

Brock's Sexual Violence Policy (SVP)

When a disclosure is brought to Human Rights and Equity (HRE), we follow the procedure laid out in [Brock's Sexual Violence Policy](#) (the "SVP") to work towards a resolution. Below is an overview of the SVP and its procedures.

What does the SVP do?

Brock's Sexual Violence Policy prohibits sexual violence and commits the University to providing supports, services, and accommodations for Brock community members who are affected by Sexual Violence. The Policy also includes a commitment to responding appropriately to disclosures of sexual violence and ensuring that all processes carried out under the Policy are procedurally fair.

The Policy means that if you experience sexual violence you can go to Human Rights and Equity Office for supports, even without making a formal complaint. It also means that when sexual violence is disclosed, there are different resolution options (see below), but each of them will be done fairly, confidentially, and with the goal of protecting the safety of the university community and protecting survivors' right to dignity and respect.

What kind of behaviour is covered by the SVP?

The SVP applies to *sexual violence* and *sexual misconduct*. Both concepts are outlined below:

Sexual violence is any sexual speech or act that targets a person's sexuality, gender identity or gender expression, that is committed, threatened, or attempted without consent. This includes things like sexual assault (e.g., non-consensual touching), sexual harassment (e.g., a course of vexatious comments because of your sex, sexual orientation, or gender identity/expression, that was known to be unwelcome or should have been known to be unwelcome), stalking and indecent exposure.

Sexual misconduct refers to inappropriate sexual relations between a Brock student and Brock employee (e.g., when a Brock employee makes a sexual solicitation or advance to a Brock student when the employee was in a position to confer, grant, or deny a benefit or advancement to the student).

Does the SVP apply to something that happens off campus?

The SVP applies to off-campus conduct if:

- It was part of a University event, program, or activity;
- It was part of a non-University event, program, or activity, but involved a Brock student, course participant, staff, faculty, or volunteer acting as a representative of Brock University;
- The conduct has a sufficient nexus to University operations (e.g., it has a direct and substantial impact on the work and learning environment)

Will what I tell HRE be kept confidential?

Information about the survivor remains confidential except:

- in the event that there is a risk of self-harm or harm to others;
- Brock community members may be at risk of harm;

- there is a legal obligation to disclose – for example, if you disclose sexual harassment by a Brock employee, Brock may have an obligation to investigate it in order to ensure a safe work and learning environment.

Note that *confidentiality* does not mean *anonymity*. The identity of survivors, complainants, respondents, and witnesses will be treated confidentially but may be disclosed where necessary to investigate, take corrective action, challenge the outcome under a grievance procedure, or where otherwise required by law. In most cases, in order to investigate a complaint of sexual violence, procedural fairness would require that the respondent (the person who is accused of committing sexual violence) knows the identity of the complainant, so that they are able to fully respond to the allegations.

What if I just want to get supports and don't want to file a complaint?

The SVP procedures give you the option to either make a *disclosure* or submit a *complaint*.

- A *disclosure* is simply telling us you experienced Sexual Violence.
- A *complaint* may be submitted if you wish to either engage in alternative resolution and/or transformative justice processes or have your experience investigated under the SVP.
- Importantly, you may make a disclosure under the SVP without having to file a report. You may also receive access to supports and services regardless of whether you decide to proceed with a resolution process under the policy or not.

You may also make an *anonymous disclosure* and/or a *third-party disclosure*.

Anonymous disclosure: Individuals may anonymously disclose gender and sexual violence to HRE and may choose not to provide their name or other personal information in the anonymous disclosure. Where possible, HRE will make information on supports, services, accommodations, and disclosure and resolution options available to individuals who make anonymous disclosures.

Third Party Disclosure: Individuals who witness and/or receive disclosures of gender and sexual violence from a Brock community member may make a third-party Disclosure and consult with HRE staff on how to provide support and advice to the survivor. HRE will give the third-party discloser information on supports, services, accommodations, and disclosure and resolution options.

What kind of Accommodations or Interim Measures could be available to me?

Accommodations: Individuals who have been affected by sexual violence will have access to academic and/or workplace accommodations following a Disclosure regardless of whether they choose to file a Complaint and/or participate in an investigation and regardless of when, where, and by whom the sexual violence occurred.

- After a Disclosure is received by HRE, HRE will assist Survivors with accessing accommodations that are reasonable and necessary to allow them to participate fully in the services available at the University. HRE will recommend accommodations that are reasonable and necessary and will coordinate with the appropriate administrators for implementation.

Interim measures: Interim measures are measures that may be put in place if a complaint (as opposed to a disclosure) is submitted to HRE. Interim measures are measures that are reasonable and necessary to allow the Complainant and/or Respondent to participate fully in the services available at the University, prevent retaliation, protect parties and witnesses, other Brock Community Members, or protect the integrity of the investigation and decision-making process.

- Interim Measures may be implemented and/or modified at any time and may remain in effect until all Procedures under the SVP have been completed.

After I disclose sexual violence to HRE, what will happen? What resolution options do I have?

After a disclosure is made, HRE will provide support to the discloser. If the survivor chooses, HRE will then work with both parties to resolve the complaint through various levels of resolution depending on the situation and the desired outcome.

The three types of resolution include personal resolution, informal resolution, and formal resolution.

Personal Resolution: HRE provides personal support in helping the complainant deal with the issue. This can mean counselling, advice on having a difficult conversation, or help drafting a letter to the person who caused harm. Note that *survivors are eligible for support and personal resolutions at any time, even if they do not want to pursue a formal or informal resolution.*

Informal Resolution: HRE facilitates academic accommodations, alternative resolution processes and/or transformative justice strategies. This can include mediation, facilitated dialogue, or a no-contact order. Note that *informal resolutions are voluntary, and both the complainant and the respondent must agree to participate.*

Formal Resolution: A survivor can lodge a formal complaint to the University (even if they have already undergone an informal process). The complaint will be reviewed by the University's investigations office to confirm whether the complaint should be investigated, having assessed things like whether the University has jurisdiction, whether the allegations fall within the scope of the Policy, and when the sexual violence is alleged to have occurred. If the Investigations Office decides the complaint should proceed to investigation, an investigator will be appointed and an investigation will be done, which should normally be completed within 8 months. Based on the investigation report, the relevant decision maker will decide whether the facts occurred as alleged (based on whether it is more likely than not that they occurred) and if so, whether the SVP has been breached. If there is a finding that the policy was breached, the decision maker will determine what discipline will be imposed.

What if I'm afraid to disclose because of retaliation or because I was violating a University policy at the time of the incident?

- The SVP provides that students who disclose an incident of GSV will not be subject to discipline or sanctions for violations of the University's policies related to drug or alcohol use at the time the alleged sexual violence occurred (section 11, Immunity)
- The SVP includes explicit prohibitions against retaliation and sections 6.1 to 6.3 outlining the measures the University will take to protect against retaliation.