

POLICY 1.52 – Policy on Gender-Based and Sexual Violence

Policy Category:	General
Subject:	Gender-Based and Sexual Violence
Approving Authority:	Board of Governors
Responsible Officers:	Provost & Vice President (Academic) Vice-President (Operations & Finance)
Responsible Offices:	Equity & Human Rights Services Vice-Provost (Students)
Related Procedures:	Procedures for the Policy on Gender-Based and Sexual Violence
Related University Policies:	Safe Campus Community Policy , Non-Discrimination/Harassment Policy , Code of Student Conduct
Effective Date:	May 1, 2020
Supersedes:	January 1, 2017; September 23, 2014

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.

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- 1.02 **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.
- 1.03 **Complainant:** A Member of the University Community who has filed a Complaint under this policy.
- 1.04 **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.
- 1.05 **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.
- 1.06 **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.
- 1.07 **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.
- 1.08 **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.
- 1.09 **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.
- 1.10 **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.
- 1.11 **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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- 1.12 **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.
- 1.13 **Members of the University Community:** Includes employees, emeriti, post-doctoral fellows/associates, students, visiting professors, visiting students, contractors and other affiliated persons.
- 1.14 **Normal Business Hours:** Means the hours from 9:00 am to 4:00 pm, Monday to Friday, excluding statutory holidays and other University closures.
- 1.15 **Residence** means a residence operated by the University excepting University owned apartments (e.g. Platt's Lane Estates).
- 1.16 **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.
- 1.17 **Respondent:** A Member of the University Community against whom a Complaint has been filed against under this policy.
- 1.18 **Secretary:** Means the Secretary of the University or designate.
- 1.19 **Student Leaders:** Means residence dons and residence advisors.
- 1.20 **Survivor:** A person who has experienced Gender-Based and Sexual Violence.¹
- 1.21 **Vice-Provost (Students):** Means the Vice-Provost (Students) or their designate.

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

¹ 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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Members of the University Community and the educational mission of the University.

D. REVIEW

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.