

# Sexual Violence Prevention and Response

**Category:** Operations

**Approval:** Board of Governors

**Responsibility:** AVP Students and Director, Risk Management

**Date approved** November 30, 2018

## 1. 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 provide direction on sexual violence prevention strategies, guidance on responding to incidents of sexual violence and information on options and resources for persons who have experienced sexual violence. Additional information is available on the [Trent University: Sexual Violence website](http://www.trentu.ca/sexualviolence/) (URL: [www.trentu.ca/sexualviolence/](http://www.trentu.ca/sexualviolence/))

## 2. Definitions

- (a) **Accommodation/Assistance for persons affected by sexual violence:** are provisions to protect the physical and/or mental health of a person affected by sexual violence and 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.
- (b) **Bargaining Agent Representation:** is a representative of an employee's bargaining unit and shall accompany the member in any meeting or related proceedings under this policy. This person is, in addition to any supportive person designated by the individual.
- (c) **Child:** is a person who is, or appears to be, under the age of 16 years.
- (d) **Consent:** is an active, direct, voluntary, unimpaired, continual and conscious choice and agreement between persons to engage in physical contact or sexual activity therefore:
  - 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, drugs, a medical condition, disability or age, 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 a respondent 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.
- (e) **Confidentiality:** means protecting the identity and personal information of parties to an incident of sexual violence. Any disclosure or report and information contained therein will be considered confidential except when there is reasonable cause to believe that anyone, including the respondent, is at risk of imminent physical harm, including self-harm, or if there is a concern about the safety or welfare of a child. In accordance with applicable laws, the University will not publicly disclose the identity of persons involved in an incident of sexual violence. However, information may be shared internally as necessary to ensure that the University can take appropriate action to safeguard and protect the interests of the Trent community, ensuring that protecting the confidentiality of the person who has experienced sexual violence is the top priority.
- (f) **Cyber-harassment:** means harassing messages, photos and videos sent on-line or posted to social media sites.
- (g) **Disclosure:** means advising a trained medical professional, community support worker or trained University support worker in confidence about the sexual violence one has experienced to seek medical care, advice or support. This is not a formal report and 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. A person disclosing an incident of sexual violence has no obligation to make a formal report.
- (h) **Imminent physical harm:** means a situation in which there is clear evidence that another incident of violence, sexual or otherwise, causing physical harm is likely to occur before a thorough threat assessment can be conducted. This could include stranger assault, threats of violence or suicidal intent from any party to the incident.
- (i) **Person who has experienced sexual violence:** is the term that 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. 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.
- (j) **Rape culture:** is a culture in which dominant ideas, language, 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.
- (k) **Report:** means to formally advise the University and/or the police so that there is a written 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 risk of imminent physical 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.
- (l) **Respondent:** is the person alleged to have committed sexual violence.

- (m) **Sexual assault:** is an assault, as defined in Section 265(1) of the Criminal Code, committed in circumstances of a sexual nature such that the sexual integrity of the person who has experienced sexual violence is violated.
- (n) **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.
- (o) **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.
- (p) **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.
- (q) **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.
- (r) **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, stealthing, indecent exposure, voyeurism and sexual exploitation.
- (s) **Stalking:** refers to behaviours as defined by the Criminal Code as criminal harassment in the context of sexual or intimate partner violence.
- (t) **Stealthing:** is the act of secretly removing a condom during sex without the consent of the partner. It is a form of sexual assault.
- (u) **Supportive person:** means a person, including a bargaining unit representative if applicable, selected by either the person who has experienced sexual violence or respondent to assist them throughout the Trent disclosure, 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 may attend meetings as supportive persons but cannot act as legal representatives.
- (v) **Victim-blaming:** means language or accusations that the person experiencing sexual violence could somehow have prevented it. Victim blaming can make it more difficult for the person to seek help or report the violence.

### 3. 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. In the case of CUPE 1, OPSEU, Exempt, and TUFA respondents the Workplace Violence and Harassment Policy must be used. If the respondent is a student employee, the Workplace Violence and Harassment Policy will be used if the sexual violence incident is related to their employee status. In such cases, the results of investigation and/or adjudication processes will be shared with both Student Affairs and the student employee's supervisor and Human Resources to coordinate outcomes.

This policy does not preclude a person who has experienced sexual violence from initiating an alternative procedure such as making a police report, initiating civil action, lodging complaints with the Human Rights Commission of Ontario or the Ministry of Labour, or accessing the grievance procedures outlined in their collective agreements (if applicable). Where both external proceedings and a formal report under this policy are initiated, the University may choose to proceed with an internal investigation and adjudication. Where there is an ongoing police investigation, the University will cooperate with local police and may put the internal investigation and adjudication process on hold until the police investigation and any criminal charges are resolved.

#### **4. Policy Statement**

The University recognizes that the prevention of and response to incidents of sexual violence is of particular importance in the university environment. Sexual violence is not acceptable at Trent. Any and all reported acts of sexual violence will be addressed in a thorough and timely manner in accordance with the wishes of the person who has experienced sexual violence, with the exception that the University may choose to investigate and take action to safeguard members of the Trent community if there is a risk of imminent physical harm, even if the person who has experienced sexual violence does not want an investigation or wish to participate in the investigation

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. In accordance with applicable laws, the University will not publicly disclose the identity of persons involved in an incident of sexual violence, however, information may be shared internally as necessary to ensure that the University can take appropriate action to safeguard and protect the interests of the Trent community.

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. 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 Prevention and Response 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.

## 5. Responsibilities

- (a) **All members of the Trent Community:** share the responsibility to create and maintain an environment free from sexual violence by not perpetrating sexual violence, or perpetuating rape culture and, by conducting bystander interventions or getting help if it is not safe to intervene.
- (b) **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.
- (c) **Senior Administrators, Managers, Supervisors, Instructors, Student Life/Student support staff and Athletics coaches:** are responsible to provide or make available training on the Sexual Violence and Prevention Response 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.
- (d) **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 Guidelines to this policy. They will maintain confidentiality unless there is risk of imminent physical harm to a member of the Trent Community. A list of persons trained to receive disclosures can be found on the Trent Sexual Violence Prevention and Response website.
- (e) **Sexual Violence Prevention Coordinator (SVPC):** is a key contact person for students who have experienced sexual violence, as well as for students, staff, and faculty that receive disclosures of sexual violence. The Coordinator is responsible for appropriate referrals, support, and advocacy for students who have experienced sexual violence. The SVPC also develops and facilitates educational opportunities on campus focused on prevention and intervention. The SVPC is responsible to maintain a database of disclosures, minus personal identifiers, and report to the Ministry of Training, Colleges and Universities.
- (f) **Student Wellness Centre:** 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.
- (g) **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.
- (h) **Associate Vice President (AVP) Students:** is responsible for ensuring the needs of students affected by sexual violence are appropriately accommodated and for conducting adjudication proceedings under this policy for formal student reports of sexual violence, whether or not criminal charges have been laid. The AVP Students is also responsible for the provision of

sexual violence prevention and awareness training and resources for the Trent Community to include prevention, intervention and receipt of disclosure training.

- (i) **Director, Risk Management and/or Security Manager:** is responsible for ensuring investigations of reports of sexual violence are conducted, documented 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, and publish sexual violence statistics on the Trent website and provide report information, minus personal identifiers, to the SVP Coordinator for reporting purposes.
- (j) **Associate Vice-President, Human Resources:** is responsible for supporting supervisors and managers when implementing corrective disciplinary action for student employees found to have committed an act of sexual violence, whether or not criminal charges have been laid.

### **Contact Officer**

AVP Students and Director, Risk Management

### **Date for Next Review**

Every three years by the Sexual Violence Steering Group with participation from all student governments and interested students. May 2021 is the next review.

### **Related Policies, Procedures & Guidelines**

- a) Discrimination and Harassment
- b) Student Charter of Rights and Responsibilities.
- c) Workplace Violence and Harassment Policy
- d) Residence Code of Conduct
- e) Threat Assessment Policy

### **Policies Superseded by This Policy**

- a) Nil