

POLICY



SEXUAL VIOLENCE PREVENTION AND RESPONSE

Category:	Operations
Approval:	Board of Governors
Responsibility:	AVP Students and Director, Risk Management
Date:	January 29, 2016, Last Revised December 2, 2016

Purpose/Reason for Policy:

Trent University is committed to establishing and maintaining an environment free from sexual violence.

This policy and its related procedure and guidelines identify ways to prevent sexual violence, provide guidance on responding to incidents of sexual violence and provides information on options and resources for persons who have experienced sexual violence. Additional information may be found here: <http://trentu.ca/sexualviolence/>

Definitions:

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 sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Consent is an active, direct, voluntary, unimpaired, continual and conscious choice and agreement between persons to engage in physical contact or sexual activity.

- Consent is active, not passive, coerced or silent. It is a clear "yes", not an absence of "no".
- Consent must be continuous throughout the sexual encounter and can be revoked at any time.
- Consent is the responsibility of the person who wants to engage in sexual activity to make sure that they have consent from the other person(s) involved.
- Consent to one sexual act does not constitute or imply consent to a different sexual act.
- Consent is required regardless of the parties' relationship status or sexual history together.
- Consent cannot be given by a person who is incapacitated by alcohol or drugs or who is unconscious or otherwise lacks the capacity to give consent. If a participant's judgement is impaired, consent is not valid; similarly, impaired judgement that leads an assailant to think or believe there was consent is not an excuse.
- Consent cannot be given if the instigator is in a position to confer, grant or deny a benefit or advancement to the other person and the instigator knows or ought reasonably to know that the solicitation or advance is unwelcome." This definition applies equally to all persons regardless of sexual orientation.

Sexual Harassment means engaging in a course of vexatious comment or conduct against a person 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 to the person and the person making the advance knows or ought reasonably to know that the solicitation or advance is unwelcome.

For further information consult the Trent Discrimination and Harassment Policy <https://www.trentu.ca/secretariat/policies.php#3>.

Sexual Coercion is unreasonable and persistent pressure to seek consent for sexual activity. Coercion is the use of emotional manipulation, intimidation including blackmail, threats to family or acquaintances or the promise of rewards to persuade someone to consent to sexual activities.

Sexual Exploitation: involves taking nonconsensual or abusive sexual advantage of another person. It includes, but is not restricted to, the digital or electronic broadcasting, distributing, recording and or photographing of people involved in sexual acts without the consent of everyone involved, voyeurism and human trafficking of another person.

Stalking: Behaviours as defined by the Criminal Code as Criminal Harassment in the context of sexual or intimate partner violence.

Accommodation for persons affected by sexual violence may include academic accommodation, relocation of residence rooms, voluntary withdrawal from classes with full tuition refund, interim safety plans and provision of supports and services.

Rape Culture is a culture in which dominant ideas, social practices, media images and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing male sexual violence and by blaming survivors for their own abuse.

Person who has experienced sexual violence. This term will be used throughout the policy in lieu of terms such as victim or survivor, to avoid unintended interpretation and labelling of the impact of the experience on the person who has experienced sexual violence.

Supportive Person: means a person selected by either the complainant or respondent to assist them throughout the Trent internal reporting and investigation process. Supportive persons are required to uphold confidentiality and are not permitted to intervene and/or disrupt the process. The parties to a formal investigation may choose to obtain legal counsel or advice at their own expense. Such legal advisors (for non-unionized employees) may attend meetings as supportive persons but cannot act as legal representatives.

Bargaining Agent Representation: A respondent who is a member of a collective bargaining unit is encouraged to consult with their bargaining agent about a complaint. Bargaining agent representatives shall accompany the member in any meeting or related proceedings under this policy, in addition to any supportive person designated by the individual.

Disclosure: informally advising a trained medical professional, community support worker or university support worker in confidence about the sexual violence one has experienced to seek medical care, advice or support. There is no expectation of follow up action against the respondent, but the support worker will advise the person who has experienced sexual violence of options to redress the incident.

Report: formally advising the University and/or the Police so that there is a record of the incident. A report is required to initiate an investigation that may result in criminal prosecutions or university discipline. Unless there is reasonable cause to believe that anyone,

including the respondent, is at imminent risk of personal harm, any action taken will be at the request and with the agreement of the person who has experienced sexual violence. Students are not required to report an incident of sexual violence in order to access sexual violence supports and services or for their needs to be accommodated if they have been affected by sexual violence.

Victim-blaming: Sexual violence is never the fault of the person who has experienced it. Language or accusations that the person experiencing sexual violence could somehow have prevented it constitute victim-blaming. This can make it harder for the person to seek help or report the violence.

Sexual expression: Sexual expression describes both the consensual sexual activities we engage in, and the ways we communicate and present ourselves to the world as a sexual being. Trent University seeks to create an environment where sexuality can be expressed and discussed openly in order to promote education and self-confidence. This is part of the commitment to creating and maintaining an environment free from sexual violence.

Scope of this Policy:

This policy addresses sexual violence involving students enrolled at Trent, regardless of where or when the sexual violence occurred. If the respondent is an employee of Trent University, the Workplace Violence and Harassment Policy or the Discrimination and Harassment Policy may be used to respond to reports of sexual violence.

Policy Statement:

The University recognizes that the prevention of and response to incidents of sexual violence is of particular importance in the university environment. Non-consensual sexual violence is not acceptable at Trent. Any and all reported acts of sexual violence will be addressed in accordance with the wishes of the person who has experienced sexual violence in a thorough and timely manner.

The University will ensure that appropriate procedures are in place to respond to reported incidents of sexual violence and to provide supports, services and accommodation for students who have been affected by sexual violence. Members of the Trent community who are found to have committed an act of sexual violence against an enrolled student will be held accountable by the University, regardless of any criminal or other legal action relating to the incident. The university will safeguard the confidentiality of all persons involved in the investigation of an incident of sexual violence in accordance with applicable laws.

The University is committed to on-going education and awareness initiatives about sexual violence, including issues of consent, drug and alcohol use, sexual harassment and cyber harassment. The University will support these initiatives through a dedicated Sexual Violence Education and Awareness web page and existing programs such as the Student Support Certificate and Bystander Intervention Training. The University will ensure that these initiatives are broadly communicated to all members of the University community.

Responsibilities:

All members of the Trent Community: share the responsibility to create and maintain an environment free from sexual violence by not perpetrating non-consensual sexual violence, conducting bystander interventions or getting help if it is not safe to intervene.

Trent Central Student Association (TCSA), Graduate Student Association (GSA), Trent Durham Student Association (TDSA) and College Cabinets: are responsible for actively endorsing and supporting this policy by reading the policy, participating in policy reviews and

attending, and encouraging others to attend, sexual violence prevention training.

Senior Administrators, Managers, Supervisors, Instructors, College Residence Life Coordinators (CRLCs) and Athletics coaches: are responsible to provide or make available training on the sexual violence policy to employees, students, contractors and contract employees. Further, persons in a supervisory role have overall managerial and leadership responsibility for ensuring their workplace is free from sexual violence. This includes leading by example in matters of appropriate behaviour, implementing awareness and prevention training programs, responding appropriately to reported incidents and not condoning any aspect of rape culture.

Persons trained to receive a disclosure of sexual violence shall provide the person who has experienced sexual violence with an appropriate level of support and information about supports, services and accommodation options available to them, as provided in the Guideline to this policy. They will maintain confidentiality unless there is risk of imminent harm to a member of the Trent Community. A list of persons trained to receive disclosures is appended to this policy and can be found on the Trent sexual violence website.

Student Wellness Center: is responsible for providing student health and counselling services for students who have experienced sexual violence. This may include referrals to local Sexual Assault Nurse Examiners if the student so chooses. Services are confidential and accessing these services does not constitute a formal report to the University of an incident of sexual violence.

Trent Campus Security, Centre for Human Rights, Equity and Accessibility, Accessibility Services Advisor (Durham) and Student Affairs Judicial Staff: are responsible for providing timely support, services and accommodation options to persons who disclose or report sexual violence in accordance with the procedures and guidelines to this policy, developing safety plans and facilitating reporting to local Police when requested.

Associate Vice President (AVP) Students: is responsible for conducting judicial proceedings under this policy for formal student complaints of sexual violence, whether or not criminal charges have been laid. The AVP Students is also responsible for coordinating the provision of sexual violence prevention and awareness training and resources for the Trent Community to include prevention, intervention and receipt of disclosure training for members of the Board of Governors, senior administration, supervisors, instructors, athletics coaches, Security Guards, TUEFRT and Walkhome members, CRLCs, residence life staff, employees, student leaders and all members of the Trent community.

Director, Risk Management and/or Security Manager: is responsible for ensuring investigations of reports of sexual violence are conducted as required and forwarded to the AVP Students or AVP Human Resources for appropriate resolution. The Director will conduct and/or access anonymous surveys, such as the National College Health Assessments, and consult with all departments receiving disclosures or reports of sexual violence to assess the level of sexual violence at Trent. The Director will include sexual violence in annual Threat of Violence Assessments, publish sexual violence statistics on the Trent web site and report to the Ministry of Training Colleges and Universities as required.

Human Rights, Equity and Accessibility Advisor: is responsible to implement the provisions of the Trent Discrimination and Harassment Policy relating to sexual violence. In the case of a formal investigation, the Advisor will forward the findings to the appropriate VP, AVP Students and/or AVP Human Resources for appropriate resolution.

Associate Vice-President, Human Resources: is responsible for implementing corrective disciplinary action in accordance with the relevant collective agreement for employees found to have committed an act of sexual violence, whether or not criminal charges have been laid.

<i>Contact Officer</i>	AVP Students and Director, Risk Management
<i>Date for Next Review</i>	Every three years by the Sexual Violence Steering Group with participation from all student governments and interested students. October 2019 is the next review.
<i>Related Policies, Procedures and Guidelines</i>	Discrimination and Harassment, Student Charter of Rights and Responsibilities, Workplace Violence and Harassment Policy, Residence Code of Conduct
<i>Policies Superseded by This Policy</i>	Nil

PROCEDURE



**SEXUAL VIOLENCE
PREVENTION AND RESPONSE**

Contact Officers

AVP Students and Director, Risk Management

PROCEDURE	Purpose	This procedure describes the sexual violence disclosure and reporting process as well as supports, resources and options available to the person who has experienced sexual violence.
	Principles	<p>In responding to a report of sexual violence, Trent is committed to ensuring that the person who has experienced sexual violence has the right to:</p> <ul style="list-style-type: none"> • Be treated with dignity and respect • Be treated with sensitivity and compassion • Be accompanied by a supportive person of their choice throughout this process • Be informed about and obtain on- and off-campus sexual violence services and supports, regardless of whether or not they report an incident of sexual violence. • Have their needs appropriately accommodated by contacting the office of Student Affairs. • Decide whether or not to access available services and to choose those services they feel will be most beneficial • Decide whether or not to report to Student Affairs/Trent Campus Security and/or local police • An immediate safety plan that will include reasonable and necessary actions to protect the safety and security of the person who has experienced sexual violence that preserve the rights of the respondent to natural justice. • If requested, a prompt and thorough on-campus investigation in accordance with the appropriate Trent University policy and procedures. <p>Confidentiality will be maintained throughout the response and support process, unless there is indication of imminent risk to the physical health or safety of any person, including the respondent and the person who has experienced sexual violence.</p>
	Person who has experienced sexual violence	<p>An individual who has recently experienced sexual violence is encouraged to go to a place where they can find physical safety and emotional support. This may be with a friend, or family member, or the office of a member of the Housing staff, a colleague or a supervisor. If they choose to disclose the incident to a trained individual listed at http://trentu.ca/sexualviolence/assaulted.php, the person receiving the disclosure shall keep the information they provide confidential unless there is an imminent threat of further violence to anyone in the Trent community.</p> <p>An individual who has recently experienced sexual violence may wish to contact a Sexual Assault Nurse Examiner at the Peterborough Regional Health Centre or the Durham Region Domestic Violence/Sexual Assault Care Center at Lakeridge Health, Oshawa if the person is concerned about STIs, HIV prophylaxis, Hepatitis B test and vaccine, emergency contraception or</p>

	<p>may wish to file criminal charges at some point. Further information on available resources is included in the Guideline to this policy and on the Trent Sexual Violence web site: http://trentu.ca/sexualviolence/</p> <p>If the person has experienced sexual violence while they were a student or employee at Trent and wishes to report the incident to the University, they may make their report to the Human Rights Office, Human Resources or Campus Security. Contact information for those persons authorized to take a report is included in the guideline to this policy and on the Sexual Violence website. http://trentu.ca/sexualviolence/assaulted.php The person experiencing sexual violence may choose not to request an investigation and has the right not to participate in any investigation that may occur.</p> <p>A student who has experienced sexual assault that is not related to their enrolment at Trent may wish to disclose or seek assistance or support. Resources to support individuals are included on the Trent Sexual Violence website: http://trentu.ca/sexualviolence/</p> <p>If there is imminent danger or the need for additional support, contact Trent Campus Security 705-748-1333 (Peterborough), 905-435-5111 (Durham) or local Police by dialing 911.</p> <p>The University will take measures to protect a person reporting an incident of sexual violence from retaliation or the threat of retaliation that may include having the respondent agree to a behavioural contract, removing the respondent from certain classes or work areas and suspension and trespassing the respondent from Trent property pending the conclusion of the investigation. Interim measures should protect the safety and security of the person who has experienced sexual violence in a manner that is least disruptive to the respondent. If the measures are not voluntarily agreed to by the respondent, the University retains the right to initiate them unilaterally to protect the safety and security of any person. If there is no indication of a safety concern, the University may need to investigate further to determine if interim measures are warranted. The person who has experienced sexual violence is not required to participate in any investigation or adjudication process the University may initiate.</p>
<p>Trained Person receiving a disclosure</p>	<p>A list of individuals trained to receive disclosure of sexual violence is available on the Sexual Violence website at http://trentu.ca/sexualviolence/</p> <p>Following a disclosure of sexual violence, the trained person receiving the disclosure shall provide information about medical, counselling or Victim Services support, and options such as negotiated outcomes including mediation, and reporting the incident to the University or Police. Reports for information only, with no further action unless there is an imminent physical safety risk, may be made to Trent Campus Security. If the person disclosing wishes to retain anonymity then the person receiving the disclosure may make a third-party report without including the identity of the person who experienced sexual violence. In that case, if Trent Campus Security/Student affairs wish to speak to the individual, they can contact the person receiving the disclosure to inquire if the individual is prepared to do so.</p> <p>The choice as to which option(s) to pursue should be at the discretion of</p>

the person who experienced the violence. There may be a gradual process of clarifying their wishes. Information on resources and options are in the guideline section of this policy.

The person receiving the disclosure should focus on listening, avoid any form of victim-blaming, and should be sensitive to the amount of information the individual is comfortable sharing, with the knowledge that it can be hard for people if they have to retell what happened multiple times. The person receiving the disclosure should try to determine what outcome the person making the disclosure is seeking. Non-formal resolution options include:

1. The person who has experienced sexual violence may request a non-judicial negotiation or mediation with the respondent to try to resolve the issue. Shuttle mediation, where the parties do not meet face to face, is also available.
 - a. There must be clear and simple objectives, with a focus on resolution that will be acceptable to everyone.
 - b. At this point, the discussion will not need a written statement of facts or conclusion, simply of outcomes.
 - c. If the respondent is a non-student employee, mediation should be conducted in accordance with the provisions of the Workplace Violence and Harassment or the Discrimination and Harassment Policy.

If negotiation is not possible or seems unlikely to resolve the matter, the complainant may request a formal adjudicated process (see below).

When the respondent is a student, a brief written report will be prepared by the mediator and provided to the Office of the AVP Students and to all parties who participated in the process. This will include:

- d. A statement of complaint and description of the incident(s),
 - e. An overview of the timeline from the precipitating incident to the conclusion of the process,
 - f. A description of any outcomes,
 - g. An explanation of how confidentiality applies in this circumstance.
2. The person who has experienced sexual violence may consider whether they can address the situation on their own.
 - a. Choose a time and place when they can have a conversation about the incident of sexual violence with the respondent privately, and without too much delay from the precipitating incident.
 - b. Consider having a support person present.
 - c. Speak about the impact of the behaviour, focusing on the behaviour and not making a judgment about the person.
 - d. Acknowledge the standpoint of the other person.
 - e. Work together to find agreement on how to resolve the issue through better mutual understanding, and possibly a

	<p style="text-align: center;">different pattern of behaviour in the future.</p> <p>If the person who has experienced sexual violence is referred to a Sexual Assault Nurse Examiner, Victim Services or the Police, the person receiving this disclosure shall provide a complimentary taxi chit for that purpose.</p> <p>The person making the disclosure may require on campus accommodation. The person receiving the disclosure shall assist in obtaining appropriate accommodation in consultation with the Office of Student Affairs.</p> <p style="text-align: center;">3. Formal Complaint: If the person who has experienced sexual violence wishes to make a report, the person receiving the disclosure will assist them making the report to Trent Campus Security, the Human Rights Office, and/or the Police.</p> <p>The person receiving the disclosure should explain that confidentiality may not be maintained if the information provided indicates there is a threat of physical harm to any person. In such cases, the person receiving a disclosure shall advise Campus Security of the threat by providing only information as necessary for Security to take appropriate action to address the threat, which may include an investigation.</p>
Trent Campus Security	<p>If the person who experienced sexual violence wishes to formally report the incident to the University under this policy they should file their report with Trent Campus Security. Trent Campus Security will meet with them to provide support and safety planning, and to determine next steps. They will:</p> <ul style="list-style-type: none"> • Advise that confidentiality will be maintained unless there is compelling reason to believe that the individual or another person may be at risk of violence. In such circumstances, Trent is required to take all reasonable action to prevent the violence, which can include involving police. • Review the resources and options available to the person who has experienced sexual violence. • Determine if the person who has experienced sexual violence wishes to report at this time to Police, Victim's Services, a Sexual Assault Nurse Examiner or other external support agency listed in the guideline to this policy. Offer to facilitate the contact, including provision of a taxi chit or requesting the Police or Victim Services meet with the person on campus, and take a basic report ie. name(s), contact information, time, location and brief description of incident sufficient to determine if a further threat exists. • If the person does not wish to involve police at this time, determine if it is necessary to put a safety plan in place. The person can also file an information report with Security if they do not wish to pursue a full investigation at this time. An investigation can be initiated at any time as long as the student is enrolled at Trent. • Advise the person who has experienced sexual violence that the resolution process will include an investigation by Trent Campus Security and adjudication by an Adjudication Panel. • The investigation report will be shared with the respondent before the oral hearing, but not the complainant to preserve credibility. Complainants are not required to cooperate with or participate in the investigation.

		<p>Assist the person who has experienced sexual violence in drafting a letter of complaint for the Director Risk Management or Security Manager which includes:</p> <ul style="list-style-type: none">• Name(s) of the complainant(s) and contact information• Name of the respondent, position and contact information (if known)• Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)• Details of what happened including date(s) and location(s) of the alleged incident(s)• Any supporting documents that may be relevant to the complaint. <p>If there is clear and unambiguous proof that the complaint is erroneous, or has been made in bad faith, the Director, Risk Management and the AVP Students will decide whether or not to proceed with an investigation or adjudication. If they decline to proceed, they will notify the complainant and provide brief reasons supporting the decision. If the respondent already knows of the complaint, they should be advised that the University has declined to conduct an investigation and the reasons for that decision.</p>
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	<p>Risk Management</p>	<p>Investigation Process.</p> <p>Either the Security Manager, the Director of Risk Management or an external investigator will conduct the investigation. The complainant may request a female or male investigator on the understanding the investigator of their choice may not be immediately available. The investigator should not have a bias or conflict of interest towards either party to the complaint to ensure fairness of process.</p> <p>The investigator will review the complaint details with the complainant to obtain any necessary clarifying information. The investigator will determine:</p> <ol style="list-style-type: none"> a. If the respondent poses a threat to anyone’s personal safety. If so, assess the effectiveness of any safety plan that has been put in place and initiate any further action necessary to mitigate the threat, including involving Police. b. What remedy would be acceptable to the complainant. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The investigator will notify the respondent that an investigation has been initiated and provide a brief synopsis of the allegations. The investigator will advise that respondent that they have the right not to participate in the investigation process. If they chose to do so, they may bring a supportive person. The investigator will explain the process and time lines to the respondent and advise that all parties are expected to respect confidentiality. The investigator will advise that any retaliation against the complainant or witnesses (if any) will result in disciplinary action.</p> <p>The investigation process will involve collection of evidence and interviews with the complainant, the respondent, and any witnesses the investigator deems necessary. Due to the sensitive nature of a sexual violence allegation, the investigator will only interview witnesses if necessary to corroborate facts or to establish a pattern of behaviour to help assess probability.</p> <p>Witnesses will be advised that their names will not be released to the complainant or respondent unless necessary to provide the context needed for the respondent to fairly answer a question or as required by legal proceedings. The content of witness statements will be protected to the extent required by, or permitted by, freedom of information and privacy legislation. Detailed notes, quoting the witness where possible, will be taken. Witnesses will be advised to maintain confidentiality regarding the allegation.</p> <p>Once the investigator has collected all available evidence, they will interview the respondent by ask questions pertaining to the allegations, witness statements and any other documentation or other evidence gathered.</p> <p>The investigator will allow the respondent to provide any additional information that may clarify the issue. The investigator will take detailed notes or record all interviews. The investigator will remind the respondent that reprisals to the complainant are prohibited and will result in disciplinary action.</p> </div>
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	<p>Adjudication Panel</p>	<p>The Adjudication Panel is composed of the following:</p> <ol style="list-style-type: none"> 1. AVP Students or designate (Senior Adjudicator) 2. Designated faculty member 3. Executive representative from the Trent Central Student Association (Peterborough undergraduate student respondent), Trent Durham Student Association (Durham student respondent) or Trent Graduate Students' Association (graduate student respondent) 4. Assistant to the AVP Students (non-voting) who will record and provide a summary of the hearing for documentation purposes <p>The formal hearing will be convened within two weeks of receiving the investigation report. The respondent, complainant and witnesses (if applicable) will normally be provided immediate notice of the hearing date.</p> <p>At the formal hearing the respondent has the right to present evidence and witnesses on their behalf and to question any witness or evidence presented against them.</p> <p>The respondent and complainant each have the right to have an advocate with them during the process. This could be a parent, advisor, or legal counsel.</p> <p>The Senior Adjudicator has the right to intervene if the proceedings cease to be respectful and decorous. In addition, either the complainant or the respondent may ask the Senior Adjudicator to intervene if they feel unsafe during the proceedings.</p> <p>The Adjudication Panel will carefully scrutinize the available evidence, including the credibility of all persons providing evidence, to determine whether it is more likely than not that the alleged event(s) occurred, did not occur or if there is insufficient evidence to determine if the event(s) occurred.</p> <p>If the event(s) are found to have occurred, the Adjudication panel will impose appropriate outcomes as described in the Charter of Student Rights and Responsibilities. Outcomes can include educational initiatives, formal apologies, behavior contracts, community service, warnings, loss of privileges, restitution, probation, suspension and expulsion.</p> <p>The decision of the Adjudication Panel will be communicated in writing to both the respondent and complainant. This will include:</p> <ol style="list-style-type: none"> a. A summary of the incident(s) in question and a finding with regards to responsibility, b. A description of outcomes (if any) that are to be imposed, c. A time frame and process for follow-up, d. An explanation of the appeals process, e. An affirmation of how confidentiality applies to the case. <p>If a common decision letter would disclose personal information of either party, the Senior Adjudicator will send separate, confidential versions of the letter to each party.</p> <p>The decision will be kept as a record by the office of the AVP Students for as long as any of the parties are enrolled at Trent.</p>
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Final Appeals

Appeals can be filed by either the respondent or the complainant. A written summary of the appeal, including the stated grounds, can be filed with the Provost and Vice President Academic's Office (<http://www.trentu.ca/vpacademic/>).

Legitimate grounds for appeals include the following:

1. A significant error where the procedures outlined in this Policy were not followed correctly
2. Clear evidence of a significant conflict of interest on the part of a decision-maker
3. The outcome is disproportionate with the precipitating incident(s)
4. Significant new evidence that was not available at the time of the decision, which has the potential to change the outcome of the case

Whether the grounds for an appeal exists will be determined by the Provost or designate (any designate must not have been involved in the case to this point).

If there are grounds for an appeal, the case will be reviewed by the Provost or designate, who will meet with the Adjudication Panel, respondent, complainant and/or witnesses as necessary to determine the validity of the appeal.

If the appeal is on the basis of a significant error, new information or conflict of interest, then the entire case will be considered again by a new Adjudication Panel constituted for the purposes of the appeal, and made up of a senior administrator, student leader and faculty member as designated by the Provost.

If the appeal is on the basis of a disproportionate outcome, then only the impact of the incident, and mitigating or exacerbating factors need be considered. This will be considered by the Provost or her/his designate, and potentially in consultation with legal counsel.

Results of an appeal may be:

1. Upholding the original decision
2. Modifying the original decision by either increasing or decreasing the outcomes
3. Overturning the original decision with no further consequences

All decisions of the appeals process are final.

Date Approved	January 29, 2016, Last Revised December 2, 2016
Approval Authority	Board of Governors
Date of Commencement	January 29, 2016
Amendment Dates	Revised December 2, 2016
Date for Next Review	October 1, 2019
Related Policies, Procedures and Guidelines	Discrimination and Harassment, Workplace Violence and Harassment, Student Charter of Rights and Responsibilities, Housing Residence Standards

GUIDELINE



SEXUAL VIOLENCE PREVENTION AND RESPONSE

Contact Officer

AVP Students and Director, Risk Management

Purpose

This guideline outlines institutional approaches and lists the support services available to persons who have experienced sexual violence at Trent and in the Peterborough and Durham communities. More detailed information on what to expect from each service, how to prevent sexual violence, consent to, and how to assist someone who discloses sexual violence can be found on the Trent Sexual Violence Prevention and Support website: <http://trentu.ca/sexualviolence/overview.php>

University Approach and Supports

Every effort will be made to limit the number of times an individual who has experienced sexual violence is asked to repeat the story of what has happened to them. Such individuals also have the right to choose how far to proceed in seeking recourse, except when there are reasonable grounds to infer that the physical safety of any individual, including the respondent, is at imminent risk. In such situations, every effort will be made to protect confidentiality while ensuring that the risk of harm is appropriately addressed, which may include Police intervention, but confidentiality cannot be guaranteed.

At all times, confidentiality of an individual's sexual history shall be protected. Such information will not be disclosed without consent.

Individuals who are seeking support related to an incident of sexual misconduct have a right to a coordinated approach among support providers. They also have the right to receive competent support, which means persons listed on the Trent Sexual Violence Prevention and Support website <http://trentu.ca/sexualviolence/overview.php> are required to complete sexual violence disclosure or investigation training, and to operate within the limits of their training and expertise.

University procedures regarding sexual violence will be used in a manner that protects the safety and wellbeing of all members of the Trent community without interfering with legal proceedings.

Gathering of statistics for the purposes of reporting as per government mandate shall not supersede the privacy rights of someone who has experienced sexual violence.

There is no time limit on when a person may come forward with an allegation of sexual violence. However, the purview of the University to take internal judicial action against alleged perpetrators only extends to those who are actively employed, enrolled or attending the institution in some capacity.

If a person who has experienced sexual violence wishes to initiate a complaint with Trent University, they may do so under one of three policies:

- The Sexual Violence Policy when the respondent is a student.
- The Workplace Violence and Harassment policy if the respondent is a Trent employee.
- The Discrimination and Harassment Policy for all respondents.

If the respondent has dual status of student and employee, the complainant may elect to have the matter investigated and adjudicated under any of the above policies. The difference is the sanctions that the adjudication body can impose.

- Sexual Violence Policy complaints are adjudicated by a Student Affairs led panel and can only impose sanctions relating to the respondent's student status.
- Workplace Violence and Harassment Policy complaints are adjudicated by the respondent's supervisor, in conjunction with Human Resources, and can impose sanctions relating to the respondent's employment that may also affect their student status, depending on the sanction.
- Sanctions under the Discrimination and Harassment Policy may affect both employment and student status.

Investigations under any of these policies must determine on the balance of probabilities - ie. whether it is more likely than not - that sexual violence did or did not occur. In a criminal case, the courts must decide beyond a reasonable doubt that the crime occurred, which has a higher burden of proof.

As mandated by the Child and Family Services Act, every person who has a reasonable belief that a child under the age of 16 may be at risk of harm has a legal duty to report the situation to the Children's Aid Society.

The University will ensure that appropriate procedures are in place to respond to incidents of sexual violence and to provide support for members of the University community who have experienced sexual violence, regardless of where such incidents may occur.

The University is committed to on-going education and awareness initiatives about sexual violence, including issues of diversity, consent, drug and alcohol use, sexual harassment and cyber harassment. The University will support these initiatives through a dedicated Sexual Assault Education and Awareness web page and existing programs such as the Student Support Certificate and Bystander Intervention Training. The University will ensure that these initiatives are broadly communicated to all members of the University community.

Health Services:

If you, or someone you know, has experienced sexual violence:

In Peterborough:

During office hours (9:00 am - 4:00 pm): Phone or visit Student Health Services clinical team leader, at 705-748-1481, Blackburn Hall 111 or the Kawartha Sexual Assault Centre at 411 Water Street Suite 102 and/or

24/7: Call the Kawartha Sexual Assault crisis line at 705-741-0260 or Go to the Peterborough Regional Health Centre's Emergency Department, 1 Hospital Drive Peterborough and ask for the sexual assault on-call nurse.

In Durham:

24/7 call Durham Rape Crisis Centre Crisis and Support Line at 905-668-9200

During office hours (9:00 am - 4:00 pm): Phone the Durham Accessibility Services Advisor at 905-435-5102 x5024, and/or.

24/7: Phone the Durham Region Domestic Violence/Sexual Assault Care Centre (Lakeridge Health) 905-576-8711 or visit the Lakeridge Health emergency department.

Resources

Peterborough

On Campus

- Centre for Human Rights, Equity and Accessibility (705) 748-1011 ext 7725.
- Campus Security 705-748-1328, or ext 1333 in an emergency, email security@trentu.ca
- Trent Counselling Centre. Blackburn Hall, Suite 113 Phone: (705) 748-1386, email counselling@trentu.ca
- Trent Housing Services. Blackburn Hall, Suite 129. Phone (705) 748-1011 x 7127, email residence@trentu.ca or contact your residence don/college residence life coordinator
- Persons trained to receive disclosures:
 - All Campus Security guards
 - CRLCs
 - Wellness Center staff
 - Human Rights Advisor

Off Campus

- Women's Health Care Centre, Peterborough Regional Health Centre: 705-743-2121 Ext. 0 and switchboard will contact the on-call Sexual Assault Nurse Examiner (SANE). Their Sexual Assault Response team is available twenty-four hours a day through the Emergency Department at Peterborough Regional Health Centre.
- For more information available at <http://www.prhc.on.ca/cms/sexual-assault-domestic-violence-program>
- Peterborough Police Victim Services 705-876-1122 ext 268. Victim Services will not share your information with the Police without your consent. <http://www.peterboroughpolice.com/learn/investigative-services/victim-services/>
- Kawartha Sexual Assault Centre: 24-hour crisis line (705) 741-0260, website <http://www.kawarthasexualassaultcentre.com>

Durham

The contract security guards at the Durham campus are not trained to receive disclosures or reports of sexual violence and will refer any such requests to Trent Campus Security or the Durham Accessibility Services Advisor.

On Campus

- Durham Accessibility Services Advisor at 905-435-5102 x5024.
- Trent Campus Security at 705-748-1333
- Durham Rape Crisis Centre present on campus every Monday from 1 PM to 5 PM for individual counselling. Contact Jaclyn Clements, Adult Counsellor/Social Worker at jackie@drcc.ca or 905-494-9672 ext. 22
- Persons trained to receive disclosures:
 - Accessibility Services Advisor
 - Trent Campus Security Guards in Peterborough by phone.

Off Campus

- Durham Region Domestic Violence / Sexual Assault Care Centre (Lakeridge Health) 905-576-8711 24 hour crisis line. Counselling and referrals for male/female sexual assault victims, all ages.
- Durham Rape Crisis Centre 905-668-9200 24 hour counselling and support groups for recent or past abuse.
- Herizon House - Ajax-Pickering Women's Centre 24 hour crisis line. 1-866-437-4066

- The Denise House (Shelter) – Oshawa 905-728-7311 or 1-800-263-3725 24 hour crisis line for abused women, counselling, children’s programs.
- Distress Centre Durham 905-430-2522 or 1-800-452-0688 24 hour telephone counselling, crisis and suicide intervention and referral
- Durham Police Victim Services at 905-579-1520 ext 3400 or victimservices@drps.ca
http://www.drps.ca/internet_explorer/our_organization/unit.asp?Scope=Unit&ID=72

Sexual Expression and Safety

Every person has the right to sexual expression in a manner that suits their readiness, desires, values, identity, dignity and bodily autonomy. Sexual activity is not to be used in a manner that takes away from another person’s rights.

It is understood that sexuality is frequently negotiated in the context of power dynamics and as such it is incumbent on those who are in elevated positions of power to recognize and always respect the limits of those with less power.

Even in equitable and consensual sexual circumstances, pain may be an unavoidable or even desirable part of the experience (eg. BDSM). Explicit, repeated and coercion-free consent throughout the experience is expected to be obtained. At all times, individuals who might experience pain should have an easy way to stop the activity at their discretion.

Communication is understood to take many different forms. The absence of the ability to communicate means it is impossible to give consent. In the absence of some other form of explicit and mutually negotiated consent, silence should be understood as a warning that something may be wrong.

Pregnancy, sexually transmitted infections and sexual experimentation may carry tremendous social, psychological and emotional weight. It is therefore understood that disclosure of such information often makes individuals feel highly vulnerable and must be handled with tremendous care.

It is understood that intoxication often reduces an individual’s inhibitions. This does not reduce the duty to negotiate sexual activity in a manner that is mutually agreeable. A person who experiences intoxication is understood to have diminished capacity to understand the implications of what is happening to them, which is a critical component of consent. One must never use the opportunity where another person is intoxicated to take advantage of a person’s vulnerability.

Engaging in sexual activity with an acquaintance or person with whom there is not an on-going intimate relationship underscores the need to verify that the unfolding circumstances are mutually agreeable.

An individual always has a right to decline any sexual activity, even with their partner.

Related Policies / Procedures

Discrimination and Harassment <https://www.trentu.ca/secretariat/policies.php#3>
Student Charter of Rights and Responsibilities <http://trentu.ca/studentaffairs/scrr/overview.php>

Links

The Sexual Assault Prevention and Support web site provides more detailed information on resources, supports and what to do in the event you witness or experience sexual violence:

<http://trentu.ca/sexualviolence/overview.php>

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