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.
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.

4.1. See Appendix 2

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.

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<tr>
<th>Policy owner:</th>
<th>President &amp; Vice-Chancellor</th>
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<tbody>
<tr>
<td>Authorized by:</td>
<td>Board of Trustees, Human Resources Committee</td>
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<td>Accepted by:</td>
<td>Senior Administrative Council</td>
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<td>Effective date:</td>
<td>July 2023</td>
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<td>Next review:</td>
<td>2024</td>
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<td>Revision history:</td>
<td>December 2016; March 2018</td>
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<td>Related Documents:</td>
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<td><em>Ministry of Training, Colleges and University Act</em></td>
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<td><em>Occupational Health and Safety Act</em></td>
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<td>Employment Accommodation Policy</td>
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<td>Residence Community Standards</td>
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<td>Respectful Work and Learning Environment Policy</td>
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<td>Safe Disclosure Policy</td>
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<td>Student Code of Conduct</td>
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<td>Workplace Violence Prevention Policy</td>
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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 Safety Services or Residence
   b. **Non-Emergency:** Human Rights & Equity Office
      1. Anonymous Disclosure
      2. Third-Party Disclosure
      3. Informal Disclosure
      4. Formal Report

(ii) **Community Resources**
   a. **Police:** Niagara Regional Police and Halton Regional Police Service
   b. **Medical:** St. Catharines General Hospital and Joseph Brant Hospital
   c. **Support:** Niagara Region Sexual Assault Centre and Sexual Assault and Violence Intervention Services of Halton

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.
APPENDIX 1: PROCEDURES

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

31. 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,
APPENDIX 1: PROCEDURES

d. Any other considerations that the SVRAT deems relevant.

32. 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.

33. The SVRAT will be comprised of one or more staff members of HRE and one or more staff members of Campus Safety 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.

34. 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
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.

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.

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,
(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. Students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process, including irrelevant questions relating to the student’s sexual expression or past sexual history.

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:
APPENDIX 1: PROCEDURES

(i) student, the IRC shall consist of a staff member of HRE, the Manager of Student Affairs, and the General Legal Counsel; or,

(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:

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<thead>
<tr>
<th>If the Respondent is:</th>
<th>The Decision Maker will be:</th>
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<tbody>
<tr>
<td>A student</td>
<td>The Director, Student Life and Community Experience</td>
</tr>
<tr>
<td>An employee</td>
<td>The employee’s manager, in consultation with Human Resources</td>
</tr>
<tr>
<td>A faculty member</td>
<td>The Provost, in consultation with Human Resources</td>
</tr>
</tbody>
</table>
APPENDIX 1: PROCEDURES

<table>
<thead>
<tr>
<th>An employee or faculty member and a student</th>
<th>The Director, Student Life and Community Experience, the employee's manager, or both</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Chair of the Board of Trustees</td>
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<tr>
<td>Member of the Board of Trustees</td>
<td>Chair or Vice-Chair of the Board of Trustees</td>
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</table>

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.
10.2 Employees who are found to have violated this policy will be subject to disciplinary action that may include a verbal warning, written warning, written reprimand, suspension from work (with or without pay), or dismissal. The University may also impose other corrective actions or restrictions that are appropriate in the circumstances. All discipline will be handed out in accordance with collective agreements, including considerations around progressive discipline.

Disciplinary sanctions for students may range from community service, up to and including expulsion.

10.3 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.

10.4 Non-disciplinary measures include Sexual Violence awareness education and voluntary mediation.

10.5 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.

10.6 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 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,
APPENDIX 1: PROCEDURES

(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.

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.
## APPENDIX 1: PROCEDURES

### 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 Safety Services 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
APPENDIX 1: PROCEDURES

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.
APPENDIX 2: DEFINITIONS

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.
**APPENDIX 2: DEFINITIONS**

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. RJP's will be facilitated by qualified persons and may
APPENDIX 2: DEFINITIONS

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 Misconduct:** means in relation to a Brock University student:

(a) physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the institution where:

(i) the act constitutes an offence under the *Criminal Code* (Canada); or

(ii) the act constitutes a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome, or
APPENDIX 2: DEFINITIONS

(iii) the act contravenes any policy, rule or other requirement of the University respecting sexual relations between employees and students;

(b) an act of reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

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, 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;
(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.
APPENDIX 2: DEFINITIONS

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.
## ON-CAMPUS RESOURCES

### Human Rights & Equity Office
Assists with reporting of incidents of sexual violence, helps survivors access accommodations & supports, training & education, & facilitates investigations into breaches of the Sexual Violence Policy.

X 4859
humanrights@brocku.ca
brocku.ca/human-rights

### Campus Safety Services
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

### Department of Residences
Non-judgmental peer & 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

### Student Wellness & Accessibility Centre & Personal Counselling Services
Free personal counselling on-campus.

- Crisis: X 3240
- Appointments: X 4750 or visit ST 400

brocku.ca/personal-counselling
brockmentalhealth.ca/

### Student Health Services
Physical, mental, & sexual health services.

- X 3243
  brocku.ca/health-services

### Student at Risk: Campus Assessment, Response & Education (CARE)
Threat assessments for students who may be a threat to themselves or others.

- X 4041

### Brock University Students’ Union
Wellness resources, food program, legal clinic, financial support, ride home program.

- X 3568
  https://www.brockbusu.ca/services/

### Gender & Sexual Violence Peer Support Drop-in
HRE’s Peer 2 Peer support team is available to provide information, support, resources & referrals.

- P2P Drop-In space is in Thistle (TH) 128A
- Services are in-person & online

https://brocku.ca/human-rights/p2p-drop-in/

### Student Justice Centre
Safe space on-campus, non-judgmental peer-to-peer support for victims of injustice, advocacy services.

- X 6325
  sjc@brocku.ca
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<thead>
<tr>
<th>APPENDIX 3: RESOURCES</th>
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## APPENDIX 3: RESOURCES

### OFF-CAMPUS RESOURCES

<table>
<thead>
<tr>
<th>Resource</th>
<th>Description</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual Assault &amp; Domestic Violence Treatment Program (Niagara)</strong></td>
<td>Sexual assault &amp; domestic violence services, sexual assault evidence kit, medical attention, STI &amp; pregnancy testing &amp; prevention, free counselling</td>
<td>St. Catharines General Hospital 905-378-4647 X 45300 <a href="http://www.niagararegion.ca/SA-DV-treatment-program">http://www.niagararegion.ca/SA-DV-treatment-program</a></td>
</tr>
<tr>
<td><strong>Niagara Region Sexual Assault Centre</strong></td>
<td>Free counselling by therapists specializing in trauma, accompaniment &amp; advocacy, legal advice, &amp; resources. 24-Hr Crisis &amp; Support Line: 905-682-4584</td>
<td><a href="http://www.sexualassaultniagara.com">www.sexualassaultniagara.com</a></td>
</tr>
<tr>
<td><strong>Nina's Place: The Regional Sexual Assault &amp; Domestic Violence Treatment Centre for Halton</strong></td>
<td>Comprehensive, trauma-specific care &amp; treatment. Acute, non-acute, &amp; follow-up care available. Burlington, ON Phone 905-632-3737 X 5708</td>
<td><a href="http://www.josephbranthospital.ca/NinasPlace-SA-DV-care">http://www.josephbranthospital.ca/NinasPlace-SA-DV-care</a></td>
</tr>
<tr>
<td><strong>Sexual Assault and Violence Intervention Services (SAVIS of Halton)</strong></td>
<td>Crisis support, companion services (police, court, hospital), advocacy, and individual counselling. 24-Hr Crisis Support Line: 905-875-1555 <a href="mailto:savis@savisofhalton.org">savis@savisofhalton.org</a></td>
<td><a href="https://www.savisofhalton.org/">https://www.savisofhalton.org/</a></td>
</tr>
<tr>
<td><strong>Ontario Coalition of Rape Crisis Centres</strong></td>
<td>Directory of 30+ sexual assault centres in Ontario. Centres offer counselling, information &amp; support services to survivors of sexual violence.</td>
<td><a href="https://sexualassaultsupport.ca/get-help/">https://sexualassaultsupport.ca/get-help/</a></td>
</tr>
<tr>
<td><strong>Niagara Regional Native Centre</strong></td>
<td>Offers support for Indigenous people experiencing violence. 382 Airport Road Niagara-on-the-Lake, ON L0S 1J0 Phone: 905-688-6484</td>
<td><a href="https://nmnc.ca/">https://nmnc.ca/</a></td>
</tr>
</tbody>
</table>
# APPENDIX 3: RESOURCES

<table>
<thead>
<tr>
<th>Halton Women’s Place</th>
<th>Gillian’s Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provides safe shelter &amp; community outreach services to women and children experiencing domestic violence and abuse</td>
<td>Shelter for self-identified women experiencing abuse; outreach counselling, legal advice &amp; transitional housing for women, children &amp; LGBTQQIA2S+ individuals</td>
</tr>
<tr>
<td>Phone: 905-332-1593</td>
<td>Phone: 905.684.4000</td>
</tr>
<tr>
<td>24-Hour Crisis/Infor/Support Line: 905-332-7892</td>
<td>24/7 Support Line: 905.684.8331</td>
</tr>
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<thead>
<tr>
<th>Niagara Region Sexual Health Centres</th>
<th>Halton Sexual Health Clinics</th>
</tr>
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<tbody>
<tr>
<td>Birth control, pregnancy services, STI testing &amp; treatment, outreach nursing. Various locations in Niagara area.</td>
<td>Birth control, pregnancy services, STI testing &amp; treatment. Various locations in Halton area</td>
</tr>
<tr>
<td><a href="https://niagararegion.ca/sexualhealth">niagararegion.ca/sexualhealth</a></td>
<td><a href="https://www.halton.ca/Sexual-Health-Clinics">www.halton.ca/Sexual-Health-Clinics</a></td>
</tr>
</tbody>
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<thead>
<tr>
<th>Distress Centre Niagara</th>
<th>Crisis Outreach &amp; Support Team</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-Hr crisis lines for Niagara.</td>
<td>Mental health support &amp; mobile response team.</td>
</tr>
<tr>
<td>Port Colborne/Wainfleet/Area: 905-734-1212</td>
<td><a href="https://coastniagara.ca/">coastniagara.ca/</a></td>
</tr>
<tr>
<td>Fort Erie/Area: 905-382-0689</td>
<td>Halton 24-Hr: 1-877-825-9011</td>
</tr>
<tr>
<td>Grimsby/West Lincoln/Area: 905-563-6674</td>
<td></td>
</tr>
<tr>
<td><a href="https://distresscentreniagara.com/">distresscentreniagara.com/</a></td>
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<tr>
<th>LGBT Youthline</th>
<th>Good 2 Talk</th>
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<tbody>
<tr>
<td>Confidential, non-judgmental, &amp; informed peer support for Ontario LGBTQQ2SI youth.</td>
<td>Free, confidential helpline providing professional counselling, information, &amp; referrals for mental health, addictions, &amp; well-being to post-secondary students in Ontario</td>
</tr>
<tr>
<td>Available: Sunday to Friday @ 4:00PM-9:30PM</td>
<td></td>
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<tr>
<td>Hotline: 1-800-268-9688</td>
<td></td>
</tr>
<tr>
<td>Text: 647-694-4275</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:AskUs@YouthLine.ca">AskUs@YouthLine.ca</a></td>
<td></td>
</tr>
<tr>
<td><a href="https://youthline.ca/">youthline.ca/</a></td>
<td><a href="https://good2talk.ca/">good2talk.ca/</a></td>
</tr>
</tbody>
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# APPENDIX 3: RESOURCES

<table>
<thead>
<tr>
<th><strong>Hope for Wellness Helpline</strong></th>
<th><strong>Talk4Healing</strong></th>
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<tbody>
<tr>
<td>24-hour Phone: 1-855-242-3310</td>
<td>24-hour Phone: 1-855-554-HEAL</td>
</tr>
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<thead>
<tr>
<th><strong>Canadian Mental Health Association Niagara Branch</strong></th>
<th><strong>Canadian Mental Health Association Halton Branch</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-term/walk-in counselling, urgent support services, Safe Beds, residential services.</td>
<td>Free call-in counselling, skills training, referrals, advocacy.</td>
</tr>
<tr>
<td>General Inquiries: 905-641-5222</td>
<td>General Inquiries: 905-693-4270</td>
</tr>
<tr>
<td><a href="mailto:info@cmhaniagara.ca">info@cmhaniagara.ca</a></td>
<td><a href="mailto:info@cmhahrb.ca">info@cmhahrb.ca</a></td>
</tr>
<tr>
<td><a href="http://cmhaniagara.ca/">cmhaniagara.ca/</a></td>
<td><a href="https://halton.cmha.ca/">https://halton.cmha.ca/</a></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th><strong>Victim Services Niagara</strong></th>
<th><strong>Ganohkwásra Family Assault Support Services</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>24-hr crisis intervention for victims of crime &amp; trauma, emotional support, referrals for additional community resources.</td>
<td>Emergency housing, counselling, court support, and community education for members of the Six Nations of the Grand River.</td>
</tr>
<tr>
<td>24-Hr Crisis Line: 905-682-2626</td>
<td>1781 Chiefswood Rd Ohsweken, ON, N0A 1M0</td>
</tr>
<tr>
<td><a href="http://victimservicesniagara.on.ca">victimservicesniagara.on.ca</a></td>
<td>24-hour support: 519-445-4324</td>
</tr>
<tr>
<td><a href="https://ganohkwasra.com/contact/">https://ganohkwasra.com/contact/</a></td>
<td></td>
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<thead>
<tr>
<th><strong>Design for a New Tomorrow</strong></th>
<th><strong>Fort Erie Native Friendship Centre</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting individuals who have experienced abuse in intimate adult relationships. Individual &amp; group counselling. Available in: St. Catharines, West Lincoln, Niagara Falls, Well&amp;:, Fort Erie, &amp; Port Colborne.</td>
<td>Cultural resource coordinator, mental health and wellness services.</td>
</tr>
<tr>
<td>905-684-1223</td>
<td>796 Buffalo Road, Fort Erie, Ontario</td>
</tr>
<tr>
<td><a href="mailto:dfnt@BellNet.ca">dfnt@BellNet.ca</a></td>
<td><a href="mailto:Connecting@fenfc.org">Connecting@fenfc.org</a></td>
</tr>
<tr>
<td><a href="http://dfnt.ca/">dfnt.ca/</a></td>
<td><a href="https://www.fenfc.org/">https://www.fenfc.org/</a></td>
</tr>
</tbody>
</table>
APPENDIX 4: DISCLOSURE PROCESS FLOW CHART

Sexual Violence Disclosure

Advice

Non-Emergency

Human Rights & Equity Office
HumanRights@brocku.ca

Support Services

Emergency

Referrals

See: 24-Hour Emergency Services

Sexual Violence Risk Assessment Team

Resolution Options

Informal Disclosure

Survivor Satisfied: Matter is Closed

Restorative Justice Process

Scope Screening

Survivor Not Satisfied

Formal Report

See: Formal Report Procedures

Resolution Options
APPENDIX 4: DISCLOSURE PROCESS FLOW CHART

Formal Report Procedures

Investigation Screening

Investigation

IRC makes Recommendation

Breach

Decision Making Process
Is the Respondent an Employee, Faculty, or Student?

Employee Manager is the Decision Maker

Faculty Provost is the Decision Maker

Student Director, Student Life and Community Experience is the Decision Maker

No Breach

Non-Disciplinary Measures
Matter is Closed

Survivor may request a Review

Respondent may Appeal
APPENDIX 4: DISCLOSURE PROCESS FLOW CHART

24-Hour Emergency Services

**Off-Campus Niagara**
- Niagara Regional Police
  - 911
  - 905.688.4111

**St. Catharines General Hospital**
- 905.378.4647
- X45300

**Off-Campus Burlington**
- Halton Regional Police
  - 911
  - 905 825-4777

**Joseph Brant Hospital Burlington**
- 905-632-3737

**On Campus**
- Campus Safety Services
  - 905.688.5550
  - x3200

**Residence**
- 905.688.5550
- x3706

**Niagara Region Sexual Assault Centre**
- 905.682.4584

**Sexual Assault Intervention Services Halton**
- 905 825 3622