

SEXUAL ASSAULT AND HARASSMENT POLICY

PURPOSE

- 1.1. **Sexual Violence** is a spectrum of nonconsensual sexual contact and behaviour which includes *sexual assault, sexual harassment, stalking, sexual exploitation, indecent exposure, and voyeurism*.
- 1.2. Brock University (the "University") recognizes that Sexual Violence is a serious and complex issue that can adversely affect Brock Community Members. The University unequivocally prohibits and will not condone, tolerate, or ignore any form of Sexual Violence that affects the work and learning environment at the University.
- 1.3. The University also recognizes that Sexual Violence can have serious and lasting effects on the physical, mental, and emotional welfare of Survivors. The University will provide access to supports, services, and reasonable academic and employment accommodation for Brock Community Members who are affected by Sexual Violence.
- 1.4. The purpose of this Policy is to:
 - (i) promote a safe and inclusive environment that is free of Sexual Violence;
 - (ii) provide Survivors with a procedure to report incidents of Sexual Violence to the University;
 - (iii) create a decision-making process that meets the requirements of procedural fairness and holds those who have committed Sexual Violence accountable; and,
 - (iv) meet legal requirements under the *Ministry of Training, Colleges and Universities Act*, the *Ontario Human Rights Code*, the *Occupational Health and Safety Act*, and other applicable laws and legislation.

SCOPE

- 2.1. This Policy applies:
 - (i) to all Brock Community Members and Visitors;
 - (ii) to the University Jurisdiction;
 - (iii) to all forms of Sexual Violence that affect the work and learning environment at the University; and,
 - (iv) at all times.

POLICY
STATEMENT

22. All reports of Sexual Violence made to the University shall be dealt with in accordance with this Policy. In the event that any provision of this Policy is found to conflict with another University policy, procedure, guideline, or practice, this Policy shall govern, save for the exception noted in section 2.3.
23. In the event that any provision of this Policy is found to be inconsistent with the provisions of a collective agreement, the collective agreement will prevail.
- 3.1. The University is committed to:
 - (i) protecting the safety of Brock Community Members and Visitors;
 - (ii) building an environment where Survivors feel safe to disclose incidents of Sexual Violence and seek support;
 - (iii) protecting Survivors' right to dignity and respect;
 - (iv) responding appropriately to disclosures of Sexual Violence;
 - (v) ensuring Procedures under this Policy meet the requirements of procedural fairness;
 - (vi) providing supports, services, and appropriate accommodation for Brock Community Members who are affected by Sexual Violence; and,
 - (vii) providing training and education on Sexual Violence awareness, prevention, and response.

DEFINITIONS

- 4.1. See Appendix 2

RIGHTS,
RESPONSIBILITIES,
& OBLIGATIONS

- 5.1. Brock Community Members and Visitors have the right to:
 - (i) a campus environment that does not condone, tolerate, or ignore Sexual Violence;
 - (ii) have access to supports, services, and appropriate accommodation if they are affected by Sexual Violence; and,
 - (iii) have an incident of Sexual Violence addressed in a manner that is appropriate in the circumstances.
- 5.2. Brock Community Members and Visitors have the responsibility to:
 - (i) not commit Sexual Violence;
 - (ii) take action to address Sexual Violence on campus;

- (iii) upon becoming aware of Sexual Violence, refer Survivors to support services and the Brock University Human Rights & Equity office when appropriate; and,
- (iv) cooperate fully with the Procedures under this Policy, in accordance with contractual obligations and the relevant collective agreements.

5.3. The University has an obligation to:

- (i) foster an environment that is free of Sexual Violence;
- (ii) engage with Brock Community Members to establish mechanisms to prevent and respond to Sexual Violence;
- (iii) respond appropriately to disclosures of Sexual Violence;
- (iv) provide access to supports, services, and reasonable accommodation to Brock Community Members who are affected by Sexual Violence;
- (v) take reasonable steps to maintain confidentiality of personal information received in relation to the Procedures under this Policy;
- (vi) take reasonable steps to protect Brock Community Members and Visitors where there is a serious risk to their safety; and,
- (vii) make training available for Brock Community Members on Sexual Violence prevention and response.

RETALIATION

- 6.1. It is a breach of this Policy to retaliate or threaten to retaliate against individuals for pursuing rights or participating in the Procedures under this Policy.
- 6.2. The University will implement reasonable measures to protect Brock Community Members from retaliation when necessary.

BAD FAITH ALLEGATIONS

- 7.1. It is a breach of this Policy to make a Bad Faith allegation of Sexual Violence under this Policy.

INTERPRETATION & APPLICATION

- 8.1. Alleged breaches of this Policy should be reported to the Brock University Human Rights & Equity office (“HRE”).
- 8.2. HRE is responsible for the interpretation and application of this Policy.
- 8.3. An annual report will be prepared by HRE and made available to Brock Community Members and the Board of Trustees that may include:
 - (i) the number of times, and information about supports, services, and accommodation relating to Sexual Violence that are requested and obtained by Brock Community Members;
 - (ii) initiatives and programs established by the University to promote awareness of the supports and services available to Brock Community Members;
 - (iii) the number of, and information about, incidents and complaints of Sexual Violence reported by Brock Community Members, in accordance with the confidentiality requirements in Section 10.6; and,
 - (iv) the implementation and effectiveness of this Policy.
- 8.4. The University shall publish this Policy on its website, and make a copy available to anyone who requests it.
- 8.5. The University will review this Policy within one year of the first effective date and at least every three years after that.

Policy owner:	The Office of the President
Authorized by:	Board of Trustees, Human Resources Committee
Accepted by:	Senior Administrative Council
Effective date:	December 1, 2016
Next review:	December, 2017; December, 2018
Revision history:	March, 2018
Related Documents:	Legislation <i>Ministry of Training, Colleges and University Act</i> <i>Occupational Health and Safety Act</i> <i>Ontario Human Rights Code</i>

	<p>University Policies and Documents Employment Accommodation Policy Occupational Health and Safety Policy Residence Community Standards Respectful Work and Learning Environment Policy Safe Disclosure Policy Student Code of Conduct Workplace Violence Prevention Policy</p> <p>List of Appendices Appendix 1: Procedures Appendix 2: Definitions Appendix 3: Resources Appendix 4: Disclosure Process Flow Chart</p>
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APPENDIX 1: PROCEDURES

DISCLOSURE & REPORTING

1.1. The following is a non-exhaustive list of disclosure options that are available to Survivors. See Appendix 3 for more resources.

(i) **Brock Resources**

a. Emergency: [Campus Security](#) or [Residence](#)

b. Non-Emergency: [HRE](#)

1. Anonymous Disclosure

2. Third-Party Disclosure

3. Informal Disclosure

4. Formal Report

(ii) **Community Resources**

a. Police: [Niagara Regional Police](#) and [Hamilton Police Services](#)

b. Medical: [St. Catharines General Hospital](#) and [Hamilton General Hospital](#)

c. Support: [Niagara Region Sexual Assault Centre](#) and [Sexual Assault Centre Hamilton](#)

1.2. The University will respect a Survivor's decision on how to proceed and will attempt to follow their wishes whenever possible. However, the University may initiate an investigation in accordance with section 11.1 of this Policy.

CONFIDENTIALITY

2.1. HRE shall not disclose any personal information collected under this Policy without prior approval, unless:

(i) there are reasonable grounds to believe an individual is at risk of serious self-harm, an individual is at risk of harming another, or there is a serious risk to the safety of Brock Community Members;

(ii) it is necessary as part of a disclosure, Restorative Justice Process, Formal Report, investigation, decision making process, review, or appeal ("Procedures") under this Policy; or,

(iii) legal obligations require disclosure.

2.2. HRE shall maintain confidentiality of personal information collected in relation to an anonymous disclosure, third-party disclosure, informal disclosure, Formal Report, or Procedure under this Policy in accordance with section 10.1.

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23. HRE will take steps to protect the personal information of persons involved in a Procedure by keeping a confidential file that is labelled by number and limiting access to confidential files to HRE, the Sexual Violence Risk Assessment Team, the Office of the President, and those who reasonably require access to the files to carry out the Procedures under this Policy.
24. Participants in Procedures under this Policy shall maintain confidentiality and may not disclose any information obtained through these Procedures or relating to the allegations, except to their Advisor, during an ongoing Procedure under this Policy. This does not restrict a participant from exercising their collective agreement right to academic freedom, provided that no personal information or information which identifies an individual in their personal capacity is disclosed by the participant.
25. Participants in Procedures under this Policy may consult with a counsellor or other trusted person, on a confidential basis, regarding the allegations without breaching their confidentiality requirements.
26. The University shall not include any personal information in any reports which the University is required to provide to any governmental agency.

UNIVERSITY INITIATED INVESTIGATION

- 3.1. The University, on the recommendation of the Sexual Violence Risk Assessment Team (the "SVRAT"), may commence or continue a University-initiated investigation without the approval of the Survivor or when no Formal Report has been made, if the SVRAT reasonably believes that:
 - (i) a Brock Community Member has committed Sexual Violence that affects the work and learning environment; and,
 - (ii) there is a serious risk to the safety of Brock Community Members, which is determined by considering:
 - a. Whether the alleged offender is in a position of power at the University;
 - b. Whether the University has reasonable grounds to believe the alleged offender may have committed multiple acts of Sexual Violence;
 - c. Whether there is a pattern of similar behaviour; and,

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- d. Any other considerations that the SVRAT deems relevant.
 - 3.2. The University may initiate an investigation on the basis of an anonymous disclosure, third-party disclosure, informal disclosure or Formal Report. In such cases, the University will consider the wishes of the Survivor.
 - 3.3. The SVRAT will be comprised of one or more staff members of HRE and one or more staff members of Campus Security Services. The SVRAT may invite a Brock Community Member to provide information at a meeting when there is a matter that relates to their position within the University or their authority, expertise, or knowledge is required.
 - 3.4. The SVRAT shall maintain confidentiality of personal information it receives in accordance with section 2.1 of this Policy.
- ANONYMOUS DISCLOSURE**
- 4.1. Individuals may anonymously disclose Sexual Violence to HRE in accordance with the University's [Safe Disclosure Policy](#). Individuals may choose not to provide their name or other personal information in the anonymous disclosure.
 - 4.2. HRE will make information on supports, services, accommodations, interim measures, and the disclosure options available to individuals who make anonymous disclosures.
 - 4.3. HRE will collect and maintain information provided in anonymous disclosures.
- THIRD PARTY DISCLOSURE**
- 5.1. Individuals who receive disclosures of 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.
 - 5.2. HRE will give the third-party discloser information on supports, services, accommodations, interim measures, and the Procedures under this Policy.
- INFORMAL DISCLOSURE**
- 6.1. Survivors may make an informal disclosure of Sexual Violence to HRE without making a Formal Report.
 - 6.2. After an informal disclosure is made, HRE will provide the Survivor with access to supports, services, and reasonable academic and/or employment accommodations.
 - 6.3. HRE may conduct or facilitate a Trauma-Informed Restorative Justice Process ("RJP"), if the Survivor and

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Respondent agree to participate and the allegations are within the scope of this Policy.

- 6.4. Survivors maintain the right to make a Formal Report if they have participated in an RJP.
- 6.5. Any information collected once an RJP has been initiated is considered without prejudice and shall not be introduced as evidence in a Procedure under this Policy unless both parties agree.

FORMAL REPORT

- 7.1. Survivors may make a Formal Report of an alleged incident of Sexual Violence in writing to HRE at any time.
- 7.2. After a Formal Report is made, HRE may recommend interim measures and will provide the Survivor with access to supports, services, and accommodations. A Survivor does not need to submit a Formal Report in order to obtain supports, services, and accommodations.
- 7.3. Survivors may choose not to request an investigation and have the right to refuse to participate or continue to participate in any Procedures under to this Policy at any time.
- 7.4. If the Survivor or Respondent refuses to participate in any Procedures under this Policy, the University may proceed in their absence.
- 7.5. The University is the Complainant and the alleged offender is the Respondent in a Formal Report, investigation, and decision-making process pursuant to this Policy. After a Formal Report is made, HRE will commence the investigation procedures listed below.
- 7.6. If the Respondent is a student and an employee, HRE will decide whether to commence a Procedure against the Respondent as a student, employee, or both.

INVESTIGATION PROCEDURES

- 8.1. After receiving a Formal Report, HRE will conduct an investigation screening to determine whether to initiate an investigation. HRE will consider the following factors:
 - (i) when the Sexual Violence is reported to have occurred;
 - (ii) whether the Sexual Violence is reported to have been committed by a Brock Community Member;
 - (iii) whether the Sexual Violence is reported to have occurred within the University's Jurisdiction or affects the work and learning environment at the University; and,

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- (iv) any other considerations that HRE deems relevant.
- 8.2. If HRE decides to initiate an investigation, it will appoint an investigator who is competent in conducting Trauma-Informed investigations, who may be an external investigator, HRE staff, or a Brock Community Member.
- 8.3. Any investigation under this Policy will be consistent with any relevant or applicable collective agreement.
- 8.4. HRE shall notify the Respondent of the investigation and schedule a meeting to provide them with information on the process, confidentiality, and supports available to them.
- 8.5. The investigation should include an interview with the Survivor and the Respondent. The investigator shall provide the Respondent with a list of allegations and provide the Respondent an opportunity to respond.
- 8.6. The Complainant, Survivor, and Respondent shall have an opportunity to propose witnesses. The investigator will determine which witnesses will be interviewed. Disclosure of personal information to witnesses shall be limited to what is reasonably necessary to conduct a fair investigation.
- 8.7. The investigation should be completed as soon as reasonably practicable. If the investigation is expected to take more than sixty (60) business days, written notice must be given by HRE to the Survivor and Respondent.
- 8.8. At the completion of the investigation, the investigator will prepare an investigation report that includes the list of allegations; statements, responses, and documentation from the Complainant, Respondent, Survivor and witnesses; findings of fact; and any other information, documentation or evidence that the investigator deems relevant.
- 8.9. The investigation report shall be given to HRE and it will only be disclosed as necessary for a Procedure under this Policy or to comply with legal obligations.
- 8.10. HRE will convene an Investigation Review Committee (the "IRC") to determine whether the Policy has been breached, on the basis of the investigation report. If the Respondent is a:
 - ⓐ student, the IRC shall consist of a staff member of HRE, the Manager of Student Affairs, and the General Legal Counsel; or,

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- (ii) staff or faculty member, the IRC shall consist of a staff member of HRE, the AVP Human Resources (or designate), and the General Legal Counsel.
- 8.11. The IRC will review the investigation report and, if it deems necessary, may meet with any individual who may have relevant information to determine whether there are reasonable grounds to believe the Policy has been breached. The IRC will either:
- (i) Make a finding that it is more likely than not that the Policy has been breached, and recommend to the Decision Maker that disciplinary sanctions be imposed;
 - (ii) Make a finding that it is not more likely than not that the Policy has been breached, and recommend to the Decision Maker that the matter be closed; or,
 - (iii) Make a finding that it is not more likely than not that the Policy has not been breached, but recommend to the Decision Maker that non-disciplinary measures be implemented to promote a safe and inclusive environment that is free of Sexual Violence.
- 8.12. The IRC shall notify the Survivor and Respondent of its recommendation to the Decision Maker within 15 business days of the receipt of the investigation report or as soon as reasonably practicable.
- 9.1. The IRC will provide its recommendation to the Decision Maker as set out in the following table:

DECISION MAKING PROCEDURES

If the Respondent is:	The Decision Maker will be:
A student	The Director, Student Life and Community Experience
An employee	The employee’s manager, in consultation with Human Resources
A faculty member	The Provost, in consultation with Human Resources

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An employee or faculty member and a student	The Director, Student Life and Community Experience, the employee's manager, or both
President	Chair of the Board of Trustees
Member of the Board of Trustees	Chair or Vice-Chair of the Board of Trustees

- 9.2. The Decision Maker will review the investigation report and the recommendation of the IRC and provide the Respondent an opportunity to respond to the allegations in person. After having considered all of the above information, the Decision Maker will decide whether:
- a. The Policy has been breached and disciplinary sanctions will be imposed against the Respondent, and if so, what those sanctions will be;
 - b. The Policy has not been breached and the matter will be closed; or
 - c. The Policy has not been breached, but non-disciplinary measures will be implemented to address concerns raised by the investigation report.
- 9.3. The decision-making process will comply with the necessary elements of procedural fairness. All Respondents will be entitled to know the allegations made against them, have an opportunity to respond, and have an impartial decision-maker.
- 9.4. If the Survivor and Respondent are living in Residence at the time a Formal Report is made, HRE and the Decision Maker will consult with the Department of Residence during implementation of accommodations, interim measures, and the decision-making process.
- 10.1. Where the Decision Maker finds a breach of this Policy, they will determine the level of discipline that is appropriate in the circumstances, in accordance with all applicable University policies and collective agreements. The Decision Maker will be responsible for ensuring the measures are implemented.

DISCIPLINE AND OTHER MEASURES

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- 10.2. Disciplinary sanctions for employees may range from a note to the employee's file, up to and including termination of employment.
- 10.3. Disciplinary sanctions for students may range from community service, up to and including expulsion.
- 10.4. Where the Decision Maker finds no breach of this Policy, but decides to implement non-disciplinary measures, the Decision Maker will determine what measures are appropriate in the circumstances. The Decision Maker will be responsible for ensuring the measures are implemented.
- 10.5. Non-disciplinary measures include Sexual Violence awareness education and voluntary mediation.
- 10.6. After the Decision Maker has notified the Respondent of the disciplinary sanctions or non-disciplinary measures they have elected to impose, the Decision Maker will report to HRE with information on any measures that have or will be imposed as a result of the decision-making process.
- 10.7. If the Survivor is an employee of the University and has allegedly experienced Sexual Violence, they will be informed of the results of the investigation and of any disciplinary sanctions that have been taken against the Respondent, as required by law.
- 11.1. Survivors may submit a request to review the investigation screening on the following grounds:
 - (i) relevant evidence emerged that was not available to the Survivor when the Formal Report was submitted;
 - (ii) there was a reasonable apprehension of bias on the part of HRE; or,
 - (iii) there was a fundamental procedural error; and,
 - (iv) the outcome of the decision was substantially affected thereby.
- 11.2. The request for review must be submitted to the Director responsible for overseeing HRE within ten (10) business days after the date of HRE's decision. The request for review must be in writing and include the reasons for the request, the reasons why the review should be granted, and the outcome sought.
- 11.3. The Director shall review the request and decide whether

REVIEWS, CHALLENGES, & APPEALS

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the Survivor has demonstrated one or both of the required grounds for appeal. If the appeal is granted, the Director will instruct HRE to initiate an investigation. The Director shall notify the Survivor of their decision within fifteen (15) business days of receipt of the request for a review or as soon as reasonably practicable.

- 11.4. The Survivor or Respondent may request that one or more of the IRC members or the Decision Maker be recused on the grounds that they have a bias or conflict of interest.
- 11.5. The request for recusal must be submitted in writing to the Director responsible for overseeing HRE within five (5) business days of the IRC being convened. The Director may substitute a designate for the relevant member within ten (10) business days of receiving the challenge, if they determine that the member has a bias or conflict of interest.
- 11.6. If the Respondent is a student and the outcome of the decision-making process does not include suspension or expulsion, they may appeal the outcome on the following grounds:
 - (i) relevant evidence emerged that was not available before the decision-making process was completed;
 - (ii) there was a reasonable apprehension of bias on the part of the decision maker; or,
 - (iii) there was a fundamental procedural error; and,
 - (iv) the outcome of the decision was substantially affected thereby.
- 11.7. If the Respondent is a student and the outcome of the decision-making process includes suspension for at least one academic year, or expulsion, they have an automatic right to appeal. In these circumstances, the appeal shall be heard as an oral hearing on a *de novo* basis by an impartial decision maker and may include the right to cross-examination.
- 11.8. A request for an appeal shall be made to the Vice- Provost, Teaching and Learning within ten (10) business days of receipt of the decision. The appeal must be in writing and must include the grounds for the appeal, the reasons why the appeal should be granted, and the outcome sought.

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- 11.9. The Vice-Provost, Teaching and Learning shall notify the Survivor and Respondent of its decision within fifteen (15) business days of receipt of the request for an appeal or as soon as reasonably practicable.
- 11.10. If the request for an appeal is granted, an oral hearing will occur before the Vice-Provost, Teaching and Learning or an external adjudicator.
- 11.11. No disciplinary sanctions will be implemented against a Respondent who is a student until the period for appeal has been exhausted, a request for appeal has been denied, or an appeal has been heard and a decision has been rendered.
- 11.12. Unionized staff and faculty must appeal a decision or procedure under this Policy through the grievance procedures in the relevant collective agreement.

ACCOMMODATIONS & INTERIM MEASURES

- 12.1. After a Disclosure or Formal Report is made, HRE may assist Survivors to access accommodations that are reasonable and necessary to allow the Survivor to participate fully in the services available at the University.
- 12.2. After a Formal Report is made, HRE may consider interim measures that are reasonable and necessary to allow the Survivor 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.
- 12.3. In consultation with the Survivor and the appropriate administrators, HRE will recommend accommodations and interim measures that are reasonable and necessary and will coordinate with the appropriate administrators for implementation.
- 12.4. The designated Decision Maker will decide what interim measures are reasonable and necessary and will be responsible for implementation of these measures.
- 12.5. Interim measures may be implemented and/or modified at any time and may remain in effect until all Procedures under this Policy have been completed.
- 12.6. Accommodations and interim measures implemented in accordance with this Policy are not intended to be discipline within the meaning of any relevant collective agreement or university policy.

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- ADVISORS & SUPPORT PERSONS**
- 13.1. Survivors and Respondents may have an Advisor present at all meetings and investigations related to Procedures under this Policy.
 - 13.2. Advisors may advise the Survivor or Respondent during all Procedures under this Policy.
 - 13.3. All participants in Procedures under this Policy may have a Support Person with them at all meetings related to this Policy.
 - 13.4. Support Persons may provide support to the person they are assisting, but shall not directly participate in the Procedures under this Policy unless an accommodation has been requested and approved by HRE.
 - 13.5. Advisors and Support Persons are held to the same confidentiality expectations as the party who invited them to attend.
- BURDEN OF PROOF**
- 14.1. Disclosures made pursuant to this policy will be considered to be true unless HRE has clear and compelling evidence that the disclosure is not true.
 - 14.2. In an investigation, decision-making process, and appeal pursuant to this policy, the IRC, decision-maker, and appeal decision-maker shall base their finding on whether it is more likely than not that the Respondent has breached this Policy.
- IMMUNITY**
- 15.1. Survivors will not be subject to disciplinary sanctions for a minor breach of any University policy at or near the time the incident of Sexual Violence occurred unless the breach placed the health or safety of others at risk.
- OTHER PROCEEDINGS**
- 16.1. Where criminal, civil, or any other type of proceeding is initiated regarding an incident of Sexual Violence involving Brock Community Members, the University may decide to postpone or continue with a Procedure under this Policy as appropriate in the circumstances.
 - 16.2. The University will cooperate with the police when there is an ongoing criminal investigation regarding Sexual Violence involving Brock Community Members.
- VISITORS**
- 17.1. Visitors may be subject to investigation by Campus Security if they engage in conduct that violates this Policy.
 - 17.2. The University will take appropriate actions and apply appropriate remedies to address complaints of Sexual

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Violence against a visitor.

INPUT & SURVEY

- 18.1. In consultation with the Sexual Violence Prevention Committee, the Brock University Student Union, and the Graduate Student Association, the University will establish a process for the provision and consideration of input from a diverse selection of students, staff, and faculty regarding this Policy and will follow this process every time the Policy is reviewed or amended.
- 18.2. As required, the University shall conduct or participate in a survey of students relating to the effectiveness of this Policy, the incidence of Sexual Violence at the University, and any other matter mentioned in the *Ministry of Training, Colleges and Universities Act*.

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Accommodations: measures that are appropriate, reasonable, and necessary to allow the Survivor to participate fully and equally in the services available at the University. Examples of appropriate accommodations include academic and workplace accommodations; academic and workplace support; counselling; training; financial support; adjusting class schedules, living, transportation, or working situation of the Survivor; and any other accommodation that HRE deems appropriate. There are a broad range of accommodations available and Survivors are encouraged to meet with HRE staff to discuss specific accommodations they may require.

Advisor: any individual who provides a Survivor, Complainant, or Respondent with guidance and advice. If a party is a unionized employee, they may have a union representative act in this capacity. A potential witness may not be an Advisor.

Bad Faith Allegation: an allegation, disclosure, or report brought with an improper motive such as, deceit, ill will, hostility, malice, or personal animosity.

Brock Community Members: all persons who have a direct relationship with or to the University at the time a Disclosure or Formal Report is made under this Policy. Brock Community Members are faculty members, employees, students, volunteers, and members of the Board of Trustees.

Complainant: Brock University will act as the Complainant in all investigations and decision-making processes under this Policy.

Consent: an active, affirmative, conscious, direct, unimpaired, and voluntary agreement to engage and continue to engage in sexual activity.

It is the responsibility of each person to ensure they have the affirmative Consent of the other to engage in sexual activity. Lack of protest or resistance does not alone constitute Consent.

All of the elements of Consent must be present, even if alcohol or drugs have been consumed. It is not acceptable for a person who is said to have engaged in sexual violence to use their own consumption of alcohol or drugs as an excuse for their mistaken belief that there was consent.

Consenting to one kind of sexual activity does not mean that Consent is given for another kind of sexual activity.

A person may withdraw Consent at any time during the sexual activity and Consent only applies to a specific instance of sexual activity.

The existence of a relationship or past sexual activity does not alone constitute Consent. Subsequent consensual sexual activity, communication, or other conduct of a sexual nature does not suffice as evidence of Consent to prior sexual activity.

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There is **No Consent** when:

- (a) the Survivor expresses, by words, conduct, or any other means a lack of agreement to engage in the activity or to continue to engage in the activity;
- (b) the agreement to sexual activity is obtained through pressure, coercion, fraud, the exercise of authority, force, or threats of force;
- (c) the alleged offender implicitly or explicitly induces the Survivor to engage in the activity by using a position of trust, power, or authority;
- (d) the Survivor is incapable of consenting to the activity because they are asleep, unconscious, or unable to understand the fact, nature, or extent of the sexual activity due to disability, mental or physical incapacity, the influence of drugs or alcohol, or any other form of impairment; or,
- (e) the agreement to sexual activity is expressed, by words, conduct, or any other means, by a person other than the Survivor.

Disclosure: when a person reveals information to a staff member of HRE that they or another party has experienced an incident of Sexual Violence.

Formal Report: when a Survivor (or CSS on behalf of a Survivor) submits a written statement to HRE that alleges they have experienced an incident of Sexual Violence within the University's Jurisdiction or that affects the work and learning environment at the University.

Hearing De Novo: a new hearing before an impartial adjudicator, who may consider relevant evidence not previously introduced in the investigation or decision-making process.

Including: means including, but not limited to.

Interim Measures: measures carried out by the University, pending results of an investigation, that are not intended to be disciplinary, and are reasonable and necessary to: help the Survivor feel safe; prevent retaliation; or protect the parties, other Brock Community Members, or the integrity of the Procedures. Examples of interim measures include limiting access to campus and University-sanctioned events; paid leave of absence; prohibiting contact between the Survivor and Respondent; and adjusting class schedules, living, transportation, or working situations of the Complainant or Respondent. Interim measures may be implemented and/or modified at any time during and after the process.

Respondent: a Brock Community Member named as an alleged offender in a Formal Report of Sexual Violence.

Restorative Justice Process: premised on (1) holding the offender accountable in a meaningful way; (2) repairing the harm caused by the offence; (3) achieving a sense of healing for the survivor and the community; and, (4) reintegrating the offender back into the community. RJPs will be facilitated by qualified persons and may

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include mediation, sentencing circle, community group conference, a settlement agreement, separating the parties, referring parties to counseling, or conducting targeted educational, training programs, and any other measure HRE deems reasonable.

Retaliation: any materially adverse action, inaction, or threat of same against a Brock Community Member for making a good faith complaint of a breach of this Policy or for reasonably participating in an investigation under this Policy. Examples of retaliation include lowered grades, academic failure, demotion, discipline, firing, salary reduction, job or shift reassignment, or any action or inaction that adversely affects the employment or learning environment of any Brock Community Member.

Sexual Assault: direct or indirect application of force of a sexual nature, without the subjective consent of the Survivor, and in circumstances where the accused knowingly engaged in the non-consensual contact, or did so recklessly or being willfully ignorant to the Survivor's wishes.

Sexual Coercion: is the act of using subtle pressure, drugs, alcohol, or force to have sexual contact with someone against their will. Sexual coercion is ongoing attempts to have sexual contact of some kind with another person who has already expressed that they do not want to have sexual contact.

Sexual Harassment:

- (a) engaging in a course of vexatious comment or conduct against another 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;
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position of power and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; or,
- (c) engaging in comment or conduct that creates a hostile or poisoned environment to persons of a specific sex, sexual orientation, gender identity, or gender expression.

Sexual Violence: any sexual act or act targeting a person's sexuality, 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.

Stalking: the willful and repeated following, watching and/or harassing of another person that instills fear in the person and interferes with and/or threatens the person's safety or mental health. Stalking may consist of:

- (a) repeatedly following from place to place the other person or anyone known to them;
- (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

APPENDIX 2: DEFINITIONS

(c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
(d) engaging in threatening conduct directed at the other person or any member of their family.

Support Person: any person who provides someone participating in the Procedures under this Policy with emotional support. A potential witness may not be a Support Person.

Survivor: is a Brock Community Member who has reported experiencing Sexual Violence and has been coping with the aftermath of Sexual Violence. Survivors may self-identify as either victims or Survivors of Sexual Violence. People who have experienced Sexual Violence are in a constant state of surviving the experience. The idea of survival carries within its definition the ongoing fight to live or survive a traumatizing experience, a process that includes dealing with a multitude of feelings and health consequences.

Training: educational training on the University's process for responding to and addressing incidents and complaints of sexual violence, including the procedure to be followed by persons who wish to report an incident of sexual violence and all other elements of this Policy.

Trauma-Informed: a process that is informed by the understanding of how trauma affects Survivors' response to services, resolution process, and investigations. Trauma-Informed processes should be carried out with the goal of avoiding Survivor re-traumatization, increasing the safety of all, and increasing the effectiveness of interactions with Survivors.

University Jurisdiction: The University exercises jurisdiction over conduct that occurs:

- (a) on University-owned or leased premises;
- (b) on University-sanctioned online websites and social media; and,
- (c) where a Brock Community Member is conducting University business or attending a University-sanctioned event.

Visitor: any person that is not a Brock Community Member that (1) is on University premises; (2) provides content on a University-controlled website; or, (3) attends a University-sanctioned event.

Note: Where the title of a specific University personnel title is used, that personnel may appoint a designate, who may be a member of the Brock community or an external person, as required.

APPENDIX 3: RESOURCES

ON-CAMPUS RESOURCES 905-688-5550	
<u>Human Rights and Equity Office</u> Assists with reporting of incidents of sexual violence, helps survivors access accommodations and supports, training and education, and facilitates investigations into breaches of the Sexual Violence Policy. X 4859 humanrights@brocku.ca brocku.ca/human-rights	
<u>Campus Security Services</u> Reporting of incidents of sexual violence, safety planning, crisis intervention. 24-Hr Emergency: X 3200 Main campus: X 4300 Marilyn Walker School: X 6300 Hamilton Campus: X 3623 security@brocku.ca brocku.ca/campus-security	<u>Department of Residences</u> Non-judgmental peer and professional support for residence students. X 3370 res@brocku.ca Crisis: X 3706 (North Service Desk) Crisis: X 4311 (South Service Desk) brocku.ca/residence
<u>Student Development Centre and Personal Counselling Services</u> Free personal counselling on-campus. Crisis: X 3240 Appointments: X 4750 or visit ST 400 brocku.ca/personal-counselling brockmentalhealth.ca/	<u>Student at Risk</u> Threat assessments for students who may be a threat to themselves or others. X 4041 brocku.ca/student-development-centre/students-at-risk
<u>Student Health Services</u> Physical, mental, and sexual health services. X 3243 brocku.ca/health-services	<u>Brock University Students' Union</u> Legal advice, Ombudsperson services. X 3568 busu.net/services/
<u>The Brock Student Sexual Violence Support Centre (A Safer Brock)</u> Free, confidential, non-judgmental support. Financial/practical assistance, advocacy & accompaniments, resources/referrals. 24-Hr Texting Support Line: 289-990-7233 24-Hr Email Support: Support@ASaferBrock.org ASaferBrock.org	<u>Student Justice Centre</u> Safe space on-campus, non-judgmental peer-to-peer support for victims of injustice, advocacy services. X 6325 info@brocksjc.com BrockSJC.com

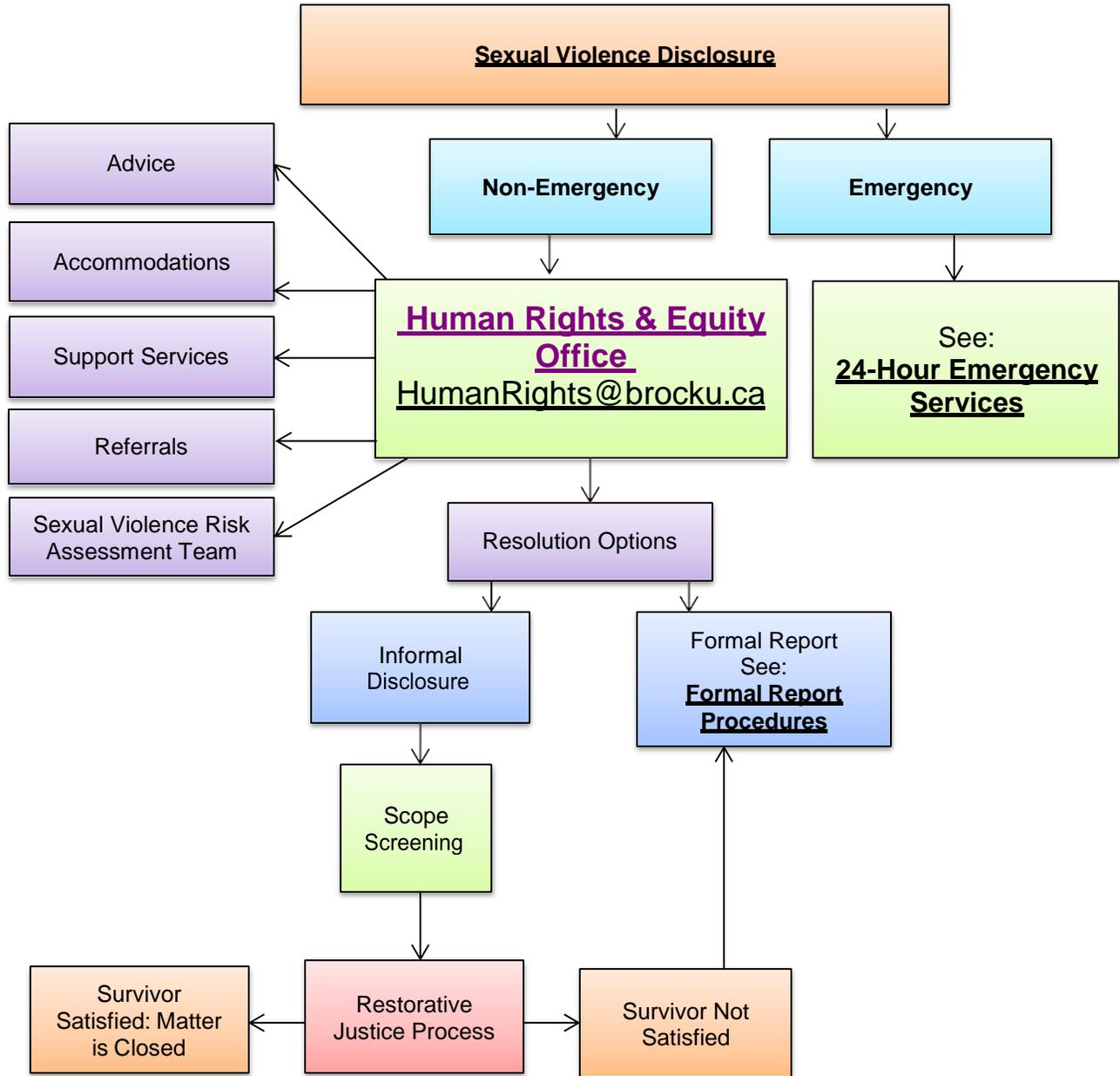
APPENDIX 3: RESOURCES

OFF-CAMPUS RESOURCES	
<p style="text-align: center;"><u>Sexual Assault and Domestic Violence Treatment Program (Niagara)</u></p> <p style="text-align: center;">St. Catharines General Hospital 905-378-4647 X 45300</p> <p>Regional unit for all sexual assault and domestic violence services, sexual assault evidence kit, medical attention, STI and pregnancy testing & prevention, free counselling</p> <p style="text-align: center;">niagarahealth.on.ca/en/sexual-assault-domestic-violence-treatment-program</p>	<p style="text-align: center;"><u>Sexual Assault and Domestic Violence Care Centre (Hamilton)</u></p> <p style="text-align: center;">Juravinski & Hamilton General Hospital 905-521-2100 X 73557</p> <p>Response team for all sexual assault and domestic violence services, sexual assault evidence kit, medical attention, STI and pregnancy testing & prevention, free counselling</p> <p style="text-align: center;">hsc.ca/sadv</p>
<p style="text-align: center;"><u>Niagara Region Sexual Assault Centre</u></p> <p>Free counselling by therapists specializing in trauma, accompaniment and advocacy, legal advice, and resources.</p> <p style="text-align: center;">24-Hr Crisis and Support Line: 905-682-4584</p> <p style="text-align: center;">www.sexualassaultniagara.com</p>	<p style="text-align: center;"><u>Sexual Assault Centre Hamilton</u></p> <p>Free counselling and advocacy, diverse communities outreach, accompaniments and transportation services.</p> <p style="text-align: center;">24-Hr Crisis and Support Line: 905-525-4162</p> <p style="text-align: center;">sacha.ca/</p>
<p style="text-align: center;"><u>Niagara Regional Police</u></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p style="text-align: center;">24-Hr Emergency: 911 Non-emergencies: 905-688-4111 In-person: 68 Church Street, St. Catharines</p> <p style="text-align: center;">niagarapolice.ca/en/index.asp</p>	<p style="text-align: center;"><u>Hamilton Police Service</u></p> <p>Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.</p> <p style="text-align: center;">24-Hr Emergency: 911 Non-emergencies: 905-546-2929 Sexual Assault Unit: 905-546-4925 In-person: 2825 King Street East, Hamilton</p> <p style="text-align: center;">hamiltonpolice.on.ca/</p>
<p style="text-align: center;"><u>Victim Services Niagara</u></p> <p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p style="text-align: center;">24-Hr Crisis Line: 905-682-2626</p> <p style="text-align: center;">victimservicesniagara.on.ca/</p>	<p style="text-align: center;"><u>Victim Services - Hamilton Police Service</u></p> <p>24-hr crisis intervention for victims of crime and trauma, emotional support, referrals for additional community resources.</p> <p style="text-align: center;">24-Hr Crisis: 905-546-4904</p> <p style="text-align: center;">hamiltonpolice.on.ca/victim-services</p>
<p style="text-align: center;"><u>Niagara Region Sexual Health Centres</u></p> <p style="text-align: center;">Various locations in Niagara area</p> <p style="text-align: center;">niagararegion.ca/living/health_wellness/sexualhealth/Sexual-Health-Centres.aspx</p>	<p style="text-align: center;"><u>City of Hamilton Sexual Health Clinics</u></p> <p style="text-align: center;">Various locations in Hamilton area</p> <p style="text-align: center;">hamilton.ca/public-health/clinics-services/sexual-health-clinics</p>

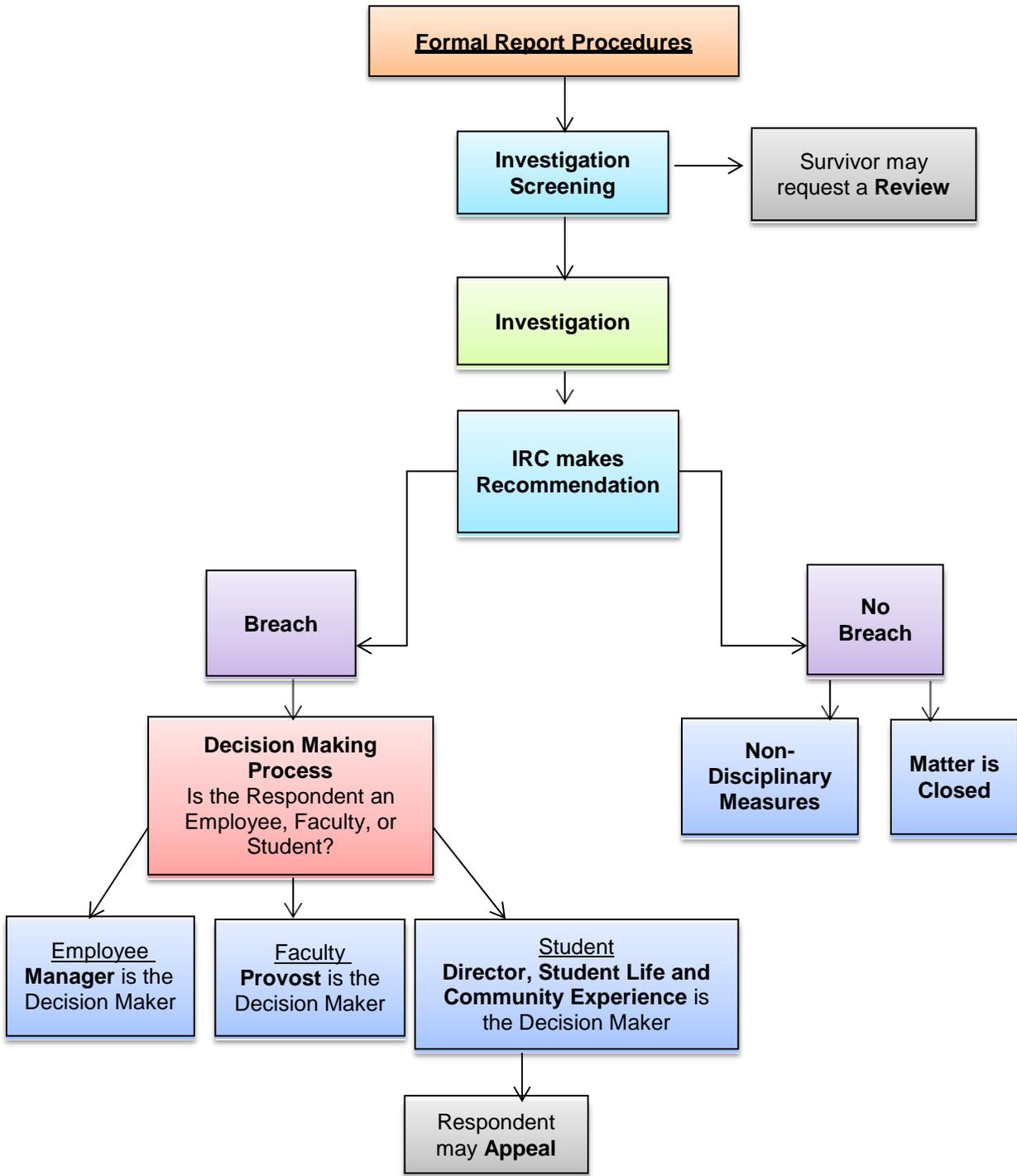
APPENDIX 3: RESOURCES

<p style="text-align: center;"><u>Distress Centre Niagara</u></p> <p style="text-align: center;">24-Hr crisis lines for Niagara.</p> <p>St. Catharines/Niagara Falls/Area: 905-688-3711 Port Colborne/Wainfleet/Area: 905-734-1212 Fort Erie/Area: 905-382-0689 Grimsby/West Lincoln/Area: 905-563-6674</p> <p style="text-align: center;">distresscentreniagara.com/</p>	<p style="text-align: center;"><u>Crisis Outreach and Support Team</u></p> <p style="text-align: center;">Mental health support and mobile response team.</p> <p style="text-align: center;">Niagara 24-Hr: 1-866-550-5205 (Press 1) coastniagara.ca/</p> <p style="text-align: center;">Hamilton 24-Hr: 905-972-8338 coasthamilton.ca/</p>
<p style="text-align: center;"><u>LGBT Youthline</u></p> <p style="text-align: center;">Confidential, non-judgmental, and informed peer support for Ontario LGTBTTQQ2SI youth.</p> <p style="text-align: center;">Available: Sunday to Friday @ 4:00PM-9:30PM Hotline: 1-800-268-9688 Text: 647-694-4275 Email: AskUs@YouthLine.ca youthline.ca/</p>	<p style="text-align: center;"><u>Good 2 Talk</u></p> <p style="text-align: center;">Free, confidential helpline providing professional counselling, information, and referrals for mental health, addictions, and well-being to post- secondary students in Ontario</p> <p style="text-align: center;">24-Hr Phone: 1-866-925-5454 good2talk.ca/</p>
<p style="text-align: center;"><u>Canadian Mental Health Association Niagara Branch</u></p> <p style="text-align: center;">Short-term/walk-in counselling, urgent support services, Safe Beds, residential services.</p> <p style="text-align: center;">General Inquiries: 905-641-5222 info@cmhaNiagara.ca cmhaniagara.ca/</p>	<p style="text-align: center;"><u>Canadian Mental Health Association Hamilton Branch</u></p> <p style="text-align: center;">Counselling, skills training, referrals, advocacy, primary health care clinics.</p> <p style="text-align: center;">General Inquiries: 905-641-5222 info@cmhaHamilton.ca cmhahamilton.ca/</p>
<p style="text-align: center;"><u>Design for a New Tomorrow</u></p> <p style="text-align: center;">Supporting individuals who have experienced abuse in intimate adult relationships. Individual & group counselling. Available in: St. Catharines, West Lincoln, Niagara Falls, Welland, Fort Erie, and Port Colborne.</p> <p style="text-align: center;">905-684-1223 dfnt@BellNet.ca dfnt.ca/</p>	<p style="text-align: center;"><u>Ontario Coalition of Rape Crisis Centres</u></p> <p style="text-align: center;">Connects survivors of sexual violence and supporters with Sexual Assault Centres in any region across Ontario.</p> <p style="text-align: center;">sexualassaultsupport.ca/</p>

APPENDIX 4: DISCLOSURE PROCESS FLOW CHART



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24-Hour Emergency Services

