

PROCEDURE FOR POLICY 1.52 – 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, emergency 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 Western Campus Safety and Emergency Services (CSES) 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

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Sexual Violence took place. Furthermore, Survivors who disclose their experience of Gender-Based and Sexual Violence through disclosing an incident of, making a complaint about, or accessing supports and services for Gender-Based and Sexual Violence, will not be asked irrelevant questions by the University's staff or investigators, including irrelevant questions relating to the Survivor's sexual expression or past sexual history.

- 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 Survivor Support Case Manager and other available supports. For a list of supports, refer to Schedule A of these procedures.
- 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 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 Western CSES 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 Survivor Support Case Manager for the sole purpose of ensuring the Survivor has all of the information they need to make an informed decision; emphasize that the Survivor will get to choose what happens next.
- Emphasize 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 Survivor 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 Survivor Support Case Manager will be contacting them with an outreach email 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. The Survivor does not necessarily need to provide their University email address or telephone number. For example, the Survivor may choose to provide a non-identifying e-mail address from an external provider. The Survivor does not need to provide any identifying information for the purposes of completing the disclosure form.

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Step 5: After receiving the Disclosure, the Disclosee shall complete and submit the online disclosure form to allow the Survivor Support Case Manager to provide outreach and support to the Survivor. [Click [here](#) to access the online referral form].

Step 6: Upon submitting the form:

- the Survivor will receive an automated email from the Survivor Support Case Manager outlining support options in the moment, if the Survivor's email was provided; and
- the Disclosee will receive an automated email from the Survivor Support Case Manager offering to schedule a meeting to debrief the Disclosure and outlining supports available to them.
- Neither the Survivor nor the Disclosee is required to respond to the automated e-mail from the Survivor Support Case Manager, nor will they receive further contact should they choose not to respond to the e-mail.

How to Respond to a Disclosure Outside Normal 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 Western CSES 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 Survivor with people and resources on campus that can provide professional support and advice on options moving forward.
- 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; emphasize 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), let the Survivor know you will notify the Responding Coordinator on Call after your conversation with the Survivor so they can connect them with valuable supports and accommodations, which may include a different residence room.

Step 3A: If the incident occurred within the previous two (2) weeks:

- (i) The Disclosee shall inform the Survivor that the Survivor Support Case Manager 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.
- (ii) The Disclosee shall ask the Survivor for their email address or telephone number and shall collect the email address or telephone number of preference. The Survivor does not necessarily need to provide their University email address or telephone number. For example, the Survivor may choose to provide a non-identifying e-mail address from an external provider. The Survivor does not need to provide any identifying information for the purposes of completing the disclosure form.
- (iii) Once conversation with the Survivor has concluded, the Disclosee is to contact the Responding Coordinator on Call and let them know they have received a Disclosure. The Responding Coordinator on Call will debrief the call with the Disclosee and let them know if there are any additional steps to take. In some cases, the Responding Coordinator on Call may decide to speak to the Survivor directly.
- (iv) The Responding Coordinator on Call shall determine whether an immediate response is necessary and complete the online referral form as soon as possible to allow the Survivor

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Support Case Manager to provide outreach and support to the Survivor [Click [here](#) to access the online referral form].

- (v) Upon submitting the form the Survivor will receive an automated email from the Survivor Support Case Manager outlining support options in the moment, if the Survivor's email was provided; and the Disclosee will receive an automated email from the Survivor Support Case Manager offering to schedule a meeting to debrief the Disclosure and outlining supports available to them.
- (vi) Neither the Survivor nor the Disclosee is required to respond to the automated email from the Survivor Support Case Manager, nor will they receive further contact should they choose not to respond to the e-mail.

Step 3B: If the incident occurred more than two weeks ago:

- (i) The Disclosee shall Inform the Survivor that the Survivor Support Case Manager 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.
 - (ii) If the Survivor does not want to wait until the next business day, the Disclosee should offer to contact or refer the Survivor to the Responding Coordinator on Call or one or more of the supports or resources in Schedule A.
 - (iii) The Disclosee shall ask the Survivor for their email address or telephone number and shall collect the email address or telephone number of preference. The Survivor does not necessarily need to provide their University email address or telephone number. For example, the Survivor may choose to provide a non-identifying e-mail address from an external provider. The Survivor does not need to provide any identifying information for the purposes of completing the disclosure form.
 - (iv) The Disclosee shall complete and submit the online referral form to allow the Survivor Support Case Manager to provide outreach and support to the Survivor.
 - (v) Upon submitting the form, the Survivor will receive an automated email from the Survivor Support Case Manager outlining support options in the moment, if the Survivor's email was provided; and the Disclosee will receive an automated email from the Survivor Support Case Manager offering to schedule a meeting to debrief the Disclosure and outlining supports available to them.
 - (vi) Neither the Survivor nor the Disclosee is required to respond to the automated email from the Survivor Support Case Manager, nor will they receive further contact should they choose not to respond to the e-mail.
- 8.00 In accordance with their professional obligations, University healthcare providers shall convey any Disclosure to CSES, 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 CSES shall notify the Survivor Support Case Manager of all Disclosures received by CSES.
- 10.00 Any Members of the University Community who receive a Disclosure may contact the Gender-Based and Sexual Violence Prevention Education Coordinator and/or the Human Rights Office to receive further information.

D. Support and Accommodations

- 1.00 Supports, services and/or accommodations are available to any Member of the University Community who makes a Disclosure or Complaint regardless of when or where the Gender-

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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 Survivor Support Case Manager or a member of Residence staff if living in Residence.
- 3.00 In the case of a Survivor who is an employee (i.e., staff or faculty member), they are encouraged to contact the Human Rights Office.
- 4.00 Respondents may access support, resources and information through the Student Support Case Manager (Student Experience), the Human Rights Office, the Office of the University Ombudsperson, Community Legal Services, the Responding Coordinator on Call and/or as directed during any Complaint 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 and Sexual Violence Prevention Education Coordinator or the Human Rights Office for support.
- 6.00 If needed by a Survivor, the Survivor Support Case Manager will provide support (including safety planning), resources and referrals, assistance with accommodation, information about Complaint options, reporting to the police, and assistance with preparing a Complaint.
- 7.00 Applicable faculties and departments shall ensure that accommodations are properly implemented. Accommodations for a Survivor or a Respondent 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 building, moving to a different office, and removal from the student directory. 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, and assignment of a new telephone number/extension or new email address.

E. Complaints

Jurisdiction

- 1.00 The processes available to the University to address Complaints only apply 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.

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- 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 Part 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 Senior Advisor, Gender-Based and Sexual Violence Response (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.
- 6.00 As necessary, Student Experience or the Human Rights Office will provide support and reasonable accommodations to those Members of the University Community who are unable to submit complaints in writing without assistance.
- 7.00 If a Member of the University Community chooses to report an incident of Gender-Based and Sexual Violence to the police, it does not preclude them from making a Disclosure or submitting a Complaint under this Policy.
- 8.00 A Complaint against a student or visiting student Respondent shall be investigated and determined in accordance with the process in Part 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 Western's [Non-Discrimination/Harassment/Sexual Misconduct Policy](#) (MAPP 1.35) and the applicable collective agreement and/or employment agreement.
- 9.00 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 whose role changes (e.g. student who becomes 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 Part 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 Part E, Section 9.00.

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 appeal.

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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. The Vice-Provost (Students) may also discontinue the complaints process on a “without prejudice” basis in the event that a Complainant initiates a Complaint process and then withdraws their participation from the process.
- 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, a Respondent should understand that a decision not to participate will not be used against the Respondent, 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.
- 5.00 The decision not to participate in an investigation does not result in the forfeiture of appeal rights under these procedures.

Initial Review

- 6.00 The Vice-Provost (Students) 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.
- 7.00 If the Vice-Provost (Students) determines that the Complaint should be referred for investigation, the Vice-Provost (Students) shall appoint an internal or external investigator.
- 8.00 If the Vice-Provost (Students) refers a Complaint for investigation, the referral decision is final and is not subject to review or appeal.

Emergency Measures

- 9.00 Upon receipt of a Disclosure related to a Survivor who lives in Residence, the Associate Vice-President (Housing & Ancillary Services) or designate(s) may impose one or more of the following emergency measures on a student living in residence alleged to have committed Gender-Based and Sexual Violence: (i) trespass from a Residence or all Residences; and/or (ii) required move to a different Residence or to an off-campus location. The purpose of the emergency measures is to allow the Survivor time and space to consider and file a Complaint and to protect the Residence community. Emergency measures shall automatically expire following ten (10) calendar days from the date the emergency measures were imposed, unless extended by the Vice-Provost (Students), where circumstances justify the extension. Emergency measures are not disciplinary and do not represent a finding of misconduct.

Interim Measures

- 10.00 Upon receipt of a Complaint, the Vice-Provost (Students) may impose interim measures that the Vice-Provost (Students) 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.
- 11.00 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.

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- 12.00 A Respondent who is subject to interim measures can ask the Vice-Provost (Students) to reconsider whether they are appropriate, in consideration of the factors in Section 10.00. The Vice-Provost (Students) shall advise the Respondent of the 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.
- 13.00 Violations of emergency measures or interim measures shall be considered a violation of this Policy and are sanctionable under this Policy, regardless of whether the Complaint is substantiated. A violation interim measures may also lead to the imposition of stricter measures by the Vice-Provost (Students).

Notice to the Respondent

- 14.00 The Respondent will be notified in writing of the investigation by the Vice-Provost (Students). 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

- 15.00 The Investigator will then conduct the investigation. The Investigator will ordinarily:
- (i) interview the Complainant, the Respondent and relevant witnesses;
 - (ii) produce a written summary of the interviews;
 - (iii) gather additional relevant documents and other records; and
 - (iv) produce a written investigation report.
- 16.00 Throughout the investigation, a Complainant and a Respondent may invite a support person or advisor (including legal counsel at their own expense, if applicable) to meetings with the Investigator. Such support persons and advisors are not to answer questions and are not to interfere with the conduct of the interview.
- 17.00 The University will consider reasonable requests for accommodation from either party in order to facilitate participation in the investigation process.
- 18.00 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).
- 19.00 The University is committed to the thorough and timely investigation of a Complaint and to keeping both the Complainant and the Respondent apprised of the status of investigations.

Decision

- 20.00 The investigation report will be reviewed by the Vice-Provost (Students), 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 Part F, Section 22.00 below. The Vice-Provost (Students) may choose to meet with the Complainant 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 Complainant and the Respondent will also be notified of their right to appeal the decision.

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- 21.00 Prior to the Vice-Provost (Students) making a final decision with respect to the sanction(s) to be imposed on the Respondent, the Vice-Provost (Students) shall provide the Respondent with an opportunity to make submissions on sanction(s).
- 22.00 When imposing sanction(s), the Vice-Provost (Students) 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.
- 23.00 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 and/or leadership roles;
 - (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.
- 24.00 Following the meeting(s) identified in Part F, Section 19.00 the Vice-Provost (Students) shall notify the Respondent and Complainant in writing of any sanction(s) imposed on the Respondent along with reasons for imposing the sanction(s).
- 25.00 Where required by a professional licensing body, the decision of the Vice-Provost (Students)/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 Part F, Section 29.00 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 Part F, Section 29.00.
- 26.00 If requested by either the Complainant or the Respondent, the Vice-Provost (Students) shall provide access to the investigation report, including any witness statements/summaries supporting the report and any other evidence supporting the decision of the Vice-Provost (Students). 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 decision of the Vice-Provost (Students).

Transcripts and Registration

- 27.00 The sanction of suspension and expulsion are recorded on the official transcript. The suspension notation will be removed when the student graduates or five years after the last registration. The expulsion notation is permanent unless the President grants a petition for its removal. Any such petition may be made no sooner than five years after the offence. Removal of the expulsion notation from the transcript does not overturn the expulsion decision; the expulsion remains in effect.
- 28.00 While under investigation for serious alleged violations of the Policy that may result in suspension or expulsion, the student will not be issued transcripts directly, but, at the student's

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request, transcripts will be sent to institutions or potential employers. If the student is subsequently suspended or expelled, the recipients of the transcript will be issued a revised transcript with the updated notation. This restriction also applies in situations where the student is no longer enrolled at the University during the investigation.

Appeal

- 29.00 In the event that the Complainant or Respondent wish to appeal the decision of the Vice-Provost (Students), an appeal application (the “Appeal Application”) must be filed by the Complainant or Respondent with the Secretary within 30 days after the decision with respect to the sanction(s) has been issued or, if the Policy is not found to have been breached, within 30 days after the decision in Section 20.00 has been issued. The Appeal Application must contain a copy of the decision of the Vice-Provost (Students), 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 Appeal Application will not be accepted by the Secretary unless it is complete. An Appeal Application shall be concise and shall not exceed 30 pages doubled spaced in 12-pt Ariel font.
- 30.00 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.
- 31.00 Parties to an appeal are the Complainant or Respondent appealing the decision (the “Appellant”) and the Vice-Provost (Students).
- 32.00 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 sanction imposed by the Vice-Provost (Students) was unreasonable or unsupportable on the evidence.
- 33.00 Upon receipt of the Appeal Application, the Secretary shall determine whether the Appellant has identified the requisite grounds for an appeal of the decision of the Vice-Provost (Students). 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.
- 34.00 In the event the Secretary determines that the Appeal Application identifies the grounds of appeal pursuant to Part F, Section 32.00 and the Appeal Application has a reasonable prospect for success, the Secretary shall provide the Vice-Provost (Students) with a copy of the Appeal Application and attachments. The Vice-Provost (Students) shall file a concise written response to the Appeal Application not to exceed 20 pages double spaced in 12 pt Ariel font , the investigation report and any other documentation and evidence relied upon by the Vice-Provost (Students) in making their decision (the “Materials”) with the Secretary within 20 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 no longer than 10 pages in 12-pt Ariel font within ten days of receipt of the response from the Vice- Provost (Students); the reply shall only respond to issues raised in the response filed by the Vice-Provost (Students). The Appellant shall only use the Materials for the purposes of the Appeal and shall strictly follow any directions issued by the Secretary, including any requirement to sign a non-disclosure agreement, for the secure handling and disposal of the Materials.
- 35.00 The Appellant and the Vice-Provost (Students) 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 and page restrictions under Part F, Section 44.00 where reasonable and appropriate to do so.

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- 36.00 A hearing will be scheduled by the Secretary at which the Appellant and the Vice-Provost (Students) will be heard by the Adjudicator. The Secretary will give the Appellant and the Vice-Provost (Students) 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.
- 37.00 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.
- 38.00 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 Vice-Provost (Students) 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.
- 39.00 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 Part F, Section 42.00. The Adjudicator has discretion to control how the hearing is conducted, but will ordinarily conduct the hearing as follows:
- (i) The Vice-Provost (Students) 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 Vice-Provost (Students) and/or any other witnesses who have been invited to attend).
 - (iii) The Vice-Provost (Students) and the Appellant may provide questions to the Adjudicator that they would like the Adjudicator to ask any of the hearing participants (Complainant, Respondent, Vice-Provost (Students), 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 Vice-Provost (Students) 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.
- 40.00 If either the Vice-Provost (Students) 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.
- 41.00 Subject to the following, the Adjudicator will consider only that evidence that was before the Vice-Provost (Students) at the time of the decision made under these procedures. Evidence that was not before the Vice-Provost (Students) 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 Vice-Provost (Students), the party must include in the written explanation to the Adjudicator required under Part F, Section 38.00 a description about why such evidence is relevant and significant and why it was not previously available.

PROCEDURE FOR POLICY 1.52 – Gender-Based and Sexual Violence

- 42.00 The Adjudicator may:
- (i) Deny the appeal.
 - (ii) In the case of an appeal under Part F, Sub-section 32.00 (i) and (ii), grant the appeal and remit the matter back with appropriate directions to the Vice-Provost (Students) and/or the Investigator.
 - (iii) In the case of an appeal under Part F, Sub-section 32.00 (iii), grant the appeal and quash or vary the sanctions.
- 43.00 The Adjudicator's decision, with reasons, shall be filed with the Secretary and copies shall be sent to the parties. The Vice-Provost (Students) 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.
- 44.00 The Adjudicator may waive or vary any time limits and page restrictions specified herein or adopted in any process established by the Adjudicator in a given proceeding.
- 45.00 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.
- 46.00 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.
- 47.00 The Secretary shall provide administrative support and procedural advice to the Adjudicator.

Informal Resolution

- 48.00 The Vice-Provost (Students), in their discretion, may offer the Respondent and the Complainant the opportunity to participate in the informal resolution process in an effort to resolve the matter by mutual agreement. Informal resolution may take place after the notice of a Complaint is issued to a Respondent, but before the Vice-Provost (Students) issues a decision. The informal resolution process shall be conducted by an intermediary appointed by the Vice-Provost (Students) (the "Intermediary").
- 49.00 In determining whether an informal resolution of a Complaint is appropriate, the Vice-Provost (Students) shall consider the following:
- (i) The informed and voluntarily choice of the Complainant after receiving information about the investigation process under Part F of these procedures;
 - (ii) The safety of all parties and Members of the University Community; and
 - (iii) Power imbalances or dynamics in the relationship between the Complainant and the Respondent, if any.
- 50.00 In order to engage in informal resolution, the Complainant and Respondent must all voluntarily agree to the process. As part of any resolution, they will be required to enter into a written agreement drafted by the Intermediary, which sets out the terms of the informal resolution.
- 51.00 The University retains the discretion at any time throughout the informal resolution process to refer the Complaint to an investigation, even if one or both parties continues to be interested in resolving the Complaint informally.
- 52.00 Both the Complainant and the Respondent have the right to end the informal resolution process prior to entering into an agreement to resolve the matter. Any informal resolution must be acceptable to the Complainant, the Respondent, and the Vice-Provost (Students). Even if both the Respondent and Complainant agree to a resolution, the Vice-Provost (Students) must also agree with the resolution, acting reasonably, for it to be final.

PROCEDURE FOR POLICY 1.52 – Gender-Based and Sexual Violence

- 53.00 Informal resolution may include but is not limited to: a mediation or facilitated conversation between the Complainant and the Respondent, an apology, a statement of acknowledgment/recognition of harm, or an agreement to engage in or refrain from certain conduct (i.e. agreement to attend counselling or to refrain from contacting the other party). Each informal resolution process shall be designed with the Complainant and the Respondent, considering the context of the Complaint, and may incorporate principles of restorative justice.
- 54.00 If a resolution is reached, the Complainant and the Respondent shall be notified in writing, and the Intermediary will confer with the Vice-Provost (Students) when creating a written agreement memorializing the agreed upon resolution and consequences for non-compliance. This agreement will be confidentially retained by the University and will not be placed in official student or employment files except where necessary to enforce the terms of the resolution. Once the informal resolution is signed by the Complainant, the Respondent, and the Vice-Provost (Students), the Complaint shall be considered resolved with no finding under the Policy.
- 55.00 If no agreement is reached within a reasonable time, the Vice-Provost (Students) may refer the Complaint to investigation by someone other than the Intermediary facilitating the informal resolution process. Information learned during and directly from the informal resolution process will not be disclosed to the investigator or the Vice-Provost (Students), nor shall it be considered by the Vice-Provost (Students) when making a decision or imposing sanctions.

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. In such cases, the University shall consider the information received.

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 under this Policy 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 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.
- 2.00 The University may take such steps to protect a witness or other participant in an investigation. The Complainant and the Respondent are prohibited from interfering with a witness' participation in an investigation.

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 may, from time to time, mandate training for incoming and current Members of the University Community. Failure to complete mandatory training may restrict a student's ability to fully engage with the University community and its services. In enforcing mandatory training, the University will be mindful of the possible impact on Survivors and may exempt Survivors from participating in the training and provide alternative methods of engagement in training, where appropriate.

PROCEDURE FOR POLICY 1.52 – Gender-Based and Sexual Violence

- 3.00 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 the 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; and
 - Ensure well trained, professional staff deliver content.
- 4.00 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.
- 5.00 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.
- 6.00 The University will provide training on the Policy and the resolution of Gender-Based and Sexual Violence Complaints to the Vice-Provost (Students), the Adjudicator(s) and any internal investigators.
- 7.00 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.
- 8.00 When using external investigators, the University will only use external investigators who have knowledge, training and experience in Gender-Based and Sexual Violence investigations, trauma-informed investigation techniques, 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:
- (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, Human Rights
 - (ii) Director, Housing
 - (iii) Manager, Student Support & Case Management
 - (iv) Director, Western Campus Safety and Emergency Services

PROCEDURE FOR POLICY 1.52 – Gender-Based and Sexual Violence

- (v) Survivor Support Case Manager
- (vi) Vice-Provost (Students)
- (vii) University Legal Counsel

- 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.

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SCHEDULE A

ON-CAMPUS SUPPORT SERVICES

www.uwo.ca/sexualviolence

Survivor Support Case 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;
- Access referrals to campus or community counselling, advocacy and medical services; and
- Explore self-care resources.

519-661-3568
Thames Hall, Suites 3122-3127
support@uwo.ca

Western Campus Safety and Emergency Services

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

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

Health & Wellness Services

Provides confidential physical, mental, and sexual health services.

To book an appointment call or visit:
519-661-3030
Thames Hall
www.uwo.ca/health

Human Rights Office

A resource for any staff, faculty or student on main campus. **The HRO** can explain options under the Non-Discrimination/Harassment/Sexual Misconduct 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.

519-661-3334
Somerville House, Room 2319
hro/
humanrights@uwo.ca

Gender-Based Violence Prevention Education Team (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; and
- Working with campus and community stakeholders, the GBVPEC supports the development and implementation of the Sexual Violence Prevention Education Strategy for Western University.

<https://www.uwo.ca/health/wellness-equity-education/gbsv/gbsv-training.html>

gbsv.edu@uwo.ca

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Employee Wellbeing

Employee Wellbeing 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/

Peer Support Centre

The Peer Support Centre is a safe space on campus that provides non-judgemental, non-professional, confidential support from trained peers. Through fostering openness and understanding, the Centre can provide a listening ear, resources of all kinds, or any wellness needs. The Peer Support Centre values an inclusive and accessible environment for all students to prioritize their wellbeing.

University Community Centre, Room 256

www.westernusc.ca/peersupport

Community Legal Services

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

519-661-3352

Faculty of Law Building, LB 126

clsinfo@uwo.ca

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

519-661-3573

Western Student Services Building, Room 3135

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

Student Support Case Managers

Assist with the co-ordination of complex, multifaceted student issues, including Respondent support.

519-661-2111 ext 85985

Thames Hall, Suites 3122-3127

Student.case.manager@uwo.ca

PROCEDURE FOR POLICY 1.52 – 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

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

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

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
Text Line: Text GOOD2TALKON to 686868
<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

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

LGBT Youthline

Confidential, non-judgmental, and informed peer support for Ontario LGBTQQ2S1 youth.

Available: Sunday to Friday @ 4:00PM-9:30PM
Hotline: 1-800-268-9688 | Text: 647-694-4275
Email: AskUs@YouthLine.ca
www.youthline.ca

PROCEDURE FOR POLICY 1.52 – Gender-Based and Sexual Violence

Victim Services

Victim Services of Middlesex-London (VSML) provides assistance and emotional support to help victims of crime and/or tragic circumstances. Services include counselling and funding for emergency expenses.

601 Dundas Street, London
Phone: 519-661-5636
<https://vsmiddlesex.org/>

Canadian Mental Health Association

Provides general and crisis mental health and addictions support for people of all ages and their families. CMHA offers 24/7 service through the Crisis Centre and Reach Out Crisis Line.

Crisis Centre: 648 Huron Street, London
Reach Out Phone: 519-433-2023
Toll Free: 1-866-933-2023
<https://cmhamiddlesex.ca/>