

ACADEMIC COUNCIL REPORT

SESSION:

Public

ACTION REQUESTED:

Decision
 Discussion/Direction
 Information

TO: Academic Council

DATE: April 23, 2024

SLT Lead: Mary Bluechardt, Interim Deputy Provost

SUBJECT: Policy Instrument Consultation Opportunity

ACADEMIC COUNCIL MANDATE:

Under the Policy Framework and the University’s Act, the Board of Governors has a “duty to consult” on “all academic, research, service and institutional policies”. We are submitting this report and the draft Student Sexual Violence Policy and Procedures to Academic Council to request discussion and comments.

BACKGROUND/CONTEXT & RATIONALE:

The Provost’s Office plays a significant role in advancing the strategic objective of creating a sticky campus. This work is done with a focus on initiatives to improve the culture within which students learn. The purpose of the Student Sexual Violence Policy and Procedures is to communicate the University’s commitment to preventing and addressing incidents of sexual violence and providing supports and services for students affected by sexual violence.

Under the Ministry of Training, Colleges and Universities Act, the University is required to review its Student Sexual Violence Policy and Procedures every three years. The current policy is dated April 2019. The proposed revisions are intended to:

- Centralize the handling of disclosures and reports of student sexual violence to align with current practices and a trauma-informed approach.
- Streamline and clarify how students access support measures in the event they are impacted by sexual violence (e.g. safety planning, housing supports, academic accommodations, restrictions imposed on a respondent, etc.).
- Update timeline for review of complaints to reflect the complex nature of addressing allegations of sexual violence.

- Streamline and clarify procedural review and appeal mechanisms.
- Update support resources
- Remove the terms of reference for the Advisory Committee on Student Sexual Violence (to be posted online rather than embedded in the policy).

ALIGNMENT WITH MISSION, VISION, VALUES & STRATEGIC PLAN:

- This policy instrument supports the University's values of integrity and respect by demonstrating the University's commitment to establishing a safe, inclusive, and equitable culture at the Institution.
- By promoting a respectful, inclusive, and equitable culture at the University, this updated policy document also supports the strategic pillar of creating a "sticky campus". In particular, in an effort to ensure the university community is committed to spending time on campus, they must feel protected and be familiar with their various rights, roles, responsibilities and obligations as they relate to preventing and responding to all forms of sexual violence.

NEXT STEPS:

- This report is for discussion and comment.

Classification	LCG 1138
Framework Category	Legal, Compliance and Governance
Approving Authority	Board of Governors
Policy Owner	Provost and Vice-President, Academic
Approval Date	December 2016
Review Date	April 2022
Last Updated	Editorial Amendments, February 18, 2020; April 2019
Supersedes	SSV Policy June 2017

STUDENT SEXUAL VIOLENCE POLICY AND PROCEDURES

PURPOSE

1. This Policy affirms the University’s commitment to preventing and addressing incidents of sexual violence, provides information about available supports and services for students affected by sexual violence, and sets out the procedures for responding to and addressing incidents of sexual violence involving students.

DEFINITIONS

2. For the purposes of this Policy, the following definitions apply:

“**Accommodation**” refers to academic modifications administered by Student Accessibility Services under the University’s [Procedures for Academic Accommodation for Students with Disabilities](#)

“**Administrative Fairness**” refers to the following set of principles used in the University’s investigation and decision-making processes:

- a) The Complainant, if any, is given a full and fair opportunity to raise allegations and provide relevant and material evidence in support of those allegations;
- b) The Respondent knows what the allegations are, receives enough information to provide a meaningful response and is given a full and fair opportunity to provide relevant and material evidence responding to the allegations;
- c) The parties receive adequate notice of the nature of the proceedings and of the issue to be decided;
- d) The decision-maker is required to be impartial and free from bias;
- e) The decision maker is required to consider the relevant information and evidence before them, taking into consideration the circumstances of the particular matter including its complexity and the requirements of fairness and due process.
- f) The decision-making processes run in a timely fashion;
- g) The parties may have a support person and/or representation during the dispute resolution meeting; and
- h) The parties are provided the reasons for the decision.

“**Balance of Probabilities**” refers to the standard that must be met to determine whether a violation of the Policy has occurred based on a finding that “it was more likely than not” that a

Sexual Violence incident has occurred. This is a lower standard than beyond a reasonable doubt, but more than mere suspicion.

“Case Specialist” refers to a University official from the Human Rights Office assigned responsibility for coordinating all aspects of the Disclosure, Reporting, Investigation and Decision-Making procedures under this Policy. The Case Specialist will have training and expertise in the areas of Sexual Violence, trauma-informed approaches, and the impact of identities on an individual’s experience of Sexual Violence.

“Complainant” refers to an individual who has Reported having experienced sexual violence as defined in this policy.

“Consent” means the active, ongoing, informed, and voluntary agreement to engage in physical contact or sexual activity. Consent cannot be given by someone who is incapacitated (such as by drugs or alcohol), unconscious, or otherwise unable to understand and voluntarily give consent.

“Disclose” or **“Disclosure”** refers to the act of providing information about an incident involving Sexual Violence to a University Official, such as the Human Rights Specialist.

“Immediate Measures” include temporary arrangements that can be implemented for Students who make a Disclosure to the University’s Human Rights Office. Immediate measures are designed to assist in the Complainant’s immediate safety and recovery. Examples of immediate measures are safety planning, emergency bursaries, housing assistance and class or schedule changes.

“Interim Measures” refers to temporary measures imposed after a Report is made, which are designed to prevent additional breaches of the Policy and/or to protect the safety of the Complainant or others. Interim Measures may be instituted at any point following a Report and prior to a determination being made. Interim Measures take into consideration the severity of the allegations and the varying risks associated with the potential for subsequent policy breaches. Examples of interim measures include, but are not limited to, a no-contact order, trespass or restricted access order, suspension, exclusion from athletic or other extra-curricular activities, limiting access to services or facilities, or other safety measures.

“Investigation” refers to a fact-finding process conducted by the University into an alleged breach of the Policy.

“Investigator” refers to an individual assigned under this policy to complete an Investigation, and who has the required training and experience to conduct an objective investigation in a trauma-informed manner that meets Administrative Fairness principles.

“Mediation” refers to a structured process during which a complainant and respondent are assisted by a third-party to discuss a dispute and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if the parties agree to participate.

“Mental Health Worker” means a trained Mental Health Counsellor in Student Mental Health Services. Mental Health Workers will have training and expertise in the areas of Sexual Violence, trauma-informed approaches, and the impact of identities on an individual’s experience of Sexual Violence.

“Provost” refers to the Provost and Vice-President Academic, or their delegate.

“Report” refers to a reported violation of the Policy to pursue a resolution through University processes described herein under section 20.

“Reprisal” refers to retaliation, coercion, dismissal, threats, or intimidation of anyone who in good faith raises complainants or concerns, exercises their rights, or participates in a resolution process under the Policy.

“Respondent” refers to a party who is alleged to have breached the Policy.

“Restorative Justice” refers to a structured process during which University Members are assisted by a third-party to discuss a dispute and attempt to arrive at an agreeable resolution. Restorative Justice processes may involve individuals beyond the immediate Complainant and Respondent to seek resolution of systemic issues that may have a broad impact on the University community.

“Sexual Assault” means a form of Sexual Violence that involves any kind of sexual contact with another person without their Consent or by force. It includes but may not be limited to, unwanted kissing, fondling, oral or anal sex, intercourse, or other forms of penetration.

“Sexual Harassment” means engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

“Sexual Violence” means any sexual act or act targeting a person’s sexuality, gender identity or 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, but is not limited to, Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism and sexual exploitation. (Further information on these and other forms of Sexual Violence can be found online.)

“Student” means an individual who is currently registered in any course or program of study at the University, or who was registered as a Student at the time of the alleged incident of Sexual Violence.

“Support Person” refers to an individual, including a legal representative, who may attend meetings with the complainant and respondent. The primary purpose of the support person is to provide support to the complaint parties during meetings associated with this policy, i.e. disclosure and reporting meetings, and dispute resolution meetings. During dispute resolution meetings, a Support Person may not interrupt or answer questions on behalf of complaint parties.

“University Member” means any individual who is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments (“Employee”); is a Student; and/or is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g., Booking and Use of University Space) and/or the terms of an agreement.

“University Space” means any location owned, leased, rented, or otherwise occupied by the University.

“Voluntary Resolution” refers to an agreed-upon Resolution of a Sexual Violence Report outside of the confines of a University Investigation. At any time during the dispute resolution activities undertaken by the University, a complainant may elect to communicate proposed steps the respondent or the University may take that will resolve the Report satisfactorily, or they may request to engage in a dispute resolution process with the University or Respondent designed to explore, negotiate, and determine appropriate resolution options, such as Mediation or Restorative Justice.

“Working Day” means any day, excluding Saturdays, Sundays, statutory holidays, and university closures, on which business can be conducted.

SCOPE AND AUTHORITY

3. The Policy applies to:

3.1. Students who have experienced Sexual Violence while registered at the University or who have previously experienced Sexual Violence and are currently registered at the University. Student concerns involving individuals who are not University Members will be dealt with as follows:

- a) Students may access internal supports and resources; and,
- b) If required, Students may access accommodations through Student Accessibility Services.

3.2. Reports of Student Sexual Violence with respect to incidents that have occurred on or off campus as described below:

- a) On-Campus – The scope includes incidents of Sexual Violence where the Respondent is a University Member and the incident takes place on University space or using University-owned property or equipment, including, but not limited to, telephones, computers, and online media including websites, email, social media accounts, online learning tools and applications provided, managed or self-identified as belonging to the University. This includes the University’s website, branded Twitter, and Facebook Live events, as well as online learning and collaboration tools such as Google Apps for Education.
- b) Off -Campus – The scope includes incidents of Sexual Violence that occur off campus where the Respondent is a University member and:
 - i. The incident occurred during any organized Ontario Tech class or extra-curricular activity including Varsity Athletics and experiential learning opportunities such as co-op, practicum or during research endeavors;
 - ii. The incident occurred during an official Ontario Tech event; or
 - iii. In exceptional circumstances, when an incident occurring off-campus or online are likely to have an impact on the working, living and/or learning environment at the University, or could reasonably be seen to endanger or adversely affect the health and safety of the University Community.

4. Reports of Sexual Violence involving individuals who are not Students will be dealt with as follows:
 - 4.1. Reports of Student Sexual Violence involving a University Employee will proceed under this Policy and the relevant employee provisions of the Respectful Campus Policy.
 - 4.2. Reports brought forward by an individual from another College or University involving a University Student who is accused of Sexual Violence will generally proceed under this Policy in collaboration with the relevant institution.
 - 4.3. Reports brought forward by a University Student involving a Respondent from another College or University who is accused of Sexual Violence will generally proceed under the responding institution's Policy in collaboration with the University.
5. In cases where it is unclear which process should be used to deal with a complaint of Sexual Violence, the Provost will make a determination taking into consideration the circumstances of the case and in the interest of ensuring Administrative fairness and avoiding duplication of processes.
6. Proceedings under this Policy may be carried out prior to, simultaneously with, or following other off-campus proceedings, including civil or criminal proceedings, at the discretion of the Provost.
7. In cases where the Provost determines that processing an allegation under this Policy might prejudice another internal or external process, they may suspend these proceedings indefinitely or pause the investigation pending the outcome of these other proceedings in which case the parties will be notified and given 3 business days to object. In the event that an investigation is paused or suspended, Interim measures may be used to ensure the safety of all students and the University Community.
8. The Provost, or successor thereof, is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation, and application of this Policy.

POLICY

9. The University is committed to maintaining healthy and safe learning, living, social, recreational, and working environments. Acts that perpetuate Sexual Violence are against the University's values and will not be tolerated. The University is committed to supporting those who have experienced Sexual Violence and ensuring they are treated with dignity and respect.
10. To this end, the University will:
 - 10.1. Empower Students to make choices on whether to:
 - Disclose Sexual Violence within a safe space and receive information and assistance accessing available resources, supports and services, regardless of whether a Report is filed; and/or,
 - Officially Report an incident of Sexual Violence to the University in order to pursue resolution options.
 - 10.2. Respond to and address incidents of Sexual Violence involving Students with utmost consideration for the safety and wellbeing of the University community.
 - 10.3. Accommodate Students affected by Sexual Violence.

11. The University recognizes that Students who experience Sexual Violence may be reluctant to come forward to Disclose or Report an incident of Sexual Violence if they were consuming alcohol or using substances at the time of the Sexual Violence incident. Any Student who makes a Disclosure or submits a Report to the institution and states that they were an individual who experienced Sexual Violence will not be cited for violations under any University policies dealing with non-academic misconduct in relation to the use of drugs or alcohol; even if they were in violation of such policies during the incident that is the subject of the Disclosure or Report.
12. The University is a diverse community and every effort to address issues of Sexual Violence needs to be grounded in an understanding that each person's experience will be affected by many factors including but not limited to sex, ancestry, race, ethnicity, language, ability, creed, age, socioeconomic status, sexual orientation, sexual expression, and/or gender identity. The University acknowledges that acts of Sexual Violence can also be acts of systematic oppression and these acts impact people of all identities. The University also acknowledges that there are Students with backgrounds and identities that disproportionately experience Sexual Violence at higher rates; this includes but is not limited to, women, Indigenous women, Black women, racialized women, women with disabilities, and individuals who are a part of the 2SLGBTQIA communities.
13. The University recognizes that everyone is free to describe their experiences using whatever terminology they choose. The term "survivor" may work for some and may not for others. To that end, this Policy refers to individuals based on their interaction with the Policy.
14. **Confidentiality**
 - 14.1. Disclosures and Reports of Sexual Violence will be kept confidential and all relevant documents, including electronic documents, will be kept in a secure location.
 - 14.2. There are limited exceptions to absolute confidentiality with respect to a Disclosure or Report which may include internal sharing of information within the University on a need-to-know basis or where there is risk of harm to self or others, or as required or permitted by law.
 - 14.3. Reports of Sexual Violence will require notification in accordance with Administrative Fairness principles (e.g. to the Respondent and/or witness during the course of an investigation) and in necessary circumstances including those outlined in section 14.2 herein.
15. **Reprisal**
 - 15.1. Any acts of reprisal, or express or implied threat of reprisal against any Complainant or any individual participating in a process under this Policy are strictly prohibited and may result in disciplinary action and/or sanction.
 - 15.2. The University has no tolerance for a Report made in bad faith, including a Report that is determined to be frivolous, vexatious, or made in bad faith, which in itself is considered a breach of this Policy.
16. **Prevention, Education and Training**
 - 16.1. The University stands against Sexual Violence through a preventative approach that empowers the University community to oppose Sexual Violence and to minimize

behaviours that contribute to the perpetuation of Sexual Violence. To this end, the University will provide educational programming and training for Students on this Policy.

- 16.2. The University will also make training available on this Policy to all Employees detailing the processes for responding to and addressing incidents of Sexual Violence involving Students.
- 16.3. The University will create and post an annual report, presented to the Board of Governors, setting out information about the number of Disclosures and Reports, or other instances when support services and accommodation were sought by students relating to sexual violence. The annual report will also include information about the effectiveness of the Policy and related initiatives and programming established by the university to promote awareness of the supports and services available to students.

17. **Advisory Committee**

- 17.1. The University seeks to continually improve how it addresses Sexual Violence by examining the efficacy of the Policy, support services and programming choices. The Advisory Committee on Sexual Violence Prevention and Support is comprised of a diverse set of Students (including from the Ontario Tech Student Union) faculty, and staff from across the University to elicit broad input on the University's efforts to prevent Sexual Violence among Students and support continuous improvement.
- 17.2. The terms of reference for the Advisory Committee on Sexual Violence Prevention and Support are approved by the Provost and posted online.

PROCEDURES

18. **Disclosing, Accessing Support and Reporting**

- 18.1. The Human Rights office is responsible for receiving Disclosures and Reports of incidents of Sexual Violence involving a member of the University community in a non-emergency situation.
- 18.2. In an emergency, Campus Safety or 911 should be the first point of contact. In case of emergency, Sexual Violence can be reported to Campus Safety, which in turn is required to inform the Human Rights office. **In an emergency where there is a clear risk of harm, call for help immediately:**
 - a) At the North campus location, call Security at 905.721.3211 (x2400) or call 911.
 - b) At the downtown campus location or off campus, call 911.
- 18.3. This Policy distinguishes between Disclosing, and Reporting:
 - a) Disclosing means telling someone about what has happened and being connected with services for support and assistance.
 - b) Reporting means filing a Report of Sexual Violence to pursue a resolution through University processes described herein under section 20.
- 18.4. Students who experience Sexual Violence are entitled to Disclose and/or Report the matter and:
 - a) Be treated respectfully;

- b) Choose whether to initiate, continue or discontinue telling their story, and to participate or not participate in any aspect of processes that result from pursuing a resolution;
- c) Access support, resources and services, regardless of whether or not a Report of Sexual Violence is made;
- d) Choose not to request an investigation, and/or not to participate in any investigation that may occur;
- e) Choose to withdraw their complaint at any time throughout the process, before a decision is rendered. The Complainant will inform the Human Rights Office, in writing, of their decision to withdraw their complaint. If a complaint is withdrawn, the Student can continue to seek or access support;
- f) Be protected from irrelevant questions such as those relating to past sexual history or sexual expression; and,
- g) Choose whether to pursue recourse through external processes as an alternative to procedures available at the University, such as an application to the Human Rights Tribunal of Ontario, filing a police report or other processes of criminal or civil justice.

19. Disclosing

- 19.1.** The Human Rights Office will make support services, including counselling, access or referrals to medical services, safety planning and accommodations, available to Students who Disclose having been affected by an Incident of Sexual Violence. Support services will also be made available to University Members who are Respondents.
- 19.2.** Students may [make an appointment](#) with the Case Specialist to confidentially Disclose incidents of Sexual Violence in a safe and respectful environment. Once a Disclosure of Sexual Violence is made to the Human Rights Office, a Case Specialist will:
- Assist the Student in understanding and accessing the resources and services available to them;
 - Identify and implement reasonable Immediate Measures in the circumstances; and
 - Review reporting options with the Student.
- 19.3.** Disclosure meetings with the Case Specialist are strictly confidential and decisions surrounding which support services to access, if any, rest with the Student. Apart from the confidentiality exceptions outlined in section 14 above, the Human Rights Office will not take any action, nor will it notify anyone within the University about the disclosure unless to arrange support services requested by the complainant or if the complainant decides to pursue resolution options by making a Report. Students who have experienced Sexual Violence may also [disclose anonymously](#), but in doing so, may limit their access to the full breadth of options outlined in this Policy.
- 19.4.** The University also recognizes that Students who have experienced Sexual Violence may elect to access support services independently (a comprehensive list of internal and external services is included in **Appendix B**), or they may initially disclose to a friend, peer leader, or trusted faculty or staff member.

- 19.5.** Any individual who receives a Disclosure from a Student should:
- a)** Inform the Student about this Policy and the support services referred to herein; and,
 - b)** Refer and, if practicable in the circumstances, facilitate contact between the Student and the [Case Specialist](#) in the Human Rights Office who can assist the Student to access all relevant supports and services.
- 19.6.** If the information received from the disclosing Student suggests there is an imminent threat or risk of harm, including self-harm, to the Student or other individuals, those receiving the Disclosure must promptly share that information with the Office of Campus Safety (OCS), and in doing so, must inform the Student of this action.
- 19.7.** If a Report or Disclosure is made to OCS or Security Services, OCS will immediately refer the matter to the Human Rights office, and in doing so, must inform the Student of this action. OCS will also ensure a safety risk assessment is completed with the student and any necessary safety measures are implemented.
- 19.8.** If the information received from the disclosing Student suggests that an incident has occurred involving Workplace Sexual Harassment under the *Occupational Health and Safety Act* (i.e. the student is also an employee of the University and the incident occurred in the workplace), those receiving the Disclosure must promptly share that information with the Human Rights office, and in doing so, must inform the Student of this action.
- 19.9.** Those requiring advice about whether, and to what extent, the information must be shared should consult with the Case Specialist.

20. Reporting

- 20.1.** Where a Student or other individual affected by Sexual Violence is considering bringing forward a Report of Sexual Violence, they may meet with the Case Specialist to review the Procedures.
- 20.2.** If the Complainant wishes to pursue a Report under this Policy, the Case Specialist will conduct a preliminary assessment by obtaining details from the Complainant to assess in a sensitive and tactful manner the nature of the Sexual Violence being reported.
- 20.3.** The preliminary assessment will determine if the conduct alleged in the Report falls within the scope of the Policy. This determination will be based on an assumption that all of the alleged facts are true. The Case Specialist may meet with any person to assess the nature and validity of the Report. Meetings will be conducted in a sensitive, confidential and tactful manner.
- 20.4.** If the preliminary assessment determines that the conduct alleged is covered by the Policy, the office will determine whether Interim Measures are required. At any point after the acceptance of a Report, Immediate and/or Interim Measures may be implemented and/or updated as necessary to prevent additional acts of sexual violence and/or to protect the safety of the complainant or others.
- 20.5.** If the allegations set out in the Report would not, if true, amount to Sexual Violence or they occurred outside the confines of this Policy, the Human Rights Office will respond to the individual submitting the Report in writing, usually within 30 days, advising that

the Report has been reviewed and that the information provided does not support an allegation of Sexual Violence under the Policy. The individual submitting the Report will also be advised that the Human Rights Office may reconsider the Report if additional relevant and significant information is provided. If there is another process or resource at the University that would be more appropriate for the subject matter of the Report, the individual will be advised of this alternative process.

- 20.6.** In instances where a Respondent may have been alerted or notified of the fact that a Report has been received, the Case Specialist will advise the Respondent in writing of the determination not to proceed further.

21. Resolution Options

- 21.1.** After the acceptance of a Report, a Complainant may request the resolution option that they determine is most aligned with how they would like to meaningfully address the incident of Sexual Violence. These include a variety of Voluntary Resolution options and processes, as well as the choice of requesting an investigation.
- 21.2.** Voluntary Resolution options, may include but are not limited to, one or more of the following: delivering an impact statement; communicating to a Respondent that the behaviour is unwelcome and must stop; receiving an apology; meeting with a University official to discuss the ways in which future occurrences of the Reported incident can be prevented, and training or education for individuals and/or groups; mediation and Restorative Justice practices.
- 21.3.** Voluntary Resolution processes (such as Mediation or Restorative Justice practices) allow complaint parties to identify and select appropriate resolution options that are agreed upon by all relevant participants. These processes necessarily require the consent of individuals to participate. Voluntary Resolution processes may include direct engagement and communications between complainant(s), respondent(s) and others, or communication may be facilitated through a third-party assigned by the Human Rights office if necessary to maintain and/or support healing and wellness.
- 21.4.** If the Complainant is satisfied by the actions taken through Voluntary Resolution, the Complainant will provide a written confirmation to the Case Specialist, at which point the Report will be deemed resolved.
- 21.5.** If no satisfactory resolution is achieved voluntarily, the Complainant may consider pursuing an investigation and will notify the Case Specialist in writing to request an investigation.
- 21.6.** The University may initiate an Investigation of Sexual Violence in the absence of a Report from a Complainant if it receives evidence of Sexual Violence that falls within the scope of this Policy that suggests the health, safety and wellness of University Members may be at risk. Complainants will not be compelled to participate in a University initiated investigation.
- 21.7.** Where it is determined that an investigation will be conducted, the Human Rights Office will:
- a)** Appoint an Investigator.
 - b)** Ensure the Complainant is advised in writing that the Report will be investigated. The Investigation notice will:

- i. provide them with contact information for Support Services (if they have not previously received this information); and,
 - ii. inform them that they have the right to be supported and accompanied by a Support Person (which may include legal counsel).
 - c) Ensure the Respondent is advised in writing that a Report has been received and that they are the subject of an investigation of a Report of Sexual Violence. This notice will, at minimum, be delivered to the Respondent's ontariotechu.net or ontariotechu.ca email account, as applicable. The Investigation notice will:
 - i. Advise that an investigation is being initiated;
 - ii. Contain a brief summary of the allegations;
 - iii. Provide them with contact information for Support Services (if they have not previously received this information); and,
 - iv. Inform the Respondent that they have the right to be supported and accompanied by a Support Person (which may include legal counsel).
- 21.8.** Once an investigation process is commenced, if either Student leaves the University or the complainant withdraws their Report, the University may suspend the procedure with the option to reinstate the procedure at a later date, or it may continue the procedure to conclusion depending on an analysis of the specifics involved. Factors to be considered, may include but are not limited to the current stage of the process, whether parties to the complaint are cooperating, the level of detail provided in the Report, and the severity of the allegations.
- 21.9.** At any point during the investigation, the Investigator may set meetings with any individual to obtain further information, ensuring that all elements of Administrative Fairness are upheld. At a minimum, the Investigator will make reasonable attempts to meet with the Complainant and the Respondent and provide them with the opportunity to submit written or other documentary evidence relevant to the case. The Investigator may also require information from witnesses or others.
- 21.10.** Respondents are required to cooperate with the University in regards to the application of this policy with the following exception: no Respondent is required to participate in an investigation or other aspect of these procedures if in doing so there is the potential to self-incriminate themselves under criminal law. In this context, a decision not to participate will not be used against a Respondent. However, if a Respondent chooses not to participate or respond to the Complainant's allegations, the Investigator may proceed with the investigation without input from the Respondent.
- 21.11.** During the investigation, the Complainant and the Respondent will be apprised of the status of the investigation.
- 21.12.** The Investigator will make every effort to expediate the process without compromising appropriate Administrative Fairness for all parties. The investigator will inform the parties of the results of the investigation usually within fifteen (15) working days after the evidence gathering phase of the investigation has been completed.

- 21.13.** Once the Investigator has completed the investigation, they will notify the Complainant and Respondent and provide them with a copy of a draft investigation report summarizing the evidence obtained during the investigation. The parties will be given fifteen (15) working days to provide written comments regarding the draft report for the Investigator's consideration. If the written comments reveal relevant and new information/evidence that had not previously been considered by the Investigator, the Investigator may decide that additional investigation steps or revisions to the draft investigation report are required to meet Administrative Fairness principles.
- 21.14.** If no response is provided, the parties choose not to participate, or the investigator determines that the written comments do not warrant revisions to the draft investigation report, the report will proceed as is.
- 21.15.** The Investigator will then make a final determination on whether there has been a violation of the Policy, weighing all evidence submitted on a Balance of Probabilities. The Investigator's determination will be reported in a final Investigative report.

22. Decision-Making

- 22.1.** The Investigator will forward a final Investigative package, (including the investigation report, relevant evidence, and written comments from the parties) to the Provost for a decision. The Provost may, depending on the complexities associated with the case, elect to consult an internal or external expert in Sexual Violence. Upon completion of the Provost's review of the investigative package, the Provost will either accept the investigation report or seek further clarification or Investigation from the Investigator.
- 22.2.** If based on the review of the Investigative package, the Provost determines that disciplinary penalties may be required, they will schedule a meeting with the student whose conduct is being questioned to hear his/her response, normally within ten (10) working days. If the student fails, without reasonable excuse, to attend the meeting, the Provost will proceed.
- 22.3.** The Provost will determine the appropriate disciplinary penalties pursuant to Section 25 of this Policy and prepare a written decision that will be forwarded to the Respondent and the Case Specialist in a timely manner. Depending on the discipline, other administrative offices may be informed of the discipline as necessary, e.g., the Registrar's Office, the Office of Campus Safety, etc.

23. Disciplinary Penalties

- 23.1.** If a Respondent is found to have engaged in Sexual Violence, the Provost may impose one or more of the following disciplinary penalties including, but not limited to, one or more of the following:
- a)** Written warning;
 - b)** Conduct contract;
 - c)** Formal apology;
 - d)** No Contact order;
 - e)** Relocation in or eviction from university owned and/or operated housing
 - f)** Community service;
 - g)** Trespass;
 - h)** Alternative forms of restitution;
 - i)** Restrictions from specific campus activities or course enrolments;

- j) Suspension or eviction from one or more facilities at the University; and/or
- k) Expulsion.

23.2. If Disciplinary Penalties are imposed, no refunds or fees will be issued for any University related activity in accordance with the University's policies.

23.3. The Provost will be responsible for ensuring the implementation and enforcement of any Disciplinary Penalties. Students who fail to fulfill the terms of the Penalties will be subject to further disciplinary proceedings under the Student Conduct Policy.

24. Appeal

24.1. Respondents have the right to appeal the Disciplinary Penalties imposed under one or both of the following grounds only:

- a) New evidence exists that was not available to the Complainant or Respondent at the time of the original decision (through no fault of their own) that, if considered would likely have altered the outcome of the decision; or
- b) There was a fundamental flaw in the investigation or decision-making procedures that led to the decision.

24.2. A [notice of appeal](#) must be submitted in writing and must set out the specific grounds on which the appeal is being made and provide a summary of evidence in support of these grounds to the Office of the Provost within ten (10) Working Days of the date of the decision.

24.3. The Provost will conduct a preliminary assessment of appeals filed under paragraph 25.2 above, and determine whether there is some evidence, which if believed, constitutes grounds under paragraph 25.1. Appeals will be dismissed after the Provost's assessment if they do not meet the grounds identified in paragraph 25.1 above, or if the Provost determines that the appeal is frivolous, vexatious or made in bad faith. A decision to dismiss the appeal after a preliminary assessment will be communicated to the Respondent in writing.

24.4. If an appeal is filed by the respondent and is deemed to meet the threshold for review by the Provost, the other Party to the appeal will be notified, in writing, that an appeal has been filed and has met the threshold for review.

24.1. The Non-Academic Appeals Committee will be constituted of the following individuals, who will be selected by the Provost:

- a) Three tenured, tenure track, and teaching faculty who hold a full-time continuing appointment (with one being the designated chair); and
- b) Two Students.

Appeals shall be reviewed by a panel of a minimum of three Committee members, as determined by the Chair, provided that at least one Student member and at least two faculty members are present.

24.2. The Office of the Provost will provide to the Non-Academic Appeals Committee a copy of the notice of Appeal, supporting evidence, the Decision letter, and the Investigative Report.

- 24.3. The Non-Academic Appeals Committee panel will normally meet on the matter within fifteen (15) Working Days of the filing of the written appeal. The committee may seek information from the Complainant and Respondent, as well as any witnesses to the incident. The Committee will make a decision and communicate it in writing normally within twenty (20) Working Days of its initial meeting.
- 24.4. The Non-Academic Appeals Committee has the discretion to determine how they will receive evidence, and if an appeal proceeds, a trauma-informed approach will be taken to facilitate the participation of the parties and to minimize the potential for re-traumatization of the complainant.
- 24.5. Participation in the appeal process is restricted to individuals who have a direct role or interest in the proceedings, including the parties to the appeal, the members of the panel, and any witnesses.
- 24.6. In any appeal proceeding, the appellant is entitled to be represented. The appellant also has the right to know the evidence or arguments presented during the appeal process.
- 24.7. The time limits specified under these procedures may be extended by the Chair of the Non-Academic Appeal Committee at the request of the Appellant or a representative of the Provost's Office, if reasonable grounds are shown for the extension.

MONITORING AND REVIEW

- 25. This Policy will be reviewed every three (3) years. The Provost, or successor thereof, is responsible for monitoring and reviewing this Policy. Any amendments to this Policy must be approved by the University's Board of Governors.

RELEVANT LEGISLATION

[*Ministry of Training, Colleges and Universities Act*](#) (Section 17)

Ontario Regulation 131/16 Sexual Violence at Colleges and Universities

[*Ontario Human Rights Code*](#)

RELATED POLICIES, PROCEDURES & DOCUMENTS

[Student Conduct Policy](#)

[Fair Processes Policy](#)

[Safe Disclosure Policy](#)

[Respectful Campus Policy](#)

APPENDIX A – SUPPORTS AND ASSISTANCE

Services and Assistance on Campus

The following resources and services are available on campus for students who experience sexual violence:

Human Rights office:

The university's Human Rights office (HRO) receives initial disclosures from students, helps them understand their rights, and assists them with navigating available resources and supports. Through confidential, non-judgmental consultations, the HRO helps students decide which services and reporting options (if any) they want to pursue. The HRO also provides centralized complaint-resolution services on matters related to student sexual violence, discrimination, and harassment, including mediation, restorative justice processes and investigations.

- [Arrange a confidential meeting with a Human Rights Specialist.](#)
- [File a Report of sexual violence.](#)

Student Mental Health Services:

[Student Mental Health Services](#): Provides professional, short term individual counselling and therapy, referrals for students who require long-term counselling or therapy, wellness activities and initiatives, and support groups and mental health consultations. Students who have been impacted by Sexual Violence can access support for their wellness and healing by making an appointment. Mental Health Workers provide Students who have experienced Sexual Violence with a safe, therapeutic environment to discuss their experiences, and support Students by:

- Helping Students to explore pathways for wellness and healing;
- Communicating with Student Accessibility Services for the purposes of arranging Accommodations, with the Student's consent;
- Providing referrals to supports and services through external community partners; and
- Offering other mental-health related assistance as required.

905.721.3392

studentlifeline@ontariotechu.ca

Campus Security:

The [Office of Campus Safety](#) is responsible for the safety and security of all students and university employees on campus. Security professionals trained in first aid and CPR provide this service 24 hours a day, 365 days a year. In an emergency, contact Campus Security and an officer will respond immediately.

905.721.8668 ext. 2400

For immediate assistance: 905.721.3211 (24 hours)

Student Accessibility Services:

[Student Accessibility Services](#) is responsible for arranging Accommodations based on disability under the University's [Procedures for Academic Accommodation for Students with Disabilities](#) (which may include conditions caused or exacerbated by traumatic events, including sexual violence). Student Accessibility Services will seek current documentation from a registered health care professional, such as a physician, psychologist, psychiatrist or Mental Health Worker in Student Mental Health Services, to provide Accommodations.

Indigenous Education and Cultural Services:

The Baagwating [Indigenous Student Centre](#) provides counselling services and promotes Indigenous ways of healing.

905.721.8668 ext. 6795
indigenous@ontariotechu.ca

Campus Health and Wellness Centre:

To support a healthy lifestyle, the [Campus Health and Wellness Centre](#) provides confidential health-care services, including a medical clinic, a pharmacy, and alternative health-care services.

905.721.3037
CHWC@dc-ot.ca

Ontario Tech Student Union - Student Rights and Advocacy:

The [Ontario Tech Student Union's Student Rights and Advocacy Coordinator](#) provides free, confidential advice and offers assistance with petitions, hearings and complaints.

905.721.1609 ext. 3986
advocacy.otsu@ontariotechu.ca

Off-campus Services

Emergency and crisis services

Durham Regional Police Service:

If you or someone you know is in immediate danger, call 911. For all other (non-emergency) safety issues, call 1.888.579.1520.

Distress Centre Durham:

Provides a 24/7 crisis line that anyone can access, and operates other services including Prideline Durham, which provides emotional support, crisis intervention and community referral information specific to the concerns and issues faced by the 2SLGBTQIA+ community.

1.800.452.0688

Ontario Coalition of Rape Crisis Centres:

The Ontario Coalition of Rape Crisis Centres (OCRCC) is a network of 30+ English-language sexual assault centres in Ontario. Their 24-hour phone lines connect you with someone you can talk to right away. You can also receive crisis counselling, support, and information for support allies (e.g. parents, partners or friends of survivors). Additional services include safety planning, information on victim police reporting and medical options, and strategies for coping with flashbacks, memories and feelings. [Visit the OCRCC web page](#) to find the phone number specific to your location.

[Durham Rape Crisis Centre:](#)

The Durham Rape Crisis Centre's 24/7 crisis and support lines offer confidential and non-judgmental support and information to anyone who has experienced any form of sexual violence in their lives. Family, partners or friends supporting a sexual violence survivor may also call the line.

905.668.9200

[Toronto Rape Crisis Centre:](#)

Provides support for anyone who identifies as a survivor of violence, including trans people, non-binary folks, cisgender men and women, and youth. Access a 24/7 crisis line, individual and group counselling, court/medical accompaniment, peer support groups, advocacy, and more.

416.597.8808 (24-hour crisis line)

[Support Services for Male Survivors of Sexual Abuse:](#)

Provides help for male survivors of past or recent sexual abuse, both recent and historical. The program is the first of its kind in Canada, and is delivered by agencies across the province. Survivors also have access to a 24-hour, multilingual, toll-free phone line for immediate crisis and referral services.

1.866.887.0015

[Good2Talk:](#)

A free, confidential helpline for post-secondary students in Ontario that provides professional counselling, information and referrals on a range of matters, including sexual violence.

1.866.925.5454; text GOOD2TALKON to 686868

Health services

[Durham Region Sexual Health Clinics:](#)

Provides a wide variety of sexual health services including, but not limited to, condoms, Pap tests, low-cost birth control, pregnancy testing, HIV testing/counselling, free treatment of sexually transmitted infections, and sexual orientation, gender identity and relationship counselling and referrals.

Note: An Ontario health card is not required to access services. Various locations including Oshawa, Pickering and Port Perry. [Find contact information for the location closest to you.](#)

[Lakeridge Health Oshawa – Durham Region Domestic Violence/ Sexual Assault Care Centre:](#)

Offers 24/7 emergency medical services for adult victims of sexual assault up to one-week post-assault, and for children under 16 years of age up to three days post-assault. Also provides counselling for victims over 12 years of age who have been assaulted within the past year, as well as safety planning, support and referrals for victims of domestic violence.

905.576.8711 ext. 33286

[The John Howard Society:](#)

Operates a Women's Drop-In Program, which provides women involved in sex work in the Durham Region with nutritious meals, hygiene products, laundry, shower, counselling and support, safety planning and harm-reduction supplies.

905.244.2602

Combined services

[Barbra Schlifer Commemorative Clinic:](#)

Provides counselling, legal information, interpreters, and referral for women who have been physically or sexually abused.

416.323.9149

[Safety Network Durham:](#)

Supports women experiencing abuse and/or any form of gender-based violence by providing co-ordinated access to a range of specialized services.

1.877.723.3905

[Durham Rape Crisis Centre:](#)

Provides a 24/7 crisis line, as well as support and counselling for women 16 years and older who have experienced sexual assault or abuse recently or in the past. Offers individual and group counselling, police, legal and medical accompaniment, and more.

905.668.9200

[Toronto Rape Crisis Centre:](#)

Offers support for anyone who identifies as a survivor of violence, including trans people, non-binary folks, cisgender men and women, and youth. Access a 24/7 crisis line, individual and group counselling, court/medical accompaniment, peer support groups, advocacy, and more.

416.597.8808 (24-hour crisis line)

[Assaulted Women's Helpline:](#)

Provides free, anonymous and confidential counselling, safety planning, emotional support, information, and referrals as well as a helpline available 24/7 in more than 200 languages.

416.863.0511 and 416.364.8762 (TTY)

[The John Howard Society:](#)

Operates the [Sex Trade Housing Support](#) program, which assists sex trade workers in the Durham Region who are homeless or at imminent risk of homelessness. It is inclusive of youth, adults, persons with disabilities, persons with addictions, mental health issues, and persons involved with the criminal justice system and victims of domestic violence. Although an individual who occasionally trades sex for cash, shelter, etc. may not view themselves as a 'sex trade worker', they are still eligible for the program.

905.244.2602

[1inSix:](#)

Offers outreach, education and services in person and online to men who have experienced sexual violence and those who support them. Online services include 24/7 support and anonymous support groups.

[Victim Services of Durham Region:](#)

Provides crisis response, intervention and prevention services immediately following a crime or sudden tragedy. Services are free and confidential.

905.721.4226

Counselling supports

[Family Service Toronto:](#)

Provides professional, short-term, individual, couple and family counselling for people who identify as lesbian, gay, bisexual, trans*, queer (2SLGBTQIA+).

416.595.9618

[Fem'aide:](#)

Offers 24/7 support, information and referrals to services in the community for French-speaking women facing gender-based violence. Fem'aide also addresses inquiries from relatives of women victims of violence.

1.877.336.2433

[Paths of Courage Residential Healing Centre:](#)

A one-of-a-kind program pioneered by the Sexual Assault Centre for Quinte and District. This free, one-week program provides assault survivors with opportunities to heal, transform and become empowered, while surrounded by nature.

613.476.7000

Legal supports

[Office of the Attorney General – Victim/Witness Assistance Program:](#)

Provides crisis intervention, emotional support, court preparation and orientation information, and referrals to community agencies. These services are targeted towards the most vulnerable victims and witnesses of violent

crime, including, but not limited to, sexual violence. Services begin once police have laid charges and continue until the court case is over.

1.888.579.2888

[Sexual Harassment and Assault Resource Exchange \(SHARE\):](#)

Supports those who have experienced sexual harassment or assault at work. SHARE provides **free, confidential** legal advice to workers about all their options to help them make informed decisions about any legal steps they can take, if desired, to address their experience. It also offers referrals, outreach and education. SHARE services are available to all workers in Ontario regardless of age, income, or immigration status.

1.866.625.5179 or 416.597.4900; press option 8 for SHARE or option 6 for Indigenous Services

TTY: 416.597.4903 or 1.866.612.8627; press option 8 for SHARE or option 6 for Indigenous Services

Housing supports

[Bethesda House:](#)

Provides temporary safe shelter, with woman-centred advocacy, outreach, and other services to women, youth and children, supporting them to live free from domestic abuse.

905.623.6050

[Herizon House:](#)

Provides free, confidential services 24/7 including temporary shelter, support and advocacy for abused women and their children located in Durham and Clarington regions.

1.866.437.4066

[Luke's Place:](#)

Devoted to improving the safety and experience of abused women and their children as they proceed through the family law process. Luke's Place offers individual and group support, free Summary Legal Advice Clinics, a virtual legal aid clinic for women in remote communities, and more.

1.866.516.3116

[Muslim Welfare Centre:](#)

A transitional shelter for Muslim women and their children that provides counselling as well as medical, legal, employment and housing referrals. Also provides three meals a day.

905.665.0424

[The Denise House:](#)

Provides a safe house for women and their children who are fleeing violence. In addition to temporary shelter, The Denise House provides counselling, information, referrals, and transitional support. Transportation is available when needed from rural areas in the Durham Region.

905.728.7311

Supports for youth and children

Durham Children's Aid Society:

Provides services to children under 16 years of age residing in Durham Region, and their families. Available 24/7 to report any concerns about a child who may be at risk.

905.433.1551

Sick Kids' Suspected Child Abuse and Neglect (SCAN) Program:

Offers care, support and assessment to children and teenagers who may have been maltreated, and their families. The SCAN Program provides a link between SickKids and community doctors and hospitals, Children's Aid Societies, police, schools and other community agencies.

416.813.6275

The Gatehouse:

The Gatehouse offers support groups for adult survivors of childhood sexual abuse as well as partners.

416.255.5900