclosure should refrain from providing counselling.

7.00 Except for healthcare providers, Health & Wellness employees, and members of the Student Emergency Response Team who receive a Disclosure in the provision of healthcare services to the Survivor, University employees, emeriti, visiting professors, contractors, affiliated persons and Student Leaders who receive a Disclosure (hereinafter called a “Disclosee”) shall follow the following steps:

### How to Respond to a Disclosure Generally

(For Disclosures in Residences outside of Normal Business Hours, see below)

Step 1: The Disclosee should ask the Survivor if they are feeling safe in the current moment and address any immediate danger, including proximity of perpetrator or thoughts of self-harm or suicide. If the Survivor is concerned for their physical safety, the Disclosee should offer to call Campus Community Police Services at 519.661.3300. All Survivors should be offered a referral to medical care, especially if they are injured, express thoughts of self-harm or suicide, or are interested in evidence collection for criminal investigation. The Disclosee should offer to call, or should refer to the Survivor, to one or more of the supports and resources listed in Schedule A.

Step 2: The Disclosee shall explain the limits of confidentiality to the Survivor. In particular,

- Emphasize that you are here to help; part of that help means connecting them with the Resource and Support Adviser on campus who can provide professional support and advice on options moving forward;
- Explain that you will be filling out an online referral to the University’s Resource and Support Adviser for the sole purpose of ensuring the Survivor has all of the information they need to make an informed decision; emphasis that the Survivor will get to choose what happens next. Emphasis that an online referral is confidential and that it does not mean a Complaint is filed. Your role is just make sure they have the information to inform their choices.
- Explain that if the Disclosee makes statements disclosing plans to self-harm, harm another person, or end their own life, that you may involve emergency services.

Step 3: The Disclosee shall inform the Survivor that:

- the Resource and Support Adviser will be contacting them with an outreach email or phone call the next business day to offer support and resources; and
- it will be up to the Survivor to decide whether they wish to access supports/resources or to submit a Complaint.

Step 4: The Disclosee shall ask for the Survivor’s email address or telephone number and shall collect the email address or telephone number of preference, not necessarily the University email address or telephone number for the Survivor.

Step 5: After receiving the Disclosure, the Disclosee shall complete and submit the online referral form to allow the Resource and Support Adviser to provide outreach and support to the Survivor. [Insert link to online form].

Step 6: Upon submitting the form:

- the Survivor will receive an automated email from Resource and Support Adviser outlining support options in the moment, if the Survivor’s email was provided; and

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- the Disclosee will receive an automated email from the Resource and Support Adviser offering to schedule a meeting to debrief the Disclosure.

### How to Respond to a Disclosure Outside of Regular Business Hours in Residences

Step 1: The Disclosee should ask the Survivor if they are feeling safe in the current moment and address any immediate danger, including proximity of perpetrator or thoughts of self-harm or suicide. If the Survivor is concerned for their physical safety, the Disclosee should offer to call Campus Community Police Services at 519.661.3300. All Survivors should be offered a referral to medical care, especially if they are injured, express thoughts of self-harm or suicide, or are interested in evidence collection for criminal investigation. The Disclosee should offer to call, or should refer to the Survivor, to one or more of the supports and resources listed in Schedule A.

Step 2: The Disclosee shall explain the limits of confidentiality to the Survivor. In particular,

- Emphasize that you are here to help; part of that help means connecting the them with people and resources on campus that can provide professional support and advice on options moving forward; and
- Explain that the only reason you will tell somebody is to make sure they have all of the information they need to make an informed decision; emphasis that the survivor will get to choose what happens next. Your role is just to make sure the Survivor has the information to inform their choices. In the case of a recent incident (something that occurred within the previous two weeks) being disclosed in Residences after Normal Business Hours, let the Survivor know you will let the Manager on Call know when your conversation with the Survivor is over so they can connect them with valuable supports and accommodations, which may include different residence room.

<p>Step 3A: If the incident occurred within the previous two (2) weeks, the Disclosee shall inform the Survivor that the Resource and Support Adviser will be contacting them with an outreach email the next business day to offer support and resources and that it will be up to the Survivor to decide whether they wish to access supports/resources or to submit a Complaint.</p> <p>Step 4A: The Disclosee shall ask for the Survivor's email address or telephone number and shall collect the email address or telephone number of preference, not necessarily the University email address or telephone number for the Survivor.</p> <p>Step 5A: Once your conversation with the Survivor has concluded, contact the Manager on Call and let them know you have received a Disclosure. They will debrief the call with you and let you know if there are any additional steps to take. In some cases, the Manager on Call may decide to speak to the Survivor directly.</p> <p>Step 5A: The Manager on Call shall</p> <ul style="list-style-type: none"> <li>• Determine whether an immediate response is necessary.</li> </ul>	<p>Step 3B: If the incident occurred more than two weeks ago, the Disclosee shall:</p> <ul style="list-style-type: none"> <li>• Inform the Survivor that the Resource and Support Adviser will be contacting them with an outreach email the next business day to offer support and resources and that it will be up to the Survivor to decide whether they wish to access supports/resources or submit a report; and</li> <li>• If the Survivor does not feel comfortable waiting until the next business day, the Disclosee should offer to contact or refer the Survivor to the Manager on Call or one or more of the supports or resources in Schedule A.</li> </ul> <p>Step 4B: The Disclosee shall ask for the Survivor's email address or telephone number and shall collect the email address or telephone number of preference, not necessarily the University email address or telephone number for the Survivor.</p> <p>Step 5B: The Disclosee shall complete and submit the online referral form to allow the</p>
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<ul style="list-style-type: none"> <li>Complete the online referral form as soon as possible to allow Resource and Support Adviser to provide outreach and support to the Survivor [Insert link to online form]</li> </ul> <p>Step 6A: Upon completing the form:</p> <ul style="list-style-type: none"> <li>the Survivor will receive an automated email from Resource and Support Adviser outlining support options in the moment; and</li> <li>the Disclosee will receive an automated email from the Resource and Support Adviser offering to schedule a meeting to debrief the Disclosure.</li> </ul>	<p>Resource and Support Adviser to provide outreach and support to the Survivor</p> <p>Step 6B: Upon submitting the form:</p> <ul style="list-style-type: none"> <li>the Survivor will receive an automated email from the Resource and Support Adviser outlining support options in the moment; and</li> <li>the Disclosee will receive an automated email from the Resource and Support Adviser offering to schedule a meeting to debrief the Disclosure and offer supports, if required.</li> </ul>
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8.00 In accordance with their professional obligations, University health care providers shall convey any Disclosure to CCPS, the police or another person as they deem necessary for the purpose of eliminating or reducing significant risk of bodily harm to the Survivor or others, in accordance with the healthcare providers' applicable statutory and professional obligations and restrictions.

9.00 CCPS shall notify the Gender-based Violence & Survivor Support Case Manager of all Disclosures received by CCPS.

10.00 Any Members of the University Community who receive a Disclosure may contact the Gender-based Violence Prevention Education Coordinator (Student Experience) and/or Equity & Human Rights Services to receive further information in order to support the Survivor.

### **D. Support and Accommodations**

1.00 Supports, services and/or accommodations are available to any Member of the University Community who makes a Disclosure regardless of when or where the Gender-Based and Sexual Violence took place and whether or not a Complaint is made. Support services are available to Survivors, witnesses of Gender-Based and Sexual Violence, support persons and Respondents.

2.00 In the case of a Survivor who is a student, they are encouraged to contact the Gender-based Violence & Survivor Support Case Manager or the Manager of Call.

3.00 In the case of a Survivor who is an employee (i.e., staff or faculty member), they are encouraged to contact Equity & Human Rights Services.

4.00 Respondents may access support, resources and information through the Student Support Case Manager (Student Experience), Equity & Human Rights Services, the Office of the University Ombudsperson, Community Legal Services, the Manager on Call and/or as directed during any investigation proceeding. Schedule A outlines details and contact information for the various on-campus and community support services available.

5.00 Witnesses to an incident of Gender-Based and Sexual Violence and/or those who are supporting a Survivor or a Respondent may contact either the Gender-based Violence Prevention Education Coordinator (Student Experience) or Equity & Human Rights Services for support.

6.00 If needed by a Survivor, the Resource and Support Adviser will provide support (including safety planning), resources and referrals, assistance with accommodation, information about Complaint options or reporting to the police and assistance with preparing a Complaint.



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7.00 Applicable faculties and departments shall ensure that accommodations are properly implemented. Accommodations for a Survivor who is a student may include, but are not limited to, permission for late submissions of assignments, permission to write a make-up exam or test, waiver of attendance or participation requirements, late withdrawal from a course without penalty, a leave of absence, moving to a different room or residence, moving to a different office, removal from the student directory, etc. Accommodations for a Survivor who is an employee may include, but are not limited to, permission to work remotely, a leave of absence, adjustments to work schedule, moving to a different office, removal from staff directory, assignment of a new telephone number/extension or new email address, etc. The University will provide similar accommodations for Respondents where reasonable and appropriate under the circumstances.

### **E. Complaints**

#### Jurisdiction

1.00 The processes available to the University to address Complaints only applies to Complaints where:

- (i) the Complainant was a Member of the University Community at the time of the alleged incident;
- (ii) the Respondent was a Member of the University Community at the time of the alleged incident;
- (iii) the Respondent is a Member of the University Community when the Complaint is filed; and
- (iv) the subject matter of the Complaint has not been previously investigated and determined under the Code of Student Conduct or the Non-Discrimination and Harassment Policy.

2.00 If, at any time during the investigation or decision-making process, the Respondent's relationship with the University ends, the University may:

- (i) Suspend the process, with the option of reinstating it if the Respondent rejoins the University; or
- (ii) Continue with the process to conclusion, whether or not the Respondent chooses to participate.

3.00 A student who is also an employee who commits an act of Gender-Based and Sexual Violence may be subject to sanctions both as a student and an employee in accordance with the relevant collective or employment agreement and policies.

#### Submitting a Complaint and Intake

4.00 Members of the University Community who experience Gender-Based and Sexual Violence are not required to make a Complaint under this Policy and are not required to request a University investigation in order to receive the Supports and Accommodations outlined in section D. of these procedures.

5.00 Gender-Based and Sexual Violence Complaints must be made in writing and submitted using this online form or submitted directly to the Student Support & Case Management Office (Student Experience). Complaints must:

- (i) identify the Respondent;
- (ii) set out the relevant facts alleged to constitute Gender-Based and Sexual Violence; and
- (iii) include any documentation (e.g. text messages, social media posts, emails, letters, notes, etc.) upon which the Complainant relies.

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6.00 As necessary, Student Experience or the Equity & Human Rights Services Office will provide support and accommodations to those Members of the University Community who are unable to submit complaints in writing without assistance.

7.00 A Complaint against a student or visiting student Respondent shall be investigated and determined in accordance with the process in section F. of these procedures. A Complaint against an employee, emeritus, post-doctoral fellow/associate, visiting professor, or contractor Respondent shall be investigated and determined in accordance with the Non-Discrimination and Harassment Policy and the applicable collective agreement and/or employment agreement.

8.00 In the case of a Respondent who holds more than one role within the University community (for example a student who is also an employee) or in the case of multiple Respondents who hold different roles, the Provost and Vice-President (Academic), in their sole discretion, will decide which process(es) will apply in the circumstances of the particular case. In the event the Respondent(s) holds more than one role within the University community, they may be subject to more than one process and sanction.

### **F. Process for Resolving Complaints against Student Respondents**

#### Application

1.00 The following complaint process outlined in this section F. of these procedures only applies to a Complaint involving a Respondent who is a student or visiting student of the University or where the Provost and Vice-President (Academic) has determined that this process shall apply in accordance with their discretion pursuant to section E. 8.00.

#### Procedural Rights

2.00 Procedural rights set out in the following complaint process (the "Complaint Process") apply in place of procedural rights set out in the Code of Student Conduct, the Non-Discrimination and Harassment Policy and all other University policies, including procedural rights related to notice, limitation periods, hearing entitlements and appeals.

#### Participation

3.00 No Complainant is required to participate in an investigation or the other aspects of the Complaint Process, including adjudication of a Complaint. However, Complainants should understand that a decision not to participate may prevent the University from investigating a Complaint and making a decision with respect to the same.

4.00 No Respondent is required to participate in an investigation or the other aspects of the Complaint Process, including adjudication of a Complaint. However, Respondents should understand that a decision not to participate will not be used against Respondents, but may nevertheless be detrimental to the Respondent and will not deter the University from proceeding with an investigation or making a decision with respect to the Complaint.

#### Initial Review

5.00 The AVP-SE may decline to refer a Complaint for investigation if the University does not have jurisdiction or if the allegations, if proven to be true, would not constitute a violation of this Policy.

6.00 If the AVP-SE determines that the Complaint should be referred for investigation, the AVP-SE shall appoint an internal or external investigator.

7.00 If the AVP-SE refers a Complaint for investigation, the referral decision is final and is not subject to review or appeal.

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### Interim Measures

8.00 Upon a receipt of a Complaint, the AVP-SE may impose interim measures that the AVP-SE deems to be appropriate pending completion of the Complaint Process. Such interim measures shall take into account the interests of the Complainant and the Respondent, the integrity of the ongoing investigation and the Complaint Process and the health and safety of the Members of the University Community. Interim measures are not disciplinary and do not represent a finding of misconduct.

9.00 Interim measures may include but are not limited to one or more of the following: removing a Respondent from class or residence; imposing a no-contact directive; a prohibition from attending campus or other University owned property; suspending campus or work related privileges; changing a lab schedule, moving an office to another location and/or providing an escort to the Complainant.

10.00 A Respondent who is subject to interim measures can ask the AVP-SE to reconsider whether they are appropriate, in consideration of the factors in section 8.00. The AVP-SE shall advise the Respondent of the AVP-SE's reconsideration decision in writing ordinarily within three business days of the Respondent's request for reconsideration. There is no other right of reconsideration or appeal of the decision with respect to interim measures.

### Notice to the Respondent

11.00 The Respondent will be notified in writing of the investigation by the AVP-SE. The notice will:

- (i) include a summary of all of the allegations;
- (ii) describe any interim measures and indicate how to seek reconsideration of such measures;
- (iii) append relevant documents submitted as part of the Complaint; and
- (iv) identify potential sources of support.

### Investigation

12.00 The Investigator will then conduct the investigation. The Investigator will ordinarily:

- (i) Obtain a written response and documents from the Respondent;
- (ii) interview the Complainant, the Respondent and any witnesses;
- (iii) produce a written summary of the interviews (e.g. produce witness statements);
- (iv) gather additional relevant documents; and
- (v) produce a written investigation report.

13.00 Throughout the investigation, a Complainant and a Respondent may invite a support person or advisor (including legal counsel at their own expense) to meetings with the Investigator. Such support persons and advisors are not to answer questions and are not to otherwise interfere with the conduct of the interview.

14.00 At the conclusion of the investigation, the Investigator shall prepare an investigation report in which the Investigator shall review the Complaint and determine whether the factual allegations in the Complaint have been established on a balance of probabilities. The investigation report shall not include a determination of whether the Policy has been breached or a recommendation regarding any sanction(s).

15.00 The University is committed to the thorough and timely investigation of Complaints and to keeping both the Complainant and the Respondent apprised of the status of investigations.

### Decision

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16.00 The investigation report will be reviewed by the AVP-SE, who will determine whether, on the balance of probabilities, Gender-Based and Sexual Violence occurred and, if so, the appropriate sanction(s), having regard to the factors identified in section F. 18.00 below. The AVP-SE may choose to meet with the Complainant and/or the Respondent prior to making a decision. The Respondent and the Complainant will be notified in writing of the decision and the reasons for the decision. The Respondent shall be advised of the proposed sanction(s), if any, to be imposed on the Respondent. The Complainant and the Respondent will also be notified of their right to appeal the decision.

17.00 Prior to the AVP-SE making a final decision with respect to the sanction(s) to be imposed on the Respondent, the AVP-SE shall meet with the Respondent to provide the Respondent with an opportunity to make submissions with respect to the appropriate sanction(s).

18.00 When imposing sanction(s), the AVP-SE will consider the following:

- (i) the Complainant's and the Respondent's submissions on sanction(s), if requested and provided;
- (ii) the principle of progressive discipline and the University's role as an educational institution;
- (iii) the nature and the severity of the incident; and
- (iv) aggravating, mitigating and any other relevant factors.

19.00 Sanction(s) may include, but are not limited to one or more of the following:

- (i) a written warning or reprimand;
- (ii) educational sanctions such as an apology, an educational program, an assignment or counselling;
- (iii) a behavioural contract;
- (iv) exclusion from a class or other area;
- (v) restriction or denial of University services or privileges;
- (vi) no Contact Order;
- (vii) prohibition or limitation of employment;
- (viii) prohibition from entering onto campus;
- (ix) forfeiture of University awards of financial assistance;
- (x) probation;
- (xi) termination of the residence contract;
- (xii) suspension; and/or
- (xiii) expulsion.

20.00 Following the meeting identified in section F. 17.00 the AVP-SE shall notify the Respondent and Complainant in writing of any sanction(s) imposed on the Respondent along with reasons for imposing the sanction(s).

21.00 Where required by a professional licensing body, the decision of the AVP-SE/Adjudicator and sanction(s) imposed on the Respondent may be communicated to that professional licensing body following: (i) the lapse of any appeal period identified in section F. 22.00 without the filing of an appeal; or (ii) the conclusion of all appeal(s) filed prior to the lapse of any appeal period identified in section F. 22.00.

22.00 If requested by either the Complainant or the Respondent, the AVP-SE shall provide access to the investigation report, including any witness statements/summaries supporting the report and any other evidence supporting the AVP-SE's decision. Prior to receiving access, the Complainant or the Respondent, as the case may be, shall agree not to photocopy or photograph the report and shall agree to only use its contents for the purposes of considering and/or filing an appeal of the AVP-SE's decision.

### Appeal

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23.00 In the event that the Complainant or Respondent wish to appeal the decision of the AVP-SE, an appeal application (the "Appeal Application") must be filed by the Complainant or Respondent with the Secretary within two weeks after the decision with respect to sanction has been issued or, if the Policy is not found to have been breached, within two weeks after the decision in section 16.00 has been issued. The Appeal Application must contain a copy of the AVP-SE's decision, the grounds for the appeal, the outcome sought, and a full statement supporting each ground for the appeal, and all evidence relied upon by the Appellant in support of their Appeal Application. An Application will not be accepted by the Secretary unless the application is complete.

24.00 Filing an Appeal Application will not stay the implementation of any sanction(s) imposed except where the Adjudicator otherwise orders upon application of the Appellant.

25.00 Parties to an appeal are the Complainant or Respondent appealing the decision (the "Appellant") and the AVP-SE.

26.00 An Appellant may only raise the following grounds for appeal:

- (i) New evidence not available at the time of the earlier decision has been discovered, which casts doubt on the correctness of the decision;
- (ii) There was a serious procedural error(s) in the hearing of the complaint which was prejudicial to the Appellant;
- (iii) The decision of the AVP-SE of whether Gender-Based and Sexual Violence occurred was unreasonable or unsupportable on the evidence; or
- (iv) The sanction imposed by the AVP-SE was unreasonable or unsupportable on the evidence.

27.00 Upon receipt of the Appeal Application, the Secretary shall determine whether the Appellant has identified the requisite grounds for an appeal of the AVP-SE's decision. If the Appellant has not identified the requisite grounds for appeal in their Appeal Application or if the Appeal Application has no reasonable prospect of success, the Appeal shall be dismissed by the Secretary and the Appellant shall be notified of the decision in writing.

28.00 In the event the Secretary determines that the Appeal Application identifies the grounds of appeal pursuant to section F. 26.00 and the Appeal Application has a reasonable prospect for success, the Secretary shall provide the AVP-SE with a copy of the Appeal Application and attachments. The AVP-SE shall file a concise written response to the Appeal Application, the investigation report and any other documentation and evidence relied upon by the AVP-SE in making their decision (the "Materials") with the Secretary within ten days of receiving the Appeal Application from the Secretary. A copy of the Materials shall be provided to the Appellant and the Appellant shall be given an opportunity to file a reply within ten days of receipt of the AVP-SE response. The Appellant shall only use the Materials for the purposes of the Appeal and shall strictly follow any directions issued by the Secretary for the secure handling and disposal of the Materials.

29.00 The Appellant and the AVP-SE shall file all documentary evidence with the Secretary together with the appeal application, response or reply, as applicable. No documentary evidence will be accepted separate from these submissions. The Adjudicator may waive or vary these timelines under section F. 38.00 where reasonable and appropriate to do so.

30.00 A hearing will be scheduled by the Secretary at which the Appellant and the AVP-SE will be heard by the Adjudicator. The Secretary will give the Appellant and the AVP-SE at least 14 days written notice of the hearing. The notice shall explain the purpose of the hearing, explain that the Appellant may be accompanied by legal counsel or another support person and describe the potential consequences of a failure to attend.

## Procedures for the Policy on Gender-Based and Sexual Violence

31.00 The Complainant or the Respondent who is not an Appellant will be invited to attend to answer any questions of the Adjudicator; they shall have the option to participate via video link (or similar technology) and they may be accompanied by legal counsel or a support person.

32.00 The Adjudicator will not in the usual course hear from witnesses other than the Complainant and the Respondent. In the event the Adjudicator determines that they need to hear from witnesses other than the Complainant or the Respondent, the witnesses will only attend the hearing to give oral evidence. If either the AVP-SE or the Appellant believes that one or more other witnesses should attend, they shall ask the Adjudicator to invite the witnesses to attend (in writing, explaining why the witness's attendance is necessary) at least ten days before the hearing. In the event the Adjudicator declines to invite the witness(es) to attend, the Adjudicator shall advise the parties of the decision prior to the commencement of the hearing.

33.00 The purpose of the hearing is to allow the Adjudicator to understand the basis for the Appeal and to decide whether to grant or deny the Appeal in accordance with section F. 35.00. The Adjudicator has discretion to control how the hearing is conducted, but will ordinarily conduct the hearing as follows:

- (i) The AVP-SE and the Appellant will give a short (no longer than 10 minutes) opening statement to set out their positions.
- (ii) The Adjudicator will question the hearing participants (Complainant, the Respondent, the AVP-SE and/or any other witnesses who have been invited to attend).
- (iii) The AVP-SE and the Appellant may provide questions to the Adjudicator that they would like the Adjudicator to ask any of the hearing participants (Complainant, Respondent, AVP-SE, and any witnesses). All questions shall be provided to the Adjudicator no later than the outset of the hearing. The Adjudicator shall ask all submitted questions that are proper and that seek to elicit relevant evidence that is not already before the Adjudicator.
- (iv) The AVP-SE and the Appellant will give short (no longer than 20 minute) statements to comment on what was said at the hearing and how what was said supports their positions on the grounds raised in the appeal.

34.00 If either the AVP-SE or Appellant believe that the ordinary process should be modified or believe that any particular procedure is required, they may write the Adjudicator in advance of the hearing with a request for modification. Such request shall be provided by the Adjudicator to the other party to the hearing who may object to the proposed modification. The Adjudicator shall consider the request and any objection to it and shall make a determination with respect to the hearing process with a view to conducting a fair hearing. There is no other right of reconsideration or appeal of the Adjudicator's decision with respect to the hearing process.

35.00 Subject to the following, the Adjudicator will consider only that evidence that was before the AVP-SE at the time of the decision made under these procedures. Evidence that was not before the AVP-SE will not be considered unless the Adjudicator determines that it is relevant, significant and could not have been available at an earlier stage through reasonable efforts. If additional documentary evidence is submitted, it must be accompanied by a written explanation as to why the evidence is relevant and significant and why it was not previously available. Similarly, if either party asks the Adjudicator to invite a witness whose evidence was not before the AVP-SE, the party must include in the written explanation to the Adjudicator required under section F. 32.00 a description about why such evidence is relevant and significant and why it was not previously available.

36.00 The Adjudicator may:

- (i) Deny the appeal.
- (ii) In the case of an appeal under section F. 25.00 (i) and (ii), grant the appeal and remit the matter back with appropriate directions to the AVP-SE and/or the Investigator.

## Procedures for the Policy on Gender-Based and Sexual Violence

- (iii) In the case of an appeal under section F. 25.00 (iii) and (iv), grant the appeal and quash or vary the AVP-SE's decision and/or vary the sanctions.

37.00 The Adjudicator's decision, with reasons, shall be filed with the Secretary and copies shall be sent to the parties. The AVP-SE will notify relevant units/Faculties of the decision on a need-to-know basis. The decision of the Adjudicator is final and there is no further right of appeal.

38.00 The Adjudicator may waive or vary any time limits specified herein or adopted in any process established by the Adjudicator in a given proceeding.

39.00 The parties to the appeal have the right to be represented by legal counsel. The Adjudicator also reserves the right to retain and be represented by counsel.

40.00 The parties must bear all their own legal expenses, if any. The Adjudicator will not order the University to pay all or part of the Appellant's costs nor will it order the Appellant to pay all or part of the University's costs.

41.00 The Secretary shall provide administrative support and procedural advice to the Adjudicator.

### Informal Resolution

40.00 The AVP-SE, in the AVP-SE's discretion, may offer the Respondent and the Complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the notice of a Complaint is issued to a Respondent, but before the AVP-SE issues a decision, in an effort to resolve the matter by mutual agreement. The informal resolution process shall be conducted by the Director of Equity & Human Rights Services, or such other qualified staff or faculty member designated by the AVP-SE (the "intermediary").

41.00 Both the Complainant and the Respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the Complainant, the Respondent, and the AVP-SE. Even if both the Respondent and Complainant agree to a resolution, the AVP-SE must also agree with the resolution, acting reasonably, for it to be final.

42.00 If a resolution is reached, the Complainant and the Respondent shall be notified in writing, and the Intermediary will confer with the AVP-SE when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the Respondent's student record. Once the informal resolution is signed by the Complainant, the Respondent and the AVP-SE, the Complaint shall be dismissed.

43.00 If no agreement is reached within a reasonable time, the AVP-SE shall issue a decision in accordance with section F. 16.00; information learned during and directly from the informal resolution process will not be disclosed to the AVP-SE, nor considered by the AVP-SE when making a decision.

### **G. Anonymous Complaints or Complaints made by Someone other than the Survivor**

1.00 Although Complaints may be made anonymously or by someone other than the Survivor, the University's ability to respond may be limited by the information available or its ability to provide a fair process to the Respondent.

### **H. Retaliation**

1.00 The University will take appropriate steps to protect a person disclosing an incident of Gender-Based and Sexual Violence or making a Complaint from retaliation. This may include, but is not limited to: advising individuals in writing of their duty to refrain from committing or threatening an act of reprisal, sanctioning individuals for a breach of that duty, enforcing non-contact arrangements or excluding an individual from campus or other University owned property. The University may also

## Procedures for the Policy on Gender-Based and Sexual Violence

address the potential for reprisals by providing an accommodation appropriate in the circumstances. Threats of or acts of retaliation will be treated as incidents of Gender-Based and Sexual Violence.

### I. Education and Training

1.00 Through an intersectional and primary preventative lens, or preventing Gender-Based and Sexual Violence before it happens, the University will provide on-going education and awareness initiatives about Gender-Based and Sexual Violence, including, but not limited to, the exploration of body positivity/neutrality, healthy sexuality and relationship, gendered socialization and intersectionality, rape culture, consent and digital communication, impacts of violence, bystander intervention and disclosure training.

2.00 The University will build the capacity of the University community to address Gender-Based and Sexual Violence and play a role in ending Gender-Based and Sexual Violence in our community. As outlined in the Gender-based Violence Prevention Education Framework, the University and our campus partners will:

- Deliver evidence-informed programming;
- Commit to ongoing and rigorous assessment and research of programming to ensure continuous improvement;
- Ensure well trained, professional staff deliver content.

3.00 The University will maintain a dedicated webpage on Gender-Based and Sexual Violence which will set out particulars of initiatives and programs related to Gender-Based and Sexual Violence that promote awareness of the support and services available to Members of the University Community.

4.00 The University will provide and make available to Members of the University community, including students, Student Leaders, employees, and affiliated persons, education and awareness training on this Policy, on the prevention of Gender-Based and Sexual Violence, and responding to incidents of Gender-Based and Sexual Violence, with content tailored to the audience and relevant to their role and responsibility in preventing, responding to, and addressing Gender-Based and Sexual Violence.

5.00 The University will provide training on the Policy and the resolution of Gender-Based and Sexual Violence Complaints to the AVP-SE, the Adjudicator(s) and any internal investigators.

6.00 The University will provide ongoing training on the Policy to Members of the University Community who are likely to receive Disclosures or Complaints to support Survivors with dignity and compassion and to inform them of their options in a safe and supportive manner. Provide the University community with ongoing education and training about sexual violence including information on how to respond to the disclosure of sexual violence with dignity and compassion and to inform them of their options in a safe and supportive manner.

7.00 The University will only use external investigators who have knowledge, training and experience in Gender-Based and Sexual Violence investigations and related issues.

### J. Gender-Based and Sexual Violence Review Team

1.00 The University recognizes that a coordinated and consistent approach is sometimes necessary to respond to Gender-Based and Sexual Violence incidents and to monitor the efficacy of the University's policy and protocols with respect to Gender-Based and Sexual Violence.

2.00 The University will maintain a Gender-Based and Sexual Violence Review Team (SVRT) which will be responsible for the coordination of the University's response to incident(s) of Gender-Based and Sexual Violence, including:



## Procedures for the Policy on Gender-Based and Sexual Violence

- (i) Determining the level of risk to the health or safety of the living, academic or employment environment for a member or members of the University Community arising out of an incident of Gender-Based and Sexual Violence and coordinating the University's response;
- (ii) Coordinating the University's response where the incident(s) is complex and requires the coordination of two or more administrative units to best support the individual(s) involved or to address and respond to the matter of concern;
- (iii) Providing advice and direction with respect to the University's policies and practices in responding to Gender-Based and Sexual Violence.

3.00 Membership of the SVRT shall consist of the following:

- (i) Director, Equity & Human Rights Services (or designate)
- (ii) Director, Housing (or designate)
- (iii) Manager, Student Support & Case Management (or designate)
- (iv) Director, Campus Community Police Services (or designate)
- (v) Gender-based Violence & Survivor Support Case Manager (or designate)
- (vi) Associate Vice-President, Student Experience (or designate)
- (vii) Legal Counsel (or designate)

4.00 Additional persons with specific expertise or knowledge may be included in meetings on an ad hoc basis to deal with specific issues.

5.00 Members of the SVRT are expected to maintain all information received in the strictest of confidence and at all times respect the needs and wishes of the Survivor(s), subject to the confidentiality provisions outlined in section B. of these procedures.

# Procedures for the Policy on Gender-Based and Sexual Violence

## SCHEDULE A

### ON-CAMPUS SUPPORT SERVICES

[www.uwo.ca/sexualviolence](http://www.uwo.ca/sexualviolence)

#### **Gender-based Violence & Survivor Support Manager**

A resource for any undergraduate and graduate student at Western, or its affiliates, who has been subjected to Gender-Based and Sexual Violence at any time in their life. The Case Manager can help someone:

- Identify their needs and think through options
- Safety plan
- Navigate campus and community processes
- Understand reporting options (criminal and non-criminal)
- Arrange for academic, living and any other campus accommodations
- Referrals to campus or community counselling, advocacy and medical services
- Self-care resources

519.661.3568

Western Student Services Building, Room 2150

#### **Campus Community Police Services**

Criminal reporting (sometimes, non-criminal) of incidents of Gender-Based and Sexual Violence, safety planning, crisis intervention. CCPS is obliged to contact London Police Services *in certain instances*. CCPS offers assistance on a 24/7 basis.

911 (on campus phone)  
519 661-3300 (non-emergency line)  
Lawson Hall, Room 1257  
<https://www.uwo.ca/police/>

#### **Health & Wellness Services**

Provides confidential physical, mental, and sexual health services.

To book an appointment call or visit:  
519-661-3030  
UCC, Room 11  
[www.uwo.ca/health](http://www.uwo.ca/health)

#### **Rehabilitation Services**

#### **Equity & Human Rights Services**

A resource for any staff, faculty or student on main campus. EHRS can explain options under the Non-Discrimination & Harassment Policy and assist with reporting of incidents of sexual harassment through this policy.

Helps individuals access accommodations and supports.

Will provide training and education for the campus community on matters relating to sexual harassment.

[equity@uwo.ca](mailto:equity@uwo.ca)

519-661-3334

Somerville House, Room 2319

[www.uwo.ca/equity](http://www.uwo.ca/equity)

#### **Gender-Based Violence Prevention Education Coordinator (Student Experience)**

Develops programs and strategies for the provision of Sexual Violence Education on campus. This includes:

- Offering student training sessions, workshops and awareness events to raise awareness of sexual violence in our campus community
- Coordinating education programs and training for faculty and staff groups to enhance their ability to receive disclosures of sexual violence and refer student to appropriate campus resources
- Working with campus and community stakeholders, the GBVPEC supports the development and implementation of the Sexual Violence Prevention Education Strategy for Western University.

[dcarr8@uwo.ca](mailto:dcarr8@uwo.ca)

519-661-2111 ext.84934

Wellness Education Centre, Rm. 76C

## Procedures for the Policy on Gender-Based and Sexual Violence

Rehabilitation Services promotes employee health and wellness. They can assist any Western employee with:

- Work accommodation and supportive Counselling Services
- Injury prevention programs
- Remain at work programs
- Return to work assessment and planning
- Implementation and evaluation of return to work programs
- Documentation on the accommodation process

Support Services Building, Room 4159

[www.uwo.ca/hr/safety/ergo\\_rehab/](http://www.uwo.ca/hr/safety/ergo_rehab/)

### **Peer Support Centre**

Provides non-professional peer-based support to students. A safe space in which students can express their feelings and access resources provided by the university, the city of London, and the USC.

University Community Centre, Room 256

[www.westernusc.ca/peersupport](http://www.westernusc.ca/peersupport)

### **Community Legal Services**

Community Legal Services provides free legal advice and representation to students and members of the community.

[clsinfo@uwo.ca](mailto:clsinfo@uwo.ca)

519 661-3352

Faculty of Law Building, LB 126

### **Office of the Ombudsperson**

Provides a confidential environment in which students can discuss a University-related problem or concern (academic or non-academic).

Works with students to help identify concerns and create strategies for resolving it.

Resource for staff, faculty or parents who want general information regarding the University's various procedures and rules as they apply to students.

[ombuds@uwo.ca](mailto:ombuds@uwo.ca)

519 661-3573

Western Student Services Building, Room 3135

<http://www.uwo.ca/ombuds>

### **Student Support Case Manager**

Assists with the co-ordination of complex, multifaceted student issues.

[anh.brown@uwo.ca](mailto:anh.brown@uwo.ca)

519 661-2111 ext 85985

Western Student Services Building, Rm 2150

## Procedures for the Policy on Gender-Based and Sexual Violence

### OFF-CAMPUS RESOURCES

#### **Regional Sexual Assault & Domestic Violence Treatment Centre**

Provides care for women, children, and men experiencing sexual assault and/or domestic violence living in London, Oxford, Elgin, Huron-Perth and Middlesex counties.

Regional unit for all sexual assault and domestic violence services, sexual assault evidence kit, medical attention, STI and pregnancy testing & prevention, free counselling

St. Joseph's Hospital  
Room B0-644  
268 Grosvenor Street, London

Phone: 519 646-6100

Monday to Friday between 8 a.m. to 4 p.m. use extension "64224" to be directly connected

After hours press "0" and ask switchboard to page the nurse-on-call for sexual assault and domestic violence

#### **London Police Service**

Criminal reporting of Gender-Based and Sexual Violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.

24-Hr Emergency: 911  
Non-emergencies: 519-661-5670

In-person: 601 Dundas Street, London  
[www.londonpolice.ca](http://www.londonpolice.ca)

#### **London Abused Women's Centre**

Service available to women and girls over the age of 12 who reside or work in London-Middlesex and who are or have ever been abused in an intimate partner relationship, sexually harassed, and/or prostituted or sex-trafficked. They assist with safety planning, counseling, referrals to other services and resources and access to support groups.

797 York Street - Unit 5  
519 432-2204  
[www.lawc.on.ca](http://www.lawc.on.ca)

#### **Anova**

Offers a 24/7 helpline for survivors of all genders and sexualities, provides counselling and support groups, peer support groups, youth programming, public education, accompaniment to the hospital, police, lawyers, court or other appointments.

255 Horton Street E., 3rd Floor

Phone: 519.642.3003

24-Hr Crisis and Support Line: 519.642.3000

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

#### **Good 2 Talk**

Confidential helpline providing professional counselling and information and referrals for mental health, addictions and well-being to post-secondary students in Ontario

24-Hr Phone: 1-866-925-5454

<https://good2talk.ca/>

#### **Carrefour des Femmes du Sud-Ouest de l'Ontario (C.F.S.O.O.)**

A Francophone sexual assault centre located in London. They offer services to French-speaking women 16 years of age and older. C.F.S.O.O. provides support to all women regardless of their origin, race, religion, sexual orientation, and physical or social condition.

Phone: 519 858-0954  
Toll Free: 1 (888) 858-0954  
[www.carrefourfemmes.on.ca](http://www.carrefourfemmes.on.ca)

#### **Ontario Coalition of Rape Crisis Centres**

Connects survivors of Gender-Based and Sexual Violence and supporters with Sexual Assault Centres in any region across Ontario.

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

#### **LGBT Youthline**

Confidential, non-judgmental, and informed peer support for Ontario LBTTQQ2SI youth.

Available: Sunday to Friday @ 4:00PM-9:30PM  
Hotline: 1-800-268-9688 | Text: 647-694-4275  
Email: [AskUs@YouthLine.ca](mailto:AskUs@YouthLine.ca), [www.youthline.ca](http://www.youthline.ca)