

ACADEMIC COUNCIL REPORT

Action Required:

Public:
Non-Public:

Discussion
Decision

TO: Academic Council

DATE: November 14, 2016

FROM: Deborah Saucier, Provost and VP Academic

SUBJECT: Policy to Prevent and Respond to Sexual Violence for Students

A. Purpose

We are consulting with Academic Council to seek Council's advice on the Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence.

B. Background/Context

The passing of the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2015* (the "SVHAP Act"), introduced a number of amendments that require universities to review and address their policies and processes for preventing and responding to sexual violence and harassment on their campuses.

The University initially presented a single policy to the University community reinforcing the University's commitment to all community members to establish an environment free from all forms of violence, sexual violence, harassment and discrimination. Feedback revealed that the best policy approach would be to develop separate and distinct policies to address issues of sexual violence for students. This new approach nevertheless supports the original anti-violence perspective.

Discussion and Rationale

The Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence is enacted through proactive measures and ensure that the University is able to effectively address and respond to reports of sexual violence involving students when they occur.

The Policy will:

- Educate and inform students, as well as other members of the University community, regarding issues of sexual violence involving students;
- Support students who experience acts of sexual violence to seek help and advice relating to the processes and outcomes available to them;
- Hold those who commit acts of sexual violence accountable;
- Implement oversight to the policy that results in yearly review of its efficacy; and
- Meet the commitments to procedural fairness established under the new Fair Processes Policy.

Consultation and Approval

The draft Policy was posted online on October 24th for broad consultation with the University community. Online feedback was received and incorporated into the revised draft (v2.0) posted Nov 8th-15th. The v2.0 draft was also circulated for consultation and feedback to Academic Council (for November 15), the Policy Advisory Committee (for November 17), and the Health and Safety Committee (for November 18).

The advice from all consultations will be incorporated into a final draft (v3.0) of the policy that will go to the Governance, Nominating and Human Resources Committee of the Board on November 23rd. The GNHR Committee comments and recommendations will be reflected in an amended draft (v3.1) sent to the Board of Governors for approval on December 7, 2016. Should amendments be required v3.2 will be approved at Board Executive December 15, 2016.

The Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence (v3) will be effective upon approval by the Board or Board Executive. The policy will be the subject of an annual review each May.

C. Request

We are seeking a resolution from Academic Council setting out its advice and/or recommended changes on the draft Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence.

In an emergency:

Anywhere, call:
9-1-1

In a building on North Campus call:
The Office of Campus Safety
x2400 or 905-721-3111

- If you have experienced an incident involving Sexual Violence, UOIT can help you. The best way to receive help is to contact a [Support Worker](#) who can provide you with support and aid in a confidential environment [insert link].
- This policy details UOIT’s intent to prevent and address incidents of Sexual Violence and sets out the procedures that will be followed for reporting, investigating and addressing incidents of sexual violence for Students.
- This document uses key terms that are and hyperlinked to their definitions found in [Appendix A](#).
- To request an alternate format of this document, contact: [insert link for AODA]

TABLE OF CONTENTS

WHAT ARE UOIT’S COMMITMENTS? – Guiding Principles	2
HOW DOES UOIT HELP? – Purpose	3
WHO DOES THIS COVER? WHEN? and WHERE? – The Scope of this Policy	3
HOW DOES THIS POLICY WORK? WHAT CAN I EXPECT? – Procedures	4
HOW DO I TELL SOMEONE ABOUT WHAT HAS HAPPENED? – Disclosure and Reporting	5
<i>WHAT IS A DISCLOSURE? – Talking to a trusted person</i>	<i>5</i>
<i>WHO SHOULD I TALK TO? – Reporting to a Support Worker</i>	<i>6</i>
HOW WILL ALLEGATIONS OF SEXUAL VIOLENCE BE ADDRESSED? – Support Services	7
<i>IF I FILE A FORMAL REPORT, WHAT WILL HAPPEN? – The Formal Report Process.....</i>	<i>7</i>
<i>WHAT OTHER RESOLUTIONS ARE AVAILABLE? – Informal Resolution Processes</i>	<i>8</i>
<i>HOW DO INVESTIGATIONS WORK? – Investigations & Corrective Actions.....</i>	<i>9</i>
<i>HOW IS A DECISION REACHED? – Case Manager’s Report and Provost’s Decision</i>	<i>10</i>
<i>HOW CAN A DECISION BE CHALLENGED? – Appeal.....</i>	<i>10</i>

Parent Policy: Anti Violence Policy; Framework Category: Legal, Compliance and Governance;
 Approving Authority: Board of Governors; Policy Owner: Provost and VP Academic;
 Approval Date: Draft; Review Date: TBA

WHAT ARE UOIT'S COMMITMENTS? – Guiding Principles

1. The University of Ontario Institute of Technology is committed to maintaining healthy and safe learning, living, social, recreational and working environments. UOIT strives to keep the environment free from all forms of Sexual Violence, including Sexual Harassment. Acts that perpetuate Sexual Violence are against UOIT's values [link] and will not be tolerated. Thus, UOIT will:
 - Condemn all acts that perpetuate or reinforce Sexual Violence and hold individuals who perpetrate such acts accountable;
 - Help those who have experienced Sexual Violence by providing resources and aid, regardless of whether or not an Informal or Formal Report is filed;
 - Help our community to oppose Sexual Violence through preventative educational programming;
 - Continually improve how the university addresses Sexual Violence by examining the efficacy of programming choices, how aid is administered, and how Students use our services.

2. There are many myths and misconceptions about Sexual Violence (*e.g.*, rape myths) that downplay the seriousness of Sexual Violence and confuse an individual's understanding of consent. These ways of thinking contribute to a social context in which individuals who experience Sexual Violence may blame themselves for what happened, worry that they will not be believed, and make reporting Sexual Violence less likely to happen. These misconceptions contribute to victim blaming responses that excuse perpetrators for their actions. UOIT strongly opposes this kind of thinking and has developed this policy in support of those who have experienced Sexual Violence.

3. The University, recognizes that each individual is free to label their experiences using whatever terminology they choose. The label "survivor," may work for some individuals, and may not for others. To that end, this policy refers to individuals based on their interaction with the policy. When dealing with individuals, the university will respect each individual's preferred term.

4. UOIT is aware of and acknowledges the diverse backgrounds and cultures of Students and will consider and take reasonable measures to accommodate needs emerging from this diversity when dealing with individual cases.

5. An Advisory Committee, comprised of Students, Faculty and Staff, will be established to oversee and review the programming and training choices that stand against Sexual Violence by:
 - Advising on training programs for development and delivery to Staff, Faculty, and Students;
 - Consulting on up-to-date information on supports and services, including online content;
 - Reviewing instances of Sexual Violence committed against, or perpetrated by, members of UOIT and the help-seeking behaviours related to such incidents;
 - Evaluating the efficacy of programming, activities, and help processes related to tracked behaviours and advising on changes, where necessary;

- Overseeing the implementation of a survey of UOIT Members, as required, relating to the effectiveness of Sexual Violence aspects of this policy;
- Drafting an annual report informed by available data related to measures listed above in this section and make recommendations to the Provost or delegate;
- Preparing a written review to the Office of the Provost detailing recommended changes to this policy and related procedures.

HOW DOES UOIT HELP? – Purpose

6. For any UOIT Student who has experienced Sexual Violence and for any Student who has perpetrated Sexual Violence, this policy and related procedures detail how UOIT will :
 - Empower Students to make separate choices on whether to disclose within a safe space at the university in order to receive support and whether to officially report that experience to the university in order to pursue a path to justice;
 - Accommodate the needs of Students affected by Sexual Violence,
 - Offer fair paths to justice as alternatives to, and not replacements for, external judicial proceedings;
 - Implement interim measures to protect Students affected by Sexual Violence, where appropriate.
 - Investigate incidents of Sexual Violence, where requested or where required as listed in section 17 below; and
 - Detail how incidents of Sexual Violence will be addressed.
7. UOIT stands against Sexual Violence through a preventative approach. This approach involves educational programming and training to empower our community and to minimize behaviours that contribute to the perpetuation of Sexual Violence. Key topics to be addressed include, but are not limited to:
 - Abuses of power dynamics and victim blaming;
 - Alcohol and substance consumption;
 - Cultural competency and sources of discrimination;
 - Consent culture;
 - Rape culture;
 - How sexism, ableism, ageism, and racism intersect with Sexual Violence; and
 - Understanding aggression and standing up to aggression.

WHO DOES THIS COVER? WHEN? and WHERE? – The Scope of this Policy

If you are a Student and you have experienced Sexual Violence, UOIT can help you.

8. **WHO?** - This policy applies to *all* incidents of alleged Sexual Violence involving Students.
9. **WHAT BEHAVIOUR? & WHERE?** This policy applies:
 - To Students experiencing Sexual Violence or who have previously experienced Sexual Violence anywhere within the university community including;
 - To Students accused of perpetrating an act of Sexual Violence against a member of the UOIT community, both on and off campus (e.g., parking garages, residences, gatherings of UOIT Students) including;

- a) Through any conduct in the course of work, co-op, practicum, research, or study arising out of or related to UOIT's interests, and;
 - b) Through any media (e.g. in-person, written, recorded, online).
10. Incidents involving a Student, Faculty or Staff member from Durham College or Trent in Oshawa, resulting from the shared campus environment, will be investigated in collaboration with those institutions.
11. **WHAT LEGISLATION APPLIES?** The Criminal Code of Canada prohibits sexual assault, Voyeurism and Criminal Harassment (including Stalking and Cyberbullying). The *Ontario Human Rights Code* prohibits harassment on the basis of sex, sexual orientation, gender identity and gender expression in educational and employment matters and environments. Ontario's *Occupational Health and Safety Act* prohibits Workplace Harassment and Workplace Violence, including Workplace Sexual Violence.
12. **WHAT IF A UOIT EMPLOYEE IS INVOLVED?** Collective Agreements and/or employee policies prohibit Sexual Violence for UOIT employees. In incidents where a UOIT employee is involved this policy will work in conjunction with the requirements of those agreements and policies. In circumstances, Human Resources may be consulted to ensure the requirements set out under the *Policy to Prevent and Respond to Violence, Harassment and Discrimination in the Workplace*, and related procedures, are also applied and upheld.
13. **WHO ENFORCES THIS POLICY?** The Vice President Academic and Provost, or successor thereof, is the policy owner, which means they are responsible for overseeing the implementation, administration, interpretation, and application of the policy.

HOW DOES THIS POLICY WORK? WHAT CAN I EXPECT? – Procedures

14. The procedures set out in this document are intended to address incidents and allegations of Sexual Violence involving Students.
15. Students who may have experienced Sexual Violence have the right to:
- Choose whether to initiate, continue or discontinue telling their story, including the right to tell whomever they trust, the right to participation or not in any aspect of processes that result from filing a Formal or Informal Report;
 - Be protected from irrelevant questions related to past sexual history or sexual expression;
 - Choose whether to access support and accommodations, regardless of whether there is an official Report, and
 - Choose whether to pursue recourse through external processes, such as an application to the Human Rights Tribunal of Ontario, and processes of criminal or civil justice.
16. Individuals have the right to be accompanied by legal counsel, an advisor or a union representative at any point during this procedure and related processes. This means they may have a support person accompany them during any process described in this policy.
17. In order to ensure procedural fairness, the following principles will apply:

- Participation in an Informal Resolution Process will not prejudice the involved in a subsequent Report or investigation;
- Disclosers will be provided with an opportunity to submit all of their allegations along with relevant information;
- Respondents will be provided with the information that is required to fully understand the allegations and provide a complete response;
- Where an investigation and/or a hearing is conducted, witnesses will be given a reasonable opportunity to understand the allegations and provide relevant information; and
- Individuals have the right to be accompanied by legal counsel, an advisor or a union representative at any point during this procedure and related processes.

18. Any Reprisal, or expressed or implied threat of Reprisal, for reporting an incident or making a complaint about Sexual Violence under this procedure may itself be the subject of a Report and may be subject to interim measures (such as a conduct contract, restrictions from certain buildings on campus, or other appropriate measure).

HOW DO I TELL SOMEONE ABOUT WHAT HAS HAPPENED? – Disclosure and Reporting

19. This policy distinguishes between telling someone about what has happened (Disclosure) and telling a designated Support Worker who can provide help from a confidential space (Reporting).
20. Disclosing and Reporting Sexual Violence are personal acts. Students who share their experience have the right to be treated respectfully, and for the information provided to be kept in confidence, shared only on a need-to-know basis, where legally required. All information will be handled in accordance with the *Freedom of Information and Protection of Privacy Act*.

WHAT IS A DISCLOSURE? – Talking to a trusted person

21. UOIT recognizes that individuals who have experienced Sexual Violence may initially disclose to a friend, peer leader, or trusted Faculty or Staff. The individual receiving a Disclosure should act in a caring and supportive way and should generally maintain confidentiality, except where the Disclosing individual consents to further information sharing in order to access help. Any person who receives a Disclosure should inform the discloser about this policy and, where needed, help them to access a Support Worker. Help for those who have received a Disclosure and guidance on to receive a Disclosure are posted online [link].
22. In any event, those who receive a Disclosure must promptly share that information to the Office of Campus Safety in the following circumstances:
- The information received suggests there is a perceived threat or risk of harm, including self-harm, to a Student or other individual;
 - The information received suggests that actions constitute harassment and/or result in an individual feeling as though their personal safety is at risk, whether in person or online; or
 - The information received suggests an incident occurred involving Workplace Violence or Workplace Harassment under the *Occupational Health and Safety Act*;

23. Those who receive a Disclosure are encouraged to consult with the Office of Campus Safety for advice about whether, and to what extent, that information must be shared. The Office of Campus Security will use and disclose the information provided to the extent that is required by law.

WHO SHOULD I TALK TO? – Reporting to a Support Worker

24. In an emergency on campus, call Security at 905.721.3111, or call 911 anywhere else.
25. For students who need help, Support Workers in Student Mental Health Services are authorized to receive, on behalf of UOIT, reports about incidents of Sexual Violence involving Students. To make an appointment with a Support Worker, call 905.721.3392 or email studentlifeline@uoit.ca. Appointments may be held by phone or in person at a different campus location at the request of the Student. Support Workers can offer support and accommodation independent of any action related to Reporting. Students may also access community supports and services listed online [link].
26. There are two ways to report Sexual Violence to UOIT, an “Informal Report” and a “Formal Report” – each allows the individual to tell their story, on their terms. The decision to disclose the details that may indicate Sexual Violence through an Informal Report and the decision to file a Formal Report are separate decisions:
- An “Informal Report” occurs when a Student discloses to a Support Worker about an incident in which Sexual Violence may have occurred. The Informal Report can be provided by any individual who has information about the incident, and does not automatically initiate a Formal Report. An Informal Report may relate to a Respondent who is, or is not, a Student.
 - A "Formal Report" is a formal written request by a UOIT Member for UOIT to investigate and address a detailed incident of Sexual Violence. When a Formal Report is filed, the individual who files the report becomes a "Complainant".
27. Informal Reports and Formal Reports to a Support Worker are made in a protected space and will be kept confidential, except under the following circumstances, and as required by law:
- The discloser seeks accommodations and consents to sharing information with other university officials on a need-to-know basis in order to make the appropriate arrangements;
 - The discloser chooses to proceed with a Formal Report, in which case a confidential investigation will be conducted and information will be shared only to the extent necessary to achieve procedural fairness, and as otherwise required by law;
 - Information is received suggesting there is a clear risk of harm, including self-harm, to a Student or other individual;
 - Information suggests an incident occurred involving Workplace Violence or Workplace Harassment under the Occupational Health & Safety Act, in which case a confidential investigation will be conducted and information will be disclosed only to the extent necessary to achieve procedural fairness;
 - Reporting is required by law (e.g., in the case of a minor); or
 - Information required for a police investigation, or for litigation purposes.

28. Access to support and accommodation through a Support Worker is available by phone, email, or through Campus Security on a 24/7 basis. Our [online support guide] details supports and services available in the community that can be contacted for help.

HOW WILL ALLEGATIONS OF SEXUAL VIOLENCE BE ADDRESSED? – Support Services

29. Support Workers support disclosers and Complainants by providing assistance and accommodation through the resolution process of their choosing. Assistance provided by a Support Worker may include:
- A detailed explanation of available processes under this policy;
 - Communicating with the discloser's consent with other university officials at UOIT involved in providing support and accommodations, including counsellors, academic or other accommodations or interim measures, interpreting university policies and guidelines, and providing information to the Office of Campus Safety;
 - Accompanying the discloser or Complainant to an appointment that they may need support to attend; or
 - Referral to contacts for support, services and resources through external community partners. Available community partner services are listed online [link].
 - Follow up after a resolution is achieved to ensure it has been enacted and to ensure ongoing access to services where needed.
30. Students who require accommodations in their courses or other areas can work with their Support Worker to find solutions that will help minimize disruption. Accommodations may include: separation of the parties, exam or assignment deferral, class and/or schedule changes, emergency bursaries, and/or residence modification. The Support Worker will make the accommodation arrangements on the discloser's behalf and with their consent taking care to share only enough information with another university official as is necessary to make the accommodation.
31. If the details of the report reveal a significant risk to others, the Support Worker may engage the Office of Campus and/or other law enforcement agencies.

IF I FILE A FORMAL REPORT, WHAT WILL HAPPEN? – The Formal Report Process

32. The Support Worker will provide the discloser with a Report Form, or a link to an electronic Report Form, and assist them when needed to complete the form. The discloser may submit all of the allegations along with relevant information as part of their Report. The Report will be forwarded to the Case Manager [link] by the Support Worker.
33. If an individual chooses to file and then pursue a Formal Report, the Support Worker will refer the matter to a Case Manager who will oversee the process to ensure all parties are treated fairly and that the file proceeds as expeditiously as possible. The Case Manager will also provide updates to the discloser or Complainant on the progress of the file.
34. Intake begins with the Case Manager considering whether interim measures are necessary to protect the safety of the Complainant or any other Student. Reasonable interim measures will be imposed on the basis of the assumption that allegations of Sexual Violence are true, having

regard to the safety of all Students, the severity of the allegations, and the Complainant's desire to restrict access to disclosed information.

35. If, during any stage following the receipt of a Report, there is evident behaviour or actions of retaliation, or expressed or implied threat of reprisal against a discloser or Complainant, the Case Manager may impose temporary measures (such as a conduct contract, restrictions from certain buildings on campus, or other appropriate measure) and the reprisal may itself be the subject of a Report.
36. The Case Manager will review the Formal Report to determine whether the described incident would be covered under this policy assuming the allegations are true. During this review, the Case Manager may meet with any individual deemed necessary to assess whether the report warrants investigation.
37. If the allegations set out in the Report do not amount to Sexual Violence or the Respondent is not a UOIT Member, the Case Manager will advise the parties, in writing, of the determination to not proceed with an investigation. In all other cases, the Report will be investigated. The Case Manager will advise the parties in writing that the Report will be investigated, that an investigator will be appointed, and that the parties will be contacted by the investigator in due course.

WHAT OTHER RESOLUTIONS ARE AVAILABLE? – Informal Resolution Processes

38. A discloser and/or Complainant may choose to pursue an Informal Resolution Process at any point following a Report. The Support Worker will work with the discloser or Complainant to select options that will help them to meaningfully address the incident of Sexual Violence and where participation does not place the Student at risk. Examples of informal processes include: seeking apology; delivering an impact statement; meeting with a university official identified by the Support Worker to discuss the ways in which future occurrences of the disclosed incident can be prevented; facilitated discussion; and processes based on restorative justice principles.
39. The Support Worker will work with the Case Manager to undertake the informal resolution option selected by the discloser and/or Complainant. Participation in an Informal Resolution Process is voluntary and requires consent of all parties.
40. Where the Informal Resolution Process involves the Respondent, the Support Worker will take steps to ensure that the circumstances of engagement will appropriately protect the dignity of the Complainant through accommodations that continue to allow their participation. Accommodations that may be considered include: providing separate rooms before the meeting; alternate means of participation such as telephone, video, pre-recorded answers and statements; prepared written responses; the opportunity to bring an advisor to the hearing; and other appropriate accommodations.
41. All Informal Resolution Processes between the discloser, Complainant and/or the Respondent are held in confidence and on a “without prejudice” basis. This means that the discussions that take place during the Informal Resolution Process may not be later disclosed or used in a subsequent Report or investigation. Parties to Informal Resolution Processes will be asked to sign a confidentiality agreement before the process proceeds.

42. If a written agreement is reached by all parties through Informal Resolution Processes, and the Case Manager approves the written agreement, the Report will be deemed resolved and this procedure will cease.
43. If the selected Informal Resolution Process is unsuccessful, new options will be made available, which may include another Informal Resolution Process or the filing of a Formal Report.

HOW DO INVESTIGATIONS WORK? – Investigations & Corrective Actions

44. The purpose of an investigation is to: gather evidence and witness statements; weigh the evidence; make findings of fact based on the evidence; and produce an investigative report. In an investigation under this procedure, the investigator must conclude, weighing the evidence on a balance of probabilities, either: (1) that Sexual Violence did occur; or (2) that Sexual Violence did not occur.
45. The Case Manager will appoint an investigator with the required training and experience to conduct a fair and objective investigation. The investigator must not be directly involved in the incidents at issue, and should not have a reporting relationship with the individuals involved in the incidents being investigated. Where accommodations are required, the discloser has the right to request and that an external investigator be appointed. To this end, the investigation may be conducted by an UOIT investigator or by an external investigator.
46. The Case Manager will provide the investigator with all relevant documents and information, except that which is privileged (e.g., records of discussions that took place during Informal Resolution Processes).
47. The Case Manager will send written notice to the Respondent that an investigation of a Report of Sexual Violence is being initiated. This notice will, at minimum, be delivered in writing to a UOIT.net or UOIT.ca email account, as applicable.
48. The notice to the Respondent will contain all information that is required to fully understand the allegations and provide a complete response, including:
 - The name of the investigator;
 - A complete summary of the allegations and supporting documents;
 - A summary of any further information gathered by the Case Manager; and
 - An invitation for the Respondent to meet with the investigator to discuss the Report.The notice will also provide contact information for UOIT Support Services, and will indicate that the Respondent has the right to be supported and accompanied by legal counsel and/or an advisor.
49. The Respondent will be given a reasonable opportunity to respond to the allegations and may choose to respond in person or in writing. If no response is provided within a reasonable timeframe, set by the investigator, or the Respondent chooses not to participate, the investigator may proceed without input from the Respondent.
50. At any point during the investigation, the investigator may set meetings with any party to obtain further information. At a minimum, the investigator will make reasonable attempts to meet with

the Complainant and the Respondent. The investigator may also choose to seek information from other witnesses taking care to ensure that they are given a reasonable opportunity to understand the allegations and provide relevant information. Individuals have the right to be accompanied by legal counsel, an advisor or a union representative at any point during this procedure or related processes.

51. Based on all available evidence, the investigator will determine whether Sexual Violence has occurred, weighing the evidence on a balance of probabilities. The investigator's determination will be reported to the Case Manager in an investigative report, containing a summary of the information gathered during the investigation and the investigator's conclusions.

HOW IS A DECISION REACHED? – Case Manager's Report and Provost's Decision

52. The Case Manager will forward the investigative report, along with their confirmation that fair processes were followed and reference to corrective measures consistent with comparable offenses to the Provost or delegate.
53. The Provost or delegate will consider the investigative report and determine the appropriate corrective actions including: a written warning, conduct contract, community service, suspension or eviction from one or more facilities at the university, or expulsion. The Provost or delegate's determination will be forwarded to the Case Manager.
54. The Case Manager will provide the Respondent with a written summary of the investigation, attaching a copy of the determination (collectively, the "Case Manager's report").
55. The Respondent will have ten days to provide a response, which may include a request for a meeting to hear the response. If the student fails, without reasonable excuse, to provide a response, the Provost or delegate may proceed to decide on the case in the student's absence. The Provost, or delegate's decision will be conveyed to the Respondent in writing.
56. To maintain obligations under privacy laws and to uphold procedural fairness, the details of the investigation or any disciplinary actions will not be disclosed to the Complainant unless sharing that information is necessary for the protection of their health and safety.

HOW CAN A DECISION BE CHALLENGED? – Appeal

57. The decisions of the Provost under this Policy may be appealed to the Non-Academic Appeals Committee, in accordance with Student Conduct Policy and related procedures. In such cases, the case will be heard by a panel comprised of individuals with appropriate skills, training and experience to work with Sexual Violence cases.
58. If an appeal occurs, the dignity of the Discloser will be protected through accommodations that allow their participation. Accommodation examples include: providing separate rooms before the meeting; alternate means of participation such as telephone, video, pre-recorded answers and statements; prepared written responses; the opportunity to bring a Support Worker to the hearing; and other suggested accommodations from the Support Worker and the Discloser.

APPENDIX A DEFINITIONS	<u>What do these terms mean?</u>
Term	Definition
"Case Manager"	A representative assigned the responsibility to manage the Report process. The Case Manager manages the Report intake, oversees investigations, and issues a Case Manager's Report.
"Case Manager's Report"	The report issued by a Case Manager following an investigation in which the Complainant and Respondent are advised of the investigation's outcome.
"Consent"	<p>Consent is an active, direct, voluntary, unimpaired and conscious choice and agreement to engage or continue in a sexual activity. Consent to one act does not mean consent to another. Consent:</p> <ul style="list-style-type: none"> • Is never assumed or implied; • Is not silence or the absence of "no"; • Cannot be given if the person is impaired by alcohol or drugs, or is unconscious; • Can never be obtained through threats or coercion; • Can be taken back, either through words (e.g., saying no) or body language (e.g., pushing someone away); • Cannot be given if the other person abuses a position of trust, power or authority.
"Complainant"	The individual who is alleged to have experienced Sexual Violence in a Formal Report.
"Criminal Harassment"	<p>Criminal harassment is repeated behaviours that result in an individual feeling as though their personal safety is at risk. Criminal harassment includes, but is not limited to what is conventionally referred to as stalking and cyberbullying. Criminal harassment includes:</p> <ul style="list-style-type: none"> • Unsolicited communications either verbal or digital; • Following a person; • Watching a person's home, or other places where they may travel or work; and • Threatening the person or their family.
"Cyberbullying"	<p>Cyberbullying involves using digital communication technologies to engage in harassing behaviour against others. Cyberbullying includes:</p> <ul style="list-style-type: none"> • Sending mean or threatening emails or text/instant messages. • Posting embarrassing photos of someone online; • Posting degrading or harassing content online; • Creating websites to make fun of others; • Pretending to be someone by using their name; • Tricking someone into revealing personal or embarrassing information and sending it to others
"Disclosing" and "Disclosure"	The act of providing information to another UOIT Member about an incident which may have involved Sexual Violence.

"Discrimination"	Any form of differential treatment that results in disadvantage, including imposing extra burdens, denying benefits, and/or limiting access to opportunities, based on one or more characteristics that an individual cannot change about themselves known as prohibited grounds under the Ontario Human Rights Code, namely: age; ancestry, colour, race; citizenship, ethnic origin; place of origin; creed; disability; family status; marital status (including single status); gender identity, gender expression; receipt of public assistance (in housing only); record of offences (in employment only); sex (including pregnancy and breastfeeding); sexual orientation.
"Exhibitionism"	Exhibitionism, or flashing, occurs when an individual exposes their genitals to other people (typically strangers caught off guard) in order to gain sexual satisfaction. Exhibitionism is a criminal offense under the Criminal Code of Canada.
"Faculty"	A Faculty Member at UOIT.
"Formal Report"	A formal written request, to investigate and address an incident that may have involved Sexual Violence.
"Indecent Exposure"	Indecent Exposure is when an individual exposes their genitals to other people (typically strangers caught off guard) in order to gain sexual satisfaction. Indecent Exposure is also known as flashing and is a criminal offense under the Criminal Code of Canada.
"Informal Report"	A verbal account of an incident that may have involved Sexual Violence. This account remains confidential except when confidentiality must be broken, as described in section 22, or unless disclosure is otherwise legally required.
"Interim Measures"	Any measures that are taken during the process of addressing a Disclosure or Report, including, for example, limiting contact between involved parties.
"Intimate Partner Violence"	Controlling, abusive, and aggressive behavior in an interpersonal romantic relationship. It can happen to anyone. Intimate partner violence can also be referred to as dating violence and domestic violence. All are considered forms of Sexual Violence.
"Report Form"	A form provided by a Support Worker or Case Manager which is completed by a Complainant to initiate a Report.
"Respondent"	An individual who is alleged to have engaged in Sexual Violence in a Formal Report.
"Sexual Assault"	Direct or indirect application of force of a sexual nature, without the subjective consent of an individual, and in circumstances where the accused knowingly engaged in the non-consensual contact, or did so recklessly or being willfully ignorant to the individual's wishes.

"Sexual Harassment"	<p>A course of vexatious comment, conduct and/or communication based on sex, sexual orientation, gender, gender identity or gender expression, or orientation that is known or should have been known to be unwelcome. Sexual Harassment may include, but is not limited to:</p> <ul style="list-style-type: none"> • Sexual solicitation, advances, or remarks, including any situation where there is an implied or express promise of reward or benefit in return for sexual favours, and/or implied or express threat or act of reprisal if sexual favours are denied (e.g., coercion); • Gender-based harassment that enforces traditional heterosexual gender norms, roles, or behaviours and is often used as a bullying tactic. • Physical contact of a sexual nature (including Sexual Assault in the Criminal Code); Suggestive or inappropriate comments or gestures (including songs and chants); • Non-consensual posting of pictures, aggressive comments, and slurs on social media; • Inappropriate display of sexually suggestive pictures, posters, objects, graffiti; and • Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.
"Sexual Violence"	<p>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 sexual assault, Sexual Harassment, Stalking, Criminal Harassment, Indecent Exposure, Intimate Partner Violence, Voyeurism and sexual exploitation.</p>
"Staff"	<p>A Staff Member at UOIT.</p>
"Stalking"	<p>A form of Criminal Harassment involving repeated conduct that is carried out over a period of time and that causes an individual to reasonably fear for their safety or the safety of someone known to them. Stalking does not require physical injury; it is enough if the conduct makes a person fearful.</p>
"Student"	<p>A Student enrolled or previously enrolled at UOIT.</p>
"Support Services"	<p>The services referenced in sections 24 through 26.</p>
"Support Worker"	<p>A Student or Members designated in this Policy to receive Disclosures and/or Reports and to make getting help easier by providing aid to disclosers on behalf of UOIT.</p>
"Voyeurism"	<p>The act of deriving sexual gratification from the covert observation of others as they undress or engage in sexual activities. This may include recording such activity and distributing it. When the behaviour of the individual watching another is unwelcome, repeated and makes the observed person feel unsafe, it may also constitute Criminal Harassment.</p>
"UOIT"	<p>University of Ontario Institute of Technology.</p>
"UOIT Member"	<p>A Student, Faculty or Staff Member.</p>