

Sexual Violence Prevention and Response Policy Guidelines

Associated Policy: Sexual Violence Prevention and Response Policy

Approval Authority: Board of Governors

Contact Officer: AVP Students and Director, Risk Management

Date of approval: November 30, 2018

Purpose

These guidelines outline institutional approaches, explains policy options and links to 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.

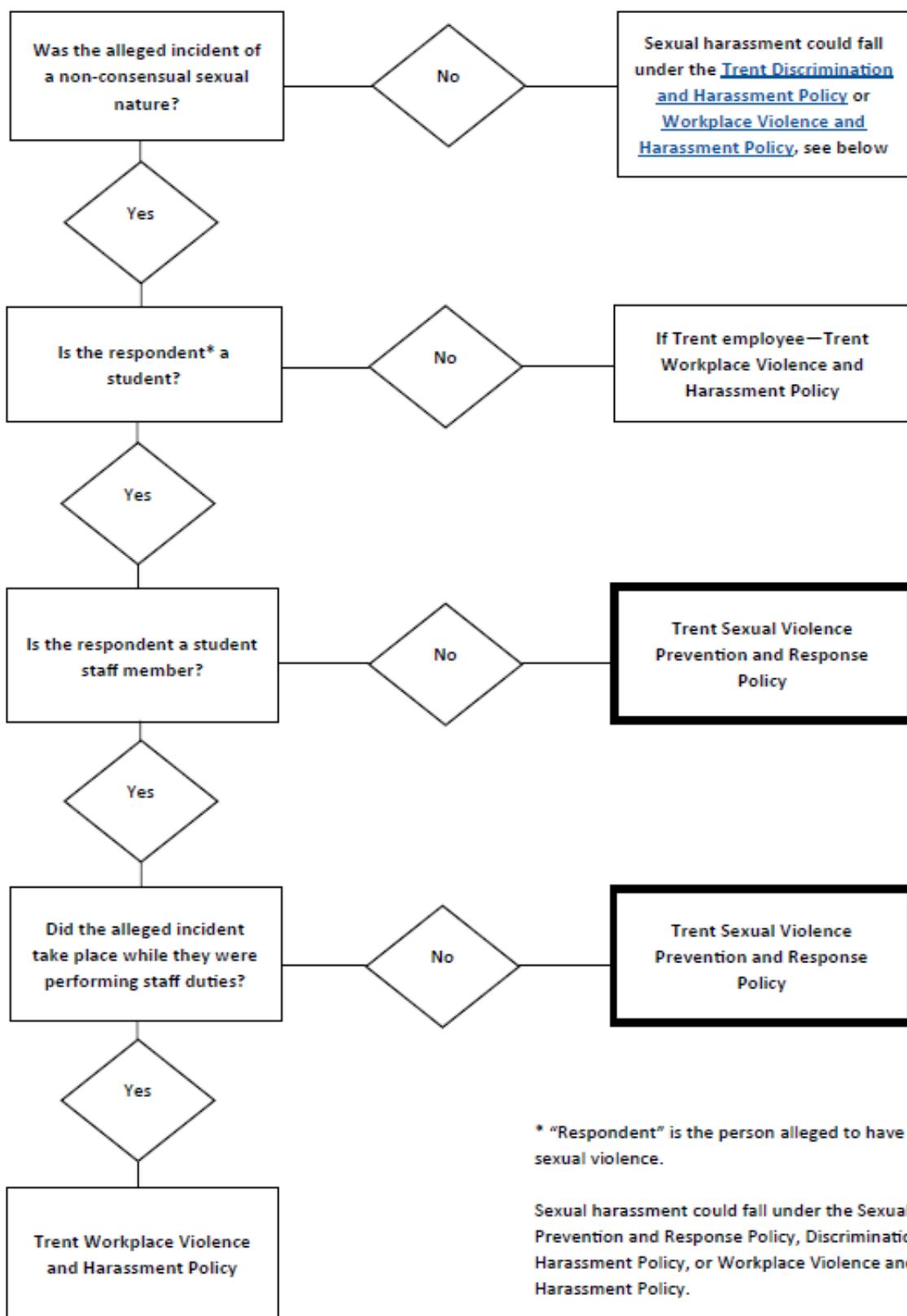
University Approach and Supports

- (a) 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 risk of imminent physical harm. 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.
- (b) 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](#) are required to complete sexual violence disclosure or investigation training, and to operate within the limits of their training and expertise.
- (c) 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.
- (d) 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.
- (e) 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.

Selection of Appropriate Policy

- (a) If a person who has experienced sexual violence wishes to initiate a complaint with Trent University, they may do so under one of three (3) policies:
- The Sexual Violence Prevention and Response Policy if 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.
- (b) If the **respondent is a student**, the Sexual Violence Prevention and Response Policy must be used.
- (c) If the **respondent has dual status of student and employee**, the Workplace Violence and Harassment Policy will be chosen if the violence occurred in the course of the respondent's work responsibilities or if the employment status of the respondent put them in a position of authority over the person who has experienced sexual violence. Otherwise, the Sexual Violence Prevention and Response Policy will be used. In either case, the complaint and the results of the adjudication or investigation will be provided to Student Affairs and the respondent's supervisor/ Human Resources. Should the respondent be found to have committed an act of sexual violence, sanctions imposed may affect both employment and student status at Trent.
- (d) If the **respondent is a TUFA, CUPE 1, OPSEU or Exempt employee of Trent**, the Workplace Violence and Harassment Policy must be used.
- (e) A person who has experienced sexual violence may access the Discrimination and Harassment policy for incidents of sexual or gender discrimination, regardless of the status of the respondent.
- (f) The following chart depicts the policy selection decision tree:

What policy should be used?



* "Respondent" is the person alleged to have committed sexual violence.

Sexual harassment could fall under the Sexual Violence Prevention and Response Policy, Discrimination and Harassment Policy, or Workplace Violence and Harassment Policy.

- (g) If the person who has experienced sexual violence is a student but the respondent is not a current member of the Trent community, a complaint can go forward under either the Sexual Violence Prevention and Response Policy or Discrimination and Harassment Policy. Depending on the status of the respondent (visitor, contractor, employee of another organization located on Trent property), an internal investigation may not be sufficiently comprehensive to reach a finding. As well, sanctions are limited to prohibit the respondent from Trent property.
- (h) Once a formal report has been investigated and adjudicated through any of these policies, and all appeals have been exhausted, the complaint will be considered closed by the University and will not be re-investigated under another policy unless there is a further reported incident of sexual violence.
- (i) The three policies have differing timelines for completion as follows:
- Complaints must be submitted within five (5) months of the incident under the Discrimination and Harassment and Workplace Violence and Harassment policies.
 - The Sexual Violence Prevention and Response Policy does not have a time limit, but the adjudication process can only proceed while the parties are students enrolled at Trent.
 - The Discrimination and Harassment and Workplace Violence and Harassment Policies have timelines for each phase of the process.
 - The Sexual Violence Prevention and Response Policy does not have maximum time limits but does seek a timely resolution.
- (j) 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.
- (k) 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.

Resources

An up to date list of resources and support services can be found on the [Trent University Sexual Violence Prevention and Response website](#).

Sexual Expression and Safety

- (a) Every person has the right to sexual expression in a manner that suits their readiness, desires, values, identity, dignity and bodily autonomy.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) 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.
- (g) An individual always has a right to decline any sexual activity, regardless of relationship status. Consent may be revoked at any time and that revocation must be respected and the sexual activity must be stopped. Consent is required for each new act, as consent must be ongoing, active, and voluntary.

Related Policies, Procedures and Guidelines

- [Workplace Violence and Harassment Policy \(including Threat Assessment Protocol\)](#)
- [Discrimination and Harassment Policy](#)
- [Student Charter of Rights and Responsibilities](#)
- [Housing Services Residence Standards and Residence Agreement](#)
- [Use of Information Technology Guideline](#)
- [Protection of Personal Information Policy](#)

Links

The [Sexual Violence website](#) provides more detailed information on resources, supports and what to do in the event you witness or experience sexual violence

(URL: www.trentu.ca/sexualviolence)

Date for Next Review

May, 2021