

	Policy on Prevention and Response to Sexual and Gender-based Violence	
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SPONSOR: Vice-Provost, Students & International		
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RELATED POLICIES

[Respectful Work & Learning Environment Policy](#)

[Response to Violent or Threatening Behaviour Policy](#)

[Non-academic Misconduct Policy](#)

1. STATEMENT OF COMMITMENT

- 1.1 OCAD University (the "University") is committed to creating and maintaining an environment where Members of the University Community can study and work free of sexual and gender-based violence ("Sexual Violence".) The University works toward this goal through awareness and education initiatives, supports and services, and by responding to incidents when they occur.
- 1.2 The University recognizes that Sexual Violence is a fundamental affront to an individual's rights, dignity and integrity.
- 1.3 The University recognizes that Sexual Violence is overwhelmingly committed against individuals who identify as women. In particular, those who experience the intersection of multiple identities such as, but not limited to, Indigenous and racialized individuals, individuals whose gender and/or sexual identity or expression do not confirm to historical gender norms, people with disabilities, and individuals from historically marginalized communities, including international, refugee and immigrant members of our community, may be especially vulnerable to Sexual Violence.

- 1.4 The University ensures that Members of the University Community (“Members of the University Community”) who experience Sexual Violence are supported, treated with compassion and that the University will accommodate their needs appropriate to the situation, including taking survivor-directed action.
- 1.5 The University addresses acts of Sexual Violence that affect the University community fairly and promptly.
- 1.6 The University is committed to a survivor-centred approach to addressing issues of Sexual Violence.
- 1.7 The University acknowledges and works to combat broader social attitudes about gender, sex and sexuality that normalize Sexual Violence and undermine women’s equality.
- 1.8 The University recognizes that Sexual Violence can occur between individuals regardless of sex, sexual orientation, gender, gender identity or expression, or relationship status.
- 1.9 The University recognizes the intersection of Sexual Violence with discrimination and harassment, including but not limited to the grounds set out in the [Ontario Human Rights Code](#).
- 1.10 The University will maintain annual statistics, without identifying information, on disclosed and reported incidents of Sexual Violence on and off campus, in accordance with legislative requirements. The University will report these statistics annually to the Board of Governors. External reporting of such statistics will be done in accordance with legislative requirements.
- 1.11 The University will provide and make available to Members of the University Community, including faculty, staff and Security personnel, education and awareness training on this Policy on the prevention of Sexual Violence, and responding to incidents of Sexual Violence, with content tailored to the audience and relevant to their role and responsibility in preventing, responding to, and addressing Sexual Violence.

2. APPLICATION AND SCOPE

- 2.1 The overarching purposes of this Policy are to reaffirm OCAD University’s commitment to a safe and healthy campus and to set out the University’s response to incidents of Sexual Violence involving OCAD University students.
- 2.2 The Disclosure, Reporting and Complaint options described in this policy are in addition to, and not in substitution for, other internal or external options or other legal rights. Nothing in this policy is intended to discourage, prevent or preclude an individual from filing a report and/or complaint under any other policy of the University and/or initiating legal action (civil or criminal) or exercising any other legal rights.
- 2.3 In particular, complaints of Sexual Harassment, as defined by the University’s *Respectful Work & Learning Environment Policy*, against any member of the OCAD U community may be made directly to the OCAD University Office of Diversity, Equity & Sustainability Initiatives (ODESI) under the terms of the *Respectful Work & Learning Environment Policy*.
- 2.4 Complaints of Sexual Violence against non-students (eg. employees of the University) may be made through ODESI under the terms of the *Respectful Work & Learning Environment Policy*.

3. DEFINITIONS

- 3.1 **Complainant:** person who has been affected by Sexual Violence. For the purposes of this Policy, the term Complainant is used throughout, irrespective of whether the person who has been affected by Sexual Violence chooses to disclose or report the incident and/or pursue a complaint under University policy.
- 3.2 **Complaint:** the sharing of information by an individual with a designated University official regarding an incident(s) of Sexual Violence experienced by that individual with the intention of proceeding under the Complaints process outlined in either this Policy (student respondent) or the *Respectful Work & Learning Environment Policy* (staff and faculty respondents) and with the possible outcome of formal sanctions against the Respondent resulting from that process.
- 3.3 **Consent:** the voluntary agreement of an individual to engage in a sexual act. Consent is positive, active and ongoing, and can be revoked at any time. Consenting to one kind of sexual act does not mean that consent is given for another sexual act or kind of activity. Consent is NOT obtained where a person is incapable of consenting – for example by intoxication, or where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.
- 3.3.1 As per the *Criminal Code* of Canada, it is not a defence to an allegation of Sexual Violence that the Respondent believed that the Complainant consented to the activity that forms the subject-matter of the Complaint, where (a) the Respondent's belief arose from the Respondent's (i) self-induced intoxication; or (ii) recklessness or willful blindness; or (b) the Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain that the Complainant was consenting.
- 3.3.2 For further clarity, Consent:
- cannot be assumed nor implied;
 - cannot be given by silence or the absence of "no";
 - cannot be given by an individual who is impaired by alcohol or drugs, or is unconscious;
 - cannot be given by an individual who is asleep;
 - cannot be obtained through threats or coercion;
 - can be revoked at any time by words or by conduct;
 - cannot be given if the person who is said to have engaged in Sexual Violence has abused a position of trust, power or authority; and
 - might not be given properly if an individual has a condition that limits his or her verbal or physical means of interaction – in such instances, it is extremely important to determine how consent will be established.
 - can be violated within the parameters of a sexual transaction (eg. sex trade work)
- 3.4 **Disclosure:** the sharing of information by an individual with a Member of the University Community regarding an incident of Sexual Violence that has affected that individual. The University offers confidential support, services and accommodations to those who have experienced Sexual Violence, regardless of whether the incident occurred on campus or off, regardless of whether the incident involves other Members of the University Community.
- 3.5 **Investigation:** the action of investigating an allegation under this Policy. The University will conduct an investigation that is appropriate in the circumstances. An investigation will include an impartial investigator, the collection of relevant information and procedural fairness to the Respondent.
- 3.6 **Member of the University Community:** Includes students, faculty, post-doctoral fellows, contractors and all employees of OCAD University. When used in reference to

the University's duty to refer and training obligation with respect to this Policy, the term also includes contractors and members of the Board of Governors of the University.

- 3.7 **Report:** the sharing of information by an individual with a designated University official regarding an incident of Sexual Violence experienced by, or witnessed by, that individual with the intention of initiating one of the processes set out in the Reporting section of this Policy.
- 3.8 **Respondent:** an individual against whom a formal complaint alleging engagement in Sexual Violence is filed. The individual must be a Member of the University Community and must have been a Member of the University Community at the time of the incidents alleged in the complaint.
- 3.9 **Sexual Violence:** any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
- 3.10 **Student:** means any person taking one or more courses at the University, either full-time or part-time, in any program of study, including special students. For clarity, a student is a person who is: registered in an OCAD U course of study and/or engaged in any academic work that leads to the assigning of a mark, grade or statement of performance by the appropriate authority within the University and/or entitled to a valid student ID card who is between sessions.
- 3.11 **Sexual Violence Response Team:** a team who will review the results of an information gathering of an allegation of Sexual Violence for the purposes of assessing risk, made up of the Director of Safety and Security Services, the Director, Health & Wellness and the Vice-Provost, Students.
- 3.12 **Report:** the sharing of information by an individual with a **designated** University official regarding an incident of Sexual Violence experienced by, or witnessed by, that individual, with the intention of initiating one of the processes set out in this **Reporting** section of this Policy, including the undertaking of internal information gathering, risk assessment and interim measures.
- 3.13 **Respondent:** an individual against whom a formal complaint alleging engagement in Sexual Violence is filed. The individual must be a Member of the University Community and must have been a Member of the University Community at the time of the incidents alleged in the complaint. For the purposes of this policy, the term respondent is used irrespective of whether a complaint under university policy has been filed.

4. CONFIDENTIALITY AND PRIVACY

- 4.1 All Disclosures, Reports and Complaints of Sexual Violence to the University will be treated in a confidential manner and in accordance with Ontario's *Freedom of Information and Protection of Privacy Act* (FIPPA) and *Personal Health Information Protection Act* (PHIPA) and in accordance with the provisions of applicable collective agreements.
- 4.2 All Members of the University Community who receive a disclosure of Sexual Violence or who are involved in addressing or investigating it must keep the matter confidential in

order to protect the rights of those involved in the allegations and prevent an unjustified invasion of their personal privacy and to preserve the integrity of the investigation.

- 4.3 **Limits of Confidentiality:** Under the following circumstances, the University might face additional legal obligations and may not be able to guarantee complete confidentiality if the University becomes aware of compelling circumstances affecting the health or safety of an individual or others. This includes situations in which:
- an individual is at imminent risk of self-harm;
 - an individual is at imminent risk of harming an identified individual;
 - Members of the University Community or the broader community may be at risk of harm and/or
 - disclosure is required by law.
- 4.4 The University will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of Sexual Violence and will limit disclosure of information about individuals to those within the University who need to know for the purposes of, or those consistent with, addressing the situation, investigating or taking corrective action.

5. DISCLOSURE

- 5.1 A Disclosure can be made to any Member of the University Community. A Disclosure may relate to a person who is or is not a Member of the University Community and to an incident(s) that happened on or off campus.
- 5.2 If an incident of Sexual Violence is disclosed by a student to a Member of the University Community, the person to whom it is disclosed has a duty to refer the student to this Policy and to the OCAD University Health and Wellness Centre (“Health and Wellness Centre”).
- 5.3 The University recognizes that such Disclosures are often shared in confidence, that the Complainant may have an expectation of confidentiality, and that in many cases confidentiality is essential in order for Complainants to come forward. The person to whom the Disclosure is made may consult with the Health and Wellness Centre for advice, and, except as directed by the Complainant or as indicated by the “Confidentiality and Privacy” section of this Policy, should hold such information in confidence.
- 5.4 The Health and Wellness Centre is the University’s primary point of contact for any student affected by an incident of Sexual Violence.
- 5.5 Members of the University Community who receive a Disclosure of an incident of Sexual Violence and also receives the student’s permission to do so, can provide to the Health and Wellness Centre the name, date and contact information of the person who made the Disclosure to them for follow-up support and services.
- 5.6 The Health and Wellness Centre will provide to students information about the availability of supports and services, and reporting and complaint options to students who disclose an incident of Sexual Violence (see Appendix A for a list of on and off-campus Resources.) Supports and services provided include counselling, access or referrals to medical and legal services, safety planning, and emergency bursaries.
- 5.7 The Health and Wellness Centre will coordinate the provision of academic and other accommodations if required. Examples of accommodations include extensions on

assignments, including provision of incomplete grades, deferrals for examinations, temporary exemption from attendance policies, and petitions for late withdrawal. The Health and Wellness Centre can assist the student with the process of seeking academic accommodations and arranging the necessary paperwork without disclosing the nature of the situation to members of the faculty.

- 5.8 The Health and Wellness Centre will provide information to students about the Reporting and Complaints options available under this and related policies (eg. *Respectful Work & Learning Policy*.)
- 5.9 A student is not required to make a Report or file a Complaint about an incident of Sexual Violence in order to obtain the support and services or accommodations referred to in this Policy. Likewise, a student does not need to receive counselling services in order to receive information about Reporting and Complaint options under this or other policies.
- 5.10 The Health and Wellness Centre can, on a confidential basis, consult or seek the assistance of other internal personnel or resources of the University to facilitate the safety and support of, and to follow-up on those involved in a Disclosure of Sexual Violence and to ensure OCAD U meets its human rights obligations.

6. REPORTING

- 6.1 The University acknowledges that a decision to report Sexual Violence, either externally within the criminal justice system or internally through the University's policies and procedures outlined here, involves potential implications. A Complainant has the right to be informed of possible outcomes and implications of each relevant external or internal process and has the right to choose whether to report the incident(s) or not. The only exceptions to the Complainant's right to determine whether a report or complaint proceeds are in situations involving imminent risk as outlined in the Limits of Confidentiality 4.3 (above.)
- 6.2 A Report of Sexual Violence to the University may result in one or more of the following measures and outcomes:
- a safety plan for the Complainant;
 - support in reporting the incident to Police;
 - clear communication to the Respondent that the behaviour is unwelcome and must stop;
 - measures to protect the Complainant during any internal or external process, including interim measures placed on the Respondent;
 - measures to protect the University Community in situations where a risk is determined, including interim measures placed on the Respondent.
- 6.3 A Complainant also has the right not to Report an incident of Sexual Violence and move directly to the Complaints process outlined in Section 7 of this policy and/or to any other relevant policy. In particular, complaints that do not involve violence or risk of violence (eg. some forms of sexual harassment) should be directed to the Offices identified in the Complaints section of this Policy.
- 6.4 A Complainant is entitled to receive all supports outlined in this Policy regardless of whether they decide to Report the incident and whether or not they choose to participate in any interview or information gathering described in this section.
- 6.5 A Report of Sexual Violence should be directed to OCAD University's Safety and Security Services department. A Report can be made in person to a member of the

Safety and Security Services staff, by telephone or by email. If the Complainant chooses, Health & Wellness staff may assist in the Reporting process.

- 6.6 If, during the course of the Reporting or Complaint process, the Complainant reveals having committed an offense of any other non-academic university policy, this information will not result in any disciplinary proceedings by the University against the Complainant.
- 6.7 A Report of Sexual Violence can also be made by someone other than the person who experienced the violence (eg. a witness.) However, the University's ability to address the allegation will depend on a number of factors regarding the information available. The University will normally attempt to secure the consent of the person who experienced the violence and to put safety measures in place for that person before proceeding with information gathering and/or a formal investigation as described below.
- 6.8 Safety and Security Services will undertake a preliminary information gathering for the purposes of determining interim measures (see 6.23 below) and of assessing risk to the OCAD University community (see 6.24 below.)
- 6.9 The preliminary information gathering process will involve a recorded interview of the Complainant and, separately, the Respondent and witnesses, if any.
- 6.10 In most situations, the information gathering process will involve informing the Respondent of the nature of the allegation. Safety and Security Services will ensure the Complainant is aware of the details that will be revealed to the Respondent and will put safety measures in place to protect the Complainant from potential reprisal.
- 6.11 A Complainant can request that Safety and Security Services not proceed with information gathering and has the right not to participate in any interviews or information gathering that may occur.
- 6.12 In situations involving information that is in the public domain or widely disseminated (eg. social media threats), or situations involving multiple Reports against the same individual, Safety and Security Services may make the determination to proceed without disclosing to the Respondent the name of the Complainant(s).
- 6.13 The recording and transcript of these interviews will be maintained in a locked and secure location and discarded after a period of one year.
- 6.14 If Safety and Security Services chooses not to proceed with information gathering, the Complainant will be notified of this determination and the reasons for this determination. Reasons not to proceed could include: a determination that the matter is more appropriately dealt with by police; determination that the matter is out of scope of this Policy or other university Policies and/or more appropriately dealt with through another mechanism of the University.
- 6.15 If a Complainant requests that the University not investigate or act on a Report of an Incident of Sexual Violence, the University will consider that person's request but may decide to proceed, in respect of the University's responsibilities to maintain the safety of the University community as set out in the *Response to Violent or Threatening Behaviour Policy*. In such cases, the person who experienced the violence has a right to choose not to participate.
- 6.16 If requested by the person who experienced the violence and subject to any applicable legal obligations and access to information and privacy legislation, the person who

experienced the violence will be informed of the outcome of such the preliminary information gathering.

- 6.17 In the event that a Complaint is filed under Section 7 of this Policy, the report of the information gathering will be provided to the Vice-Provost, Students and the Review Committee.
- 6.18 The University has limited jurisdiction to address allegations made against a person who is not a Member of the University Community. In the event of such allegations, the University may take appropriate measures such as restricting access to campus by the person against whom allegations are made.
- 6.19 In respect of the University's limited powers to investigate matters that occur off campus and/or involve parties who are not Members of the University Community, Complainants are encouraged to file Reports with municipal police.
- 6.20 Safety & Security Services will provide support to Complainants in making a report to municipal Police.
- 6.21 **Safety Plans:** Safety & Security Services will coordinate safety plans for Complainants. Components of Safety Plans can include: escorts to and from campus and/or transit, parking lots; advice and support around enhancing off-campus safety, one-touch mobile alerts to Police and/or Security Services.
- 6.22 **Sexual Violence Response Team:** Results of any information gathering conducted by Safety & Security Services in response to a Report of Sexual Violence are submitted to the University's Sexual Violence Response Team.
- 6.23 **Interim Measures:** The Sexual Violence Response Team will consider implementation of interim measures to protect Complainants while any external or internal proceedings are underway. Examples of interim measures include: separation of the parties, no contact orders, class and/or schedule changes, limits on accessing particular and/or all facilities.
- 6.24 **Risk Assessment:** When appropriate, the Sexual Violence Response Team will conduct an assessment of risk to the University community in accordance with the *Response to Violence and Threatening Behaviour Policy*.
- 6.25 **Emergency Measures:** If the Sexual Violence Response Team determines that the presence at the University of an individual poses a risk to safety or security of any member of the University Community or other persons, the Sexual Violence Response Team may recommend to the Vice-President, Academic & Provost, and the Vice-President, Finance & Administration emergency measures, including an immediate suspension of up to 10 days. The Respondent will be notified of the decision to invoke emergency measures.
- 6.26 If, after further investigation, it is determined that the Respondent continues to pose a risk to safety or security of any member of the University Community or other persons, the Sexual Violence Response Team, with the approval of the Vice-President, Academic & Provost and the Vice-President, Finance & Administration, can extend emergency measures to a maximum of 60 days.
- 6.27 Where an individual has been charged under the Criminal Code, the maximum number of days may be extended to take into account the scheduling of criminal proceedings,

depending on the nature and severity of the offence with which the person is charged and the terms set out in the relevant information.

7. COMPLAINTS

- 7.1 A person has the right to file a Complaint under University policy with respect to an incident of Sexual Violence in which the respondent is also a member of the University Community for the purposes of initiating the process set-out by University policy.
- 7.2 A Complaint in which the Respondent is a member of the **staff or faculty** of OCAD University will be filed with the Office of Diversity, Equity & Sustainability Initiatives (ODESI) and dealt with as per the provisions of the *Respectful Work & Learning Environment Policy*.
- 7.3 A Complaint in which the Respondent is a **student** will be filed to the Vice-Provost, Students in accordance with the provisions of this policy.
- 7.4 A Complaint against a student who is also an employee of the University will be reported to the Vice-Provost, Students and will be subject to the provisions of this policy.
- 7.5 A Complaint can be filed if the individual who is said to have engaged in Sexual Violence is a Member of the University Community and was a Member of the University Community at the time of the incidents alleged in the formal complaint.
- 7.6 A person may choose **not** to file a Complaint under this Policy. If a person decides not to file a formal Complaint under this Policy or requests that the University not investigate, the full range of supports and services outlined in this Policy remain available to that person. To the greatest extent possible, the University will respect the person's choice not to proceed with a formal complaint under this Policy or a request that the University not investigate.
- 7.7 In cases where the Sexual Violence Response Team has reason to believe that a Member of the University Community or broader community may be at risk of harm (as described in Limits of Confidentiality 4.3) or if the Sexual Violence Response Team determines that the University has a legal obligation to investigate and/or act, Safety and Security Services may pursue a Complaint under this Policy.
- 7.8 If the Respondent's relationship with the University ends and he or she is no longer at or with the University, the Complaint process in this Policy may be suspended. However, the University retains the right to proceed with the process, even in situations where the Respondent's relationship to the University is temporarily or permanently severed. If the Respondent returns and once again becomes a Member of the University Community, a formal complaint process may resume and/or sanctions resulting from the process may be instigated at that point. A Respondent's temporary leave of absence from the University or a temporary break in their relationship with the University does not prevent a resumption of a formal complaint process when such leave has ended or when the relationship between the University and the Respondent resumes.
- 7.9 All Members of the University Community who are involved in receiving a Complaint of an Incident of Sexual Violence or who are involved in addressing or investigating it should treat the matter as discretely and confidentially as practicable within the context of their roles in implementing this Policy. Information will be shared only to the extent necessary to carry out responsibilities under this Policy or as required to provide a fair process during the investigation and decision-making process.

- 7.10 Both the Complainant and the Respondent have the right to be accompanied by a support person at any point during the investigation and assessment process and subsequent processes under this Policy. The support person, whether or not a Member of the University Community, is expected to adhere to the principles of “Confidentiality and Privacy” outlined in this Policy.
- 7.11 No person shall be negatively treated for bringing forward a Complaint, providing information related to a complaint, or assisting in the resolution of a Complaint. The University will take reasonable steps to protect Complainants, witnesses, advisors, representatives of complainants and witnesses, investigators and decision makers from reprisal, including: advising individuals in writing of their duty to refrain from committing an act of reprisal, and sanctioning individuals for a breach of that duty. The University may also address the potential for reprisals by providing an accommodation appropriate in the circumstances. Threats of or acts of reprisal will be treated as violations of this Policy or other related policies (eg. *Non-academic Misconduct Policy, Respectful Work & Learning Environment Policy*.)
- 7.12 Documents and information related to a formal complaint, including the written formal complaint, written responses, witness statements, investigation notes and reports, and documents related to the formal complaint and its investigation will be held securely in the Office of the Vice-Provost, Students in a locked and secure location. The documents will be kept for a period of two years from the date that the Complainant and/or Respondent cease to be enrolled in the University.
- 7.13 **External recourse:** This Policy and the formal complaint process do not prevent and are not intended to discourage an individual from also reporting Sexual Violence to the police and pursuing a complaint of Sexual Violence through the criminal justice system or from pursuing a complaint of sexual harassment with the Ontario Human Rights Tribunal pursuant to the Ontario Human Rights Code.
- 7.14 **Deadlines and timelines:** The deadlines referred to in this Policy are meant to ensure that the matters are dealt with in a timely fashion. There may be, in exceptional and compelling circumstances, reasons to extend a deadline. In such cases, the Vice-Provost, Students can extend a deadline where the delay is requested in good faith and the extension does not prejudice or harm those involved in the complaint. Where no deadlines are mentioned in this Policy, the intention is always to use a reasonable time period and to act as expeditiously as possible in light of the nature and complexity of the circumstances of the complaint and in light of other circumstances that may arise during the process that are beyond a party’s reasonable control.

8. PROCEDURES FOR INITIATING AND ADJUDICATING COMPLAINTS OF SEXUAL VIOLENCE IN WHICH THE RESPONDENT IS AN OCAD UNIVERSITY STUDENT

8.1 INITIATING A COMPLAINT

- 8.1.1 A formal Complaint to the Vice-Provost, Students must set out in writing the name of the Respondent, the nature and the details of the circumstances, including detailed facts, specific dates and names of potential witnesses.
- 8.1.2 The Vice-Provost, Students will acknowledge receipt, review it and if necessary, seek clarification from the Complainant on the information it contains.
- 8.1.3 The Vice-Provost, Students, in consultation with the Director, Diversity, Equity & Sustainability Initiatives, will assess the formal complaint and determine whether the conduct forming the basis of the complaint appears to fall within the definition of Sexual Violence as set out in this Policy.
- 8.1.4 Complaints of sexual harassment and complaints against non-students (eg. staff and faculty) will normally be directed through the *Respectful Work & Learning Environment Policy*.
- 8.1.5 If the Vice-Provost, Students considers that the conduct complained of does not fall within the definition of Sexual Violence as set out in this Policy, the Vice-Provost, Students will convey this assessment in writing to the Complainant and inform the Complainant of his or her right to seek remedy through other University policies.
- 8.1.6 In situations in which the evidence of an offense of Sexual Violence is in the public domain (eg. social media), or in which multiple Reports involving the same Respondent have been made to Safety & Security Services, the University may consider initiating a Complaint.

8.2 INVESTIGATION

- 8.2.1 If the Vice-Provost, Students considers that the conduct complained of falls within the definition of Sexual Violence as set out in this Policy, an investigation will be initiated within 10 business days of the receipt of the complaint.
- 8.2.2 The report of the preliminary information gathering conducted by Safety and Security Services will be supplied to the Vice-Provost, Students.
- 8.2.3 The Vice-Provost, Students may, at their discretion, choose to:
Re-interview the Complainant, Respondent or any witnesses; or
Appoint an independent Investigator with competence in conducting investigations related to allegations of Sexual Violence, to investigate the complaint.
- 8.2.4 The Vice-Provost, Students, or Investigator, will inform the Respondent that a Complaint has been filed under the University's *Policy on Prevention and Response to Sexual Violence* and will provide to the Respondent the nature of the complaint, including relevant details, and a copy of this Policy.
- 8.2.5 The Respondent will be asked to respond in writing to the Complaint within 10 business days. If the Respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a response.

- 8.2.6 Upon completion of the investigation, the investigator will send the Vice-Provost, Students a written confidential report containing a summary of the facts and information gathered during the investigation, the investigator's analysis of the facts and information and the investigator's conclusion regarding whether or not Sexual Violence occurred and the role of Respondent.
- 8.2.7 The Vice-Provost, Students will present the investigation report to the Complainant and to the Respondent and remind them of the need to protect and keep confidential the personal information of those involved in the investigation and to avoid acts of reprisal.
- 8.2.8 If the investigator determines that the evidence, on a balance of probabilities, does not support a finding that an act(s) of Sexual Violence occurred, the Vice-Provost, Students will inform the Complainant and Respondent of the outcome.

8.3 HEARING

- 8.3.1 If the investigator determines that the evidence, on a balance of probabilities, does support a finding than an act(s) of Sexual Violence occurred, within five business days after receiving the investigation report, the Office of the Vice-Provost, Students will assemble three individuals to form a Review Committee. The members of the Review Committee are to be drawn from among the members of the Senate Student Appeals Committee selected by the Chair of the Senate Student Appeals Committee, in consideration of the parties to the Complaint.
- 8.3.2 The members of the Review Committee must have knowledge of proper practices and principles of procedural fairness in complaint processes and must be free of any conflict of interest in respect of the case to be heard.
- 8.3.3 The members of the Review Committee will have received training provided in the sensitive issues surrounding Sexual Violence, in procedures leading to fair resolution and in consequences or measures that may be appropriate to an incident of Sexual Violence and which act as deterrents to further occurrence of Sexual Violence.
- 8.3.4 The Vice-Provost, Students will send a copy of the Complaint, the response and any written replies and the final investigation report to the members of the Review Committee.
- 8.3.5 The members of the Review Committee will decide who among them will chair the committee.
- 8.3.6 Within 15 business days after the date the Vice-Provost, Students constitutes the Review Committee, the chair of the Review Committee will convene a meeting and send a written notice of the meeting to the Complainant and the Respondent. The notice of the meeting will indicate the time, place and purpose of the meeting, the names of the Review Committee members, as well as include a statement that if the Complainant or the Respondent does not attend or participate in the meeting, the Review Committee may proceed in their absence.
- 8.3.7 The Review Committee meeting will be conducted in person and in camera. However the support person referred to in paragraph 7.10 of this Policy can attend the meeting as an observer only and does not speak on behalf of or represent the Complainant or the Respondent.

- 8.3.8 The Complainant and the Respondent will be afforded the opportunity to make written and oral representations to the Review Committee at the meeting, including representations on the investigation report and on any potential consequences or measures.
- 8.3.9 The Complainant and the Respondent are expected to speak for themselves. Members of the Review Committee may ask questions of the Complainant and the Respondent and may invite witnesses as they deem necessary.
- 8.3.10 The Review Committee meeting will be arranged so that the Complainant and the Respondent do not meet face-to-face.
- 8.3.11 Upon reviewing and considering the final investigation report and upon considering any representations made by the Complainant and the Respondent or other person at its meeting with them, the Review Committee will: decide whether the investigation was fair and conducted as per this Policy, the role of Respondent in the Sexual Violence; and determine sanctions it considers appropriate.
- 8.3.12 The decisions of the Review Committee and the reasons in support of it must be in writing and be delivered to the Complainant and to the Respondent within 10 business days of the meeting referred to in paragraph 8.3.10 of this Policy.
- 8.3.13 The following list provides examples of sanctions and is not meant to be exhaustive nor necessarily represent a progression of consequences or measures:
- Attendance at educational sessions on the impact of Sexual Violence;
 - Restricted or prohibited access to University campuses and/or services;
 - Suspension from the University for a specified period of time; and/or
 - Expulsion from the University.
- 8.3.14 From time-to-time, the University may develop, either within the University or in partnership with community organizations, alternatives to sanctions which may include restorative justice options, diversion and rehabilitation programs. With the expressed consent of both parties to an offence, the Review Committee may consider such alternatives as an alternative to sanctions or in addition to sanctions under this Policy.

8.4 APPEAL

- 8.4.1 An appeal can be made only by either the Complainant or the Respondent.
- 8.4.2 The appeal must be made in writing to the Vice-President, Academic & Provost and within 10 business days after the date of the final decision that is the subject of the appeal.
- 8.4.3 The appeal must include the reasons for the appeal, the reasons why the appeal should be granted, the arguments in support of the appeal and the outcome sought.
- 8.4.4 The person seeking to appeal must demonstrate that: there has been a fundamental procedural error in the making of the final decision and that such error has caused or will cause actual prejudice to the person seeking the appeal; or there are new facts relevant to the final decision that were not available and could not have been provided to the Review Committee.
- 8.4.5 Within 5 business days of receiving the Notice of Appeal, the Vice-President, Academic & Provost shall notify both parties of substance of the Appeal. The party

who did not submit the Appeal shall be given the opportunity to respond, in writing, to the substance of the Appeal.

- 8.4.6 Within 15 business days of receiving the response to the appeal, the Vice-President, Academic & Provost will render a decision as follows:
- Uphold the decision and sanctions of the Review Committee;
 - Uphold the decision of the Review Committee but render different sanctions; or
 - Grant the Appeal, which shall overturn the decision and sanctions of the Review Committee.
- 8.4.7 An overturned decision shall result in the Vice-President, Academic & Provost determining new sanctions, if any, to be imposed.
- 8.4.8 The findings of the Vice-President, Academic & Provost shall be final and not subject to review by, or appeal to, any other decision-maker or decision-making body.

9. REVIEW OF THIS POLICY

- 9.1 The Vice-Provost, Students is responsible for the review and implementation of this Policy. This Policy will be reviewed at least once every three years.
- 9.2 Revisions to the Policy will be considered in consultation with the OCAD Student Union, as well as with the Office of Diversity, Equity & Sustainability Initiatives, Safety & Security Services, the Health & Wellness Centre and other stakeholders.
- 9.3 Amendments made to this Policy, other than those described in 9.3.1 of this Policy, require the approval of the Board of Governors.
- 9.3.1 Updates to the following information contained in this Policy do not require approval of the Senate or the Board of Governors:
- the supports and services referred to in Appendix A this Policy;
 - the identity of officials, offices, and departments at the University that provide information about supports, services and accommodation or that receive reports or formal complaints.
- 9.4 A copy of this Policy as approved and amended is posted on the University's website. A print copy of this Policy is available on request at the Health and Wellness Centre.

APPENDIX A: SUPPORTS & SERVICES PROVIDED TO STUDENTS WHO HAVE EXPERIENCED SEXUAL VIOLENCE

EMERGENCY MEDICAL SUPPORT

Hospitals near the OCAD U campus are:

- Sexual Assault & Domestic Violence Care Centre at the Women's College Hospital: 76 Grenville St., Toronto, ON: 416-323-6040
- Mount Sinai Hospital: 600 University Ave, Toronto, ON: 416-596-4200
- Toronto General Hospital: 200 Elizabeth St, Toronto, ON: 416-340-3111
- St. Michaels Hospital: 30 Bond St. Toronto, ON: 416-360-4000

Students who need help getting to these services from campus are encouraged to contact non-emergency OCAD U security at: 416-977-6000 Ext 366.

ON CAMPUS EMERGENCIES

If on-campus, call OCAD U Security at 416-977-6000 x511 or pick-up a Red Phone or dial 9-1-1.

ON CAMPUS SUPPORT

HEALTH AND WELLNESS CENTRE

416-977-6000 ext. 260, hwc@ocadu.ca,

6th Floor, 230 Richmond St. W. Mon-Fri: 9:00am-4:30pm.

Drop-in for a day-of appointment or email/call to make a scheduled appointment time

The Health and Wellness Centre provides specialized services for all students who may be affected by sexual violence and is the University's primary point of contact for disclosures of sexual violence. Students can access any of the following services:

- Immediate, confidential support provided by trained professionals, available on a walk-in basis between 9am and 4pm, Monday to Friday.
- Booked or walk in medical and/or physical examinations
- Individual and/or group counselling appointments
- Referrals to community organizations
- Provide information and assistance with navigating processes within OCAD U for filing a report or a complaint in relation to sexual violence
- Accessing confidential academic accommodations

SAFETY & SECURITY SERVICES

In non-emergency circumstances, contact OCAD U Security at: 416-977-6000 Ext 366

Office location: 2nd Floor, 51 McCaul

Campus security can provide assistance getting to a hospital, safety measures and planning support, and initiation of Reporting processes.

Walk Safe Program

- A personal security escort can also be arranged through OCAD U security 10 minutes prior to departure to walk an individual to or from the subway station/streetcar stops, parking facilities, between buildings on campus, inside buildings when changing locations, as well as the Health & Wellness Centre or nearby supports.

OFF CAMPUS COUNSELLING, MEDICAL AND LEGAL SERVICES

519 Anti-Violence Program

416-392-6877, 519 Church St. · Toronto, ON

Service for LGBTQ+identifying people experiencing relationship abuse, or violence based on sexual identity or orientation.

<http://www.the519.org/programs/avp/avp.shtml> - contact

Barbra Schlifer Commemorative Clinic

416-323-9149, 489 College Street · Suite 503 · Toronto, ON

Offers legal representation, information, counseling, multilingual interpretation for women who have experienced violence. Mon.-Fri., 9am-5pm.

<http://www.schliferclinic.com>

The Hassle Free Clinic

416-922-0566, 66 Gerrard Street East · 2nd Floor · Toronto, ON

A Women/Trans & Man/Trans Clinic for Sexual assault/Domestic violence crisis support Offers: Doctor visits; HIV & STI testing and treatment; Birth Control Prescriptions; gynaecological-concerns; expert led discussions; One-on-one nursing consultations; counselling support for sexual assault/violence, pregnancy, abortion, sexuality/trans issues, and HIV Positive women and trans women. <http://hasslefreeclinic.org/home/women-trans-clinic/programs-and-services-available-at-the-womentrans-clinic/>

Immigrant Women's Health Centre

416-323-9986, 489 College Street · Suite 200 · Toronto, ON

A community-based non-profit agency serving immigrant women, refugee women, and women of colour. Provides comprehensive clinical and counselling services; free of charge, no OHIP required. <http://www.immigranthealth.info>

Planned Parenthood

(416) 961-0113, 36 Prince Arthur Ave · Toronto, ON

Offers: Birth control options and prescriptions at reduced rates; Emergency Contraception; Anonymous HIV & STI Treatment and Testing; Help finding food, housing, employment or legal aid; Mental Health Services; Pregnancy Options; Pregnancy Testing; Services offered with or without health card. <http://www.ppt.on.ca/>

Sexual Assault/Domestic Violence Care Centre at Women's College Hospital

416.323.6040, 76 Grenville St., Toronto, ON

Serves all genders; provides for emergency care, follow-up and counselling for survivors of recent (less than 6 months recent) assault.

Sherbourne Health Centre

416-324-4180, 333 Sherbourne St. · Toronto, ON

Serving LGBTQ people, Homeless and under-housed individuals, Newcomers to Canada, and provides healthcare and counselling services.

<http://sherbourne.on.ca/counselling-services/>

Toronto Rape Crisis Centre / Multicultural Women Against Rape

416-597-1171 (main line), 416-597-8808 (counseling line)

25 Esplanade, Toronto, ON

Offers legal support, referrals, a 24-hour crisis line, support groups and in-person counselling for survivors of sexual assault. Mon-Fri, 9:30am-5:00pm

<http://trccmwar.ca/>

Two-Spirited People of the First Nations

416-944-9300, 14 College St · 4th floor · Toronto, ON

Counseling, information, and support for LGBTQ individuals of the First Nations community.

HOUSING

City of Toronto Housing & Homelessness Services

The preferred way to access emergency shelter is to call 311 or Central Intake 416-338-4766 or Toll Free 1-877-338-3398. Visit <http://www.211ontario.ca/topic/abuseassault> for an online directory of shelter services for survivors of Sexual Violence in the Greater Toronto Area

ShelterSafe.ca

ShelterSafe.ca is an online resource to help women and their children seeking safety from violence and abuse. The clickable map will serve as a fast resource to connect women with the nearest shelter that can offer safety, hope and support. Sheltersafe.ca allows you to quickly identify a shelter in a specific geographic area along with its 24-hour emergency phone number. <http://www.sheltersafe.ca>

YMCA Sprott House

(647) 438-8383, 21 Walmer Road · Toronto, ON

YMCA Sprott House - Walmer Road Centre provides affordable and supported residential living for up to 25 young people between the ages of 16 to 24 who identify as LGBTQ2S.

<https://ymcagta.org/youth-programs/youth-housing>

HELPLINES AND MENTAL HEALTH SERVICES

Assaulted Women's Help Line

416-863-0511 toll-free in Ontario at 1-866-863-0511 or 416-323-6040 if assaulted in last 72 hours.

Call-in only. Emergency help line for women that have been assaulted. Anonymous, accessible 24 hours a day.

<http://www.awhl.org>

Good2Talk

1-866-925-5454

24/7 Free, professional, anonymous counselling for post-secondary students in Ontario

Lesbian/Gay/Bi Youth Line

416-962-9688 / 1-800-268-9688

Provides support and information, as well as hate crime reporting, for members of the queer community. Call in or online chat.

<http://www.youthline.ca/>

LGBT Referral Line

416-925-9872, Call-in only.

Many LGBTQ resources available through this umbrella hotline, including LGBT Muslim resources (ext. 2209) and Gay Latino resources (ext. 2850).

MentalHealthHelpline.ca

1-866-531-2600

The Mental Health Helpline provides information about mental health services in Ontario.

Talk4Healing: A Helpline for Aboriginal Women

Toll-free: 1-855-554-HEAL

Supports all aboriginal women and their families who are living in urban, rural and remote communities, both on and off reserve, throughout Northern Ontario. www.talk4healing.com