



Policy:	GENDER-BASED SEXUAL VIOLENCE
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Approved by:	President, Huron University College

1. OVERVIEW AND PURPOSE

- 1.1. The term “sexual violence” will be used throughout this policy to connote 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.
- 1.2. Huron University College (“Huron”) is committed to providing and maintaining an environment in which sexual violence and sexual misconduct is not tolerated. All members of the Huron community have a right to work and study in an environment that is free from any form of sexual violence and sexual misconduct.
- 1.3. Huron recognizes that the prevention of, and response to, sexual violence and sexual misconduct is of particular importance in a university environment. Any and all acts of sexual violence or sexual misconduct will be addressed. Individuals who have committed an act of sexual violence or sexual misconduct will be held accountable.
- 1.4. The purpose of this policy is to state Huron’s commitment to addressing sexual violence through education and awareness, providing access to comprehensive support for those who have experienced or have been affected by sexual violence and implementing transparent and fair processes to resolve and adjudicate complaints of sexual violence and sexual misconduct.
- 1.5. This policy sets out the applicable procedures and response protocol to incidents of sexual violence and sexual misconduct ensures that those who experience sexual violence and sexual misconduct are supported and their rights respected.

2. SCOPE

- 2.1. This policy applies to all members of the Huron community. The Huron community includes, but is not limited to, staff, students, faculty (including contract faculty), instructors, members of the Board of Governors, volunteers, contractors and other individuals who work, study or carry on the business of Huron. It also applies to all visitors or guests to campus. Support will be made available under this policy to Survivors who are members of the Huron Community regardless of whether the Respondent is a Member of the Huron Community.
- 2.2. The formal procedures and processes set out in section 11 of this policy, apply to all alleged incidents of sexual violence or sexual misconduct in which the Respondent is a member of the Huron Community (both at the time of the alleged incident and when the Complaint is filed), and which has an impact on the learning, working or campus environment at Huron, regardless of

whether the alleged incident of sexual violence or sexual misconduct occurred on campus, off campus or using social media or other electronic forums.

2.3. Subject to the provisions of the Affiliation Agreement between Huron, Western University (“Western”), King’s University College (“King’s”) and Brescia University College (“Brescia”), only Western, King’s and Brescia may discipline their respective students for conduct that would constitute a violation of this policy. If Huron is made aware of allegations that a student registered at Western, King’s or Brescia has breached this policy while on the Huron premises, using Huron’s facilities, or participating in a program, event or activity at Huron, Huron will either notify the relevant authorities at the student’s respective institution directly, or assist the Survivor in notifying the relevant authorities at the student’s respective institution. Where circumstances warrant, Huron retains the ability to restrict such a student’s entry onto the Huron premises, use of Huron’s facilities, or participate in a program, event or activity at Huron.

3. DEFINITIONS

The following definitions shall apply to this policy:

3.1. **Coercion:** The use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts. In the context of Sexual Violence, coercion is unreasonable or persistent pressure for sexual activity.

3.2. **Complaint:** The sharing of information concerning an act of sexual violence or sexual misconduct with the intention of initiating the formal Complaint process provided for under section 11 of this policy.

3.3. **Complainant:** An individual who has filed a Complaint under this policy.

3.4. **Consent:** The voluntary agreement to engage in the sexual activity in question. Conduct short of a voluntary agreement to engage in sexual activity does not constitute consent as a matter of law. This means that an individual must actively and willingly give consent to sexual activity. Consent must be informed, freely given, and active. Youths 16 and 17 years old may legally consent to sexual acts but not within a relationship of trust, authority, dependency or where there is other exploitation. Further, regarding consent, it is imperative to understand that:

- Silence or non-communication must never be interpreted as consent;
- A person in a state of diminished judgment cannot consent;
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate;
- A person who has been threatened, pressured, forced, or coerced (i.e. is not agreeing voluntarily) is not consenting to any sexual act(s);
- A person who is drugged is unable to consent;
- A person may be unable to give consent when under the influence of alcohol and/or drugs;
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual act(s);
- Consenting to sexual activity in the past or present does not mean consent is given to other sexual activity in the future;
- A person can withdraw consent at any time;
- A person cannot give consent to a person in a position of trust, power, or authority over them;

- Consent cannot be given on behalf of another person; and
 - Sexual activity without consent is sexual assault.
- 3.5. **Cyber Harassment:** A form of harassment through various electronic means, but typically involves the use of email, texting, instant messaging, derogatory websites, graphic images or posts to bully or otherwise harass an individual or group through personal attacks causing substantial emotional distress and/or the fear of bodily harm. Cyber harassment can include, but is not limited to: ‘flaming’, sending offensive or cruel email, or harassing others by posting comments in chat rooms, blogs, or social networking sites.
- 3.6. **Disclosure:** The sharing of information by a Survivor with a member of the Huron community concerning an incident of sexual violence or sexual misconduct. A Disclosure may or may not be for the purpose of accessing supports, services and/or other accommodations.
- 3.7. **Drug-facilitated sexual assault:** Occurs when alcohol and/or drugs are used to control, overpower, or subdue a target for the purposes of sexual assault. Many substances could be connected with drug-facilitated sexual assault, such as: alcohol, over-the-counter legal drugs, prescription drugs and illegal drugs such as Rohypnol, gamma hydroxybutyric, or ketamine.
- 3.8. **Employee:** Any individual who is employed by Huron, including staff, faculty, and student employees.
- 3.9. **Huron Community:** Includes, without limitation, staff, students, faculty (including contract faculty), instructors, members of the Board of Governors, volunteers, contractors and other individuals who work, study or provide services for Huron.
- 3.10. **Huron Leadership:** Includes, but is not limited to, the President, Dean, Vice-Presidents, Associate Vice-Presidents and Directors.
- 3.11. **Report:** The sharing of information by a Survivor with a member of a law-enforcement agency for the purposes of pursuing criminal charges under the *Criminal Code of Canada*.
- 3.12. **Respondent:** The person(s) against whom a Complaint has been filed under this policy. The Respondent(s) are individual(s) who have allegedly engaged in sexually violent behaviour against the Complainant(s) and will be responding to the allegations as part of an intervention to resolve the Complaint.
- 3.13. **Sexual Assault:** Any form of sexual contact that violates the sexual integrity of a Survivor without that individual’s consent. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which make that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.
- 3.14. **Sexual Harassment:** Includes, but is not limited to, a course of vexatious comments, conduct and/or communication of a sexual nature or based on sex, sexual orientation, gender, gender identity or gender expression that is known, or ought to have been known to be unwelcome. Depending on the circumstances, one incident could be significant or substantial enough to be considered sexual harassment. Examples of sexual harassment include, but are not limited to:
- Unwanted sexual solicitations, attention, advances, or comments and gestures;
 - The display of sexually suggestive pictures, posters, objects or graffiti;

- The implied or express promise of benefits or advancement in return for sexual favours;
- Threats of reprisals for rejecting unwanted solicitations or advances;
- Engaging in conduct or making comments that creates a poisoned environment to individuals of a specific sex, sexual identify, gender identify or gender expression;
- Non-consensual posting of pictures, aggressive comments and slurs of a sexual nature on any form of social media or other electronic media;
- Physical contact of a sexual nature (including Sexual Assault); and
- Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.

3.15. **Sexual Misconduct:** As defined under the *Ministry of Training, Colleges, and Universities Act*, sexual misconduct means, in relation to a student,

- i. physical sexual relations with the student, touching of a sexual nature of the student or behavior or remarks of a sexual nature toward the student by an Employee where,
 - i. the act constitutes an offence under the *Criminal Code* (Canada);
 - ii. the act infringes the right of a student under clause 7(3)(a) of the *Human Rights Code* to be free from a sexual solicitation or advance;
 - iii. the act constitutes “workplace sexual harassment” as defined by the Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy;
 - iv. the act constitutes “sexual violence” as defined by this policy; or
 - v. the act otherwise violates this policy or the Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy.
- ii. any conduct by an Employee that infringes the right of a student under clause 7(3)(b) of the *Human Rights Code* to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.

3.16. **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. Examples of sexual violence includes, but are not limited to: sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video without consent, cyber harassment or cyber stalking of a sexual nature.

3.17. **Stalking:** A form of criminal harassment prohibited by the *Criminal Code*. Generally, it consists of repeated conduct that is carried out over a period of time and which causes someone to reasonably fear for their safety or the safety of someone else with or without physical injury. Stalking can also include threats of harm to friends and/or family. Stalking behaviours include, but are not limited to, non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; “creeping” via social media/cyber-stalking; and uttering threats.

3.18. **Student:** Any individual who is registered, full-time or part-time, in a course or program of study, including a non-degree diploma or certificate (whether for credit or not), offered through Huron.

"Student" also means persons registered at Huron on a letter of permission and persons on exchange at Huron.

- 3.19. **Survivor:** An individual who has experienced an act or threat of sexual violence or sexual misconduct. Survivor is a positive term recognizing the strength needed to live with an experience of sexual violence. Huron uses the term "Survivor" in this policy but acknowledges that it is the prerogative of the person who has experienced sexual violence to determine how they wish to identify.

4. RESPONSIBILITIES

- 4.1. Huron Leadership is responsible for communicating to all members of the Huron community that sexual violence and sexual misconduct is not permitted and will not be condoned or ignored. Huron Leadership will make every effort to prevent sexual violence and sexual misconduct by:
- i. Demonstrating by leadership and action a commitment to the prevention of sexual violence and sexual misconduct;
 - ii. Communicating the principles of this policy and upholding its spirit and intent;
 - iii. Taking all steps to put a stop to any sexual violence or sexual misconduct of which they are aware, regardless of whether a Complaint has been filed;
 - iv. Taking all Complaints of sexual violence and sexual misconduct seriously and promptly and diligently investigating any alleged incident;
 - v. Taking prompt action to resolve Complaints and taking appropriate corrective action; and
 - vi. Encouraging participation in education and training programs provided by Huron.
- 4.2. All members of the Huron Community share the responsibility to create a workplace/academic environment that is free from sexual violence and sexual misconduct. All members are responsible for understanding what constitutes sexual violence and conducting themselves in accordance with the spirit and intent of this policy. All members of the Huron community are expected to:
- i. Learn about sexual violence and attend and/or participate in Huron sponsored educational programs and campaigns;
 - ii. Demonstrate professional and respectful behaviours;
 - iii. Speak out against behaviour that encourages sexual violence; and
 - iv. Intervene to prevent situations of sexual violence or where a person is vulnerable to sexual violence, where safe to do so.

The roles of the members of the Huron Community are more particularly set out in [Appendix A](#), attached hereto.

5. CONFIDENTIALITY

- 5.1. Confidentiality is particularly important to those who have experienced and have chosen to disclose instances of sexual violence or sexual misconduct. Huron will treat all Disclosures and formal Complaints of incidents of sexual violence or sexual misconduct in a confidential manner to the greatest extent possible and in accordance with the provisions of provincial and federal legislation.
- 5.2. In some cases, confidentiality may not be maintained where information needs to be shared in order to address a risk to the health and safety of members of the Huron Community or where

employees are obliged by law to share the information. If the information received by Huron suggests any of the circumstances outlined below, Huron may not be able to maintain confidentiality:

- i. Where an individual is at imminent risk of self-harm or harming another;
- ii. Where there are reasonable grounds to believe that other members of the Huron community may be at risk of harm;
- iii. Where reporting is required by law (e.g. in the case of a minor);
- iv. Where a formal Complaint has been filed, invoking formal procedures, which demand procedural fairness (e.g. when a formal Complaint is initiated, the name of the Complainant, if known, and the material allegations being made will be disclosed to the Respondent);
- v. When an incident of sexual violence or sexual misconduct is reported to Western Special Constable Service that may require an investigation and report to the London Police;
- vi. When notification and/or action (including conducting an investigation) is required by law, by Huron policies, or by an external body with appropriate authority (e.g., when an allegation of sexual violence or sexual misconduct is made against a Huron employee).

5.3. By law, Huron must report if someone is at risk of harm to themselves or others. In such circumstances, information would be shared only with the necessary parties and to the extent necessary to prevent harm. The names of the Survivor and person(s) accused would not be made publicly available.

5.4. In some cases, Huron may be required to take action independent of the intentions of the parties. If this is necessary, affected individuals will be fully informed and may choose to be supported at every step of the process.

Confidentiality and Complaints

5.5. Complainants and witnesses should be aware that Huron will disclose information to Respondents to fairly investigate and resolve formal Complaints initiated under section 11 of this policy.

6. IMMEDIATE ASSISTANCE AND SUPPORT

6.1. An individual who has experienced sexual violence should go to a place where they can find physical safety and emotional support. This may be the home (or room) of a friend, a family member, a member of the Residence staff, a colleague or a supervisor.

6.2. An individual who has experienced a sexual assault is encouraged to seek health care immediately. In London, immediate care and counselling support is available at:

- The Regional Sexual Assault and Domestic Violence Treatment Centre, located at St. Joseph's Hospital. Call 519-646-6100, press 0 and ask for the nurse-on-call for sexual assault and domestic violence. Support is provided regardless of gender and, with the consent of the survivor/victim, will also be provided to a partner/significant other.

<https://www.sjhc.london.on.ca/areas-of-care/sexual-assault-and-domestic-violence-treatment-program>

- ANOVA, previously known as the Sexual Assault Centre London, can be reached at 519-642-3000. ANOVA also provides individual and group counselling, accompaniment and

advocacy for women. A 24-hour crisis and support line is available to all individuals regardless of gender.

<http://www.anovafuture.org/>

- The Gender-Based Violence & Survivor Support Case Manager at Western's Wellness Education Centre, who can be reached at 519-661-3568 (non-emergency) or support@uwo.ca, Monday-Friday during business hours.

https://www.uwo.ca/health/student_support/survivor_support/index.html

- A Survivor may seek the support of other additional resources for physical and emotional care in the days and months following an incident of sexual violence. These resources may include, but are not limited to:
 - Human Resources;
 - Student Wellness;
 - Director, Community Safety;
 - Staff Union / Faculty Association Representatives;
 - Chaplain; and
 - Employee Assistance Programs and Supports.

7. ACCESSING THE POLICY: DISCLOSURE, REPORTING AND COMPLAINT OPTIONS

- 7.1. Huron recognizes that sexual violence can occur between individuals regardless of sex, gender identity, gender expression, sexual orientation or relationship status as articulated in the *Ontario Human Rights Code*. It is the intention of this policy to make individuals feel comfortable about submitting a Disclosure, a Report, or making a formal Complaint about an act or threat of sexual violence that they have experienced or witnessed.
- 7.2. Disclosure, Reporting and Complaints are separate actions that the Survivor can choose to pursue.
- 7.3. As defined in Section 3 of this policy, a Disclosure is the sharing of information by a Survivor with a member of the Huron community concerning an incident of sexual violence or sexual misconduct. A Disclosure may or may not be made for the purpose of accessing supports, services and/or other accommodations.
- 7.4. As defined in Section 3 of this policy, a Report is the sharing of information by a Survivor with a law-enforcement agency with the intention of pursuing criminal charges under the *Criminal Code of Canada*.
- 7.5. As defined in Section 3 of this policy, a Complaint is the sharing of information concerning an act of sexual violence or sexual misconduct with the intention of initiating a formal Complaint process provided for under Section 11 of this policy, which could result in disciplinary action being taken against the Respondent alleged to have perpetrated the sexually violent act.
- 7.6. A Survivor acting in good faith, who shares their experience of sexual violence or sexual misconduct through Disclosure, Reporting and/or filing a Complaint, will not be subject to discipline or sanctions for violations of Huron's policies related to drug and alcohol use at the time the sexual violence or sexual misconduct took place.

- 7.7. A Survivor who shares their experience of sexual violence or sexual misconduct through Disclosure, Reporting and/or filing a Complaint, or by accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by Huron's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.
- 7.8. Huron recognizes that individuals who have experienced sexual violence or sexual misconduct may experience emotional and/or academic challenges, and need support and accommodation in addressing them. A Survivor is not required to Report an incident of, or make a Complaint about, sexual violence or sexual misconduct, in order to obtain the supports, services and accommodation available at Huron.
- 7.9. Huron recognizes that an individual who has experienced an incident of sexual violence or sexual misconduct may require time and reflection before making the decision as to whether or not they wish to make a Disclosure, Report or Complaint of the incident. There are no time limitations on bringing forward a Disclosure, Report or Complaint under this policy; however, individuals who have experienced an incident of sexual violence or sexual misconduct are encouraged to make a Disclosure, Report or Complaint as soon as they are able to do so, recognizing that the passage of time may affect Huron's ability to address the issues raised by a Complaint.

8. DISCLOSURE

- 8.1. A Survivor of or witness to sexual violence or sexual misconduct may choose to Disclose the sexual violence or sexual misconduct to any faculty or staff member at Huron. Disclosure, in these circumstances, is generally about seeking support and/or guidance.
- 8.2. Survivors of, or witnesses to, sexual violence or sexual misconduct may also decide to make a report to the Director, Community Safety while choosing not to file a Report to Police services or a formal Complaint. The report to the Director, Community Safety will be used for accommodation supports (see below), aggregate data reporting and may be used by the Survivor to initiate a formal Complaint at a later date.
- 8.3. The Director, Community Safety will maintain the confidentiality of the report unless they perceive that:
 - There is an imminent risk of harm to the Survivor or other members of the Huron community;
 - Where there are recurring confidential reports alleging that the perpetrator had committed acts of sexual violence; or,
 - Where disclosure of the incident is required by law.

Such report may trigger an investigation initiated by Huron. Under those circumstances the Survivor has the right not to participate in any investigation that may occur.

- 8.4. In responding to a Disclosure of sexual violence or sexual misconduct, Huron is committed to ensuring that:
 - Those who Disclose that they have been affected by sexual violence are believed, and that their right to dignity and respect is protected throughout the process of Disclosure and any subsequent investigation and institutional response that may follow (should the Survivor choose to pursue these avenues);

- The individual receiving the Disclosure refrains from questions or comments that imply judgment or blaming of the Survivor (such as questions or comments regarding the Survivor's dress, conduct, language, emotional disposition, past sexual history, consumption of alcohol or drugs, or about the timing of the Disclosure);
- The Survivor is informed about on- and off-campus services and resources;
- The Survivor has the right to decide whether or not to access available services and to choose those services the Survivor feels will be most beneficial;
- The Survivor has the right to decide whether to report to Western Special Constable Service and/or local police services;
- Huron will cooperate with the Survivor if they wish to pursue an on-campus investigation (internal or external);
- A safety plan is available for the Survivor. A safety plan can be developed in conjunction with the help of the Director of Community Safety; and
- Reasonable and necessary actions are taken to prevent further unwanted contact with the alleged perpetrator(s).

8.5. Anyone at Huron can receive a Disclosure of sexual violence. In the event that a Survivor discloses their experience(s) to you, please know that you are in a special position to act as a resource. Survivors are to be provided with a compassionate level of support that refers them to information about options and resources. A supportive response involves:

- Listening without judgment; and accepting the disclosure as true;
- Communicating that sexual violence is never the responsibility or fault of the Survivor;
- Helping the individual identify and/or access available on- or off-campus services, including emergency medical care and counselling;
- Respecting the individual's right to choose the services they feel are most appropriate and to decide whether or not to report their experience;
- Recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited;
- Respecting the individual's choices as to what and how much they disclose about their experiences; and
- Making every effort to respect confidentiality and anonymity.

Immediate Support:

8.6. It is important to note that Survivors have the most options available to them within the first 72 hours (3 days) following a sexual assault; however, certain evidence can be collected up to 12 days after the sexual assault. Anyone who receives a Disclosure of sexual violence in the immediate time period following the incident (within approximately 72 hours) should ensure that:

- The Survivor has a safe environment to return to;
- The Survivor is supported in their choice to seek medical attention as soon as possible. Even if there are no apparent injuries, there may be internal or psychological injuries. In London, 24/7 care is available at the Regional Sexual Assault and Domestic Violence Treatment Centre, located in St. Joseph's Hospital. Support is provided regardless of gender. Call 519-646-6100, press 0 and ask for the nurse-on-call for sexual assault and domestic violence. The Centre will provide support to the Survivor in making choices and understanding their options. Options include treatment of injuries, emotional support and crisis intervention, pregnancy prevention, the testing and treatment for sexually transmitted infection, safety planning and referrals. Individuals may access counselling directly through the Centre,

without seeking any other services, up to one-year post-assault. The Regional Sexual Assault and Domestic Violence Treatment Centre provides Survivors with the option to collect forensic (physical) evidence. The Survivor may choose whether they wish to pursue this option and whether they would like to use any evidence gathered at a later date, or not at all; and,

- Should the Survivor identify a need for accommodation whether academic, residence and/or employment they should be directed to contact the Director of Community Safety who will act as a confidential liaison.

Accommodation support:

8.7. Following a Disclosure of sexual violence, Huron will support the provision of alternative living, working, or academic arrangements that are minimally disruptive to the Survivor, as appropriate and where possible. Survivors are encouraged to contact the Director, Community Safety at the confidential email: safety@huron.uwo.ca or 519-438-7224 x 854. The Director, Community Safety will act as a liaison to support accommodations (academic, residence and/or employment).

8.8. Note that there may be limitations to the availability of accommodations based on the individual circumstances of each case. The Director, Community Safety will provide information and details as to what, if any, accommodations are available/appropriate.

Additional supports:

8.9. Additional information regarding the support available to Survivors can be found at [Appendix B](#) attached hereto and at: http://safecampus.uwo.ca/sexual_violence/help.html.

9. REPORTING AN INCIDENT OF GENDER-BASED OR SEXUAL VIOLENCE TO LAW ENFORCEMENT

9.1. Survivors may choose to Report an incident of sexual violence to a law-enforcement agency (i.e. to the Police in an effort to pursue criminal charges under the *Criminal Code of Canada*). London Police Services is available to Survivors 24 hours a day, 7 days a week. The relevant contact information for London Police Services is provided below:

London Police Service
601 Dundas Street
London, ON N6B 1X1
Police Reporting Centre: 519-661-2664

9.2. A Report to law-enforcement agents may be made at any time after a Survivor experiences an incident of sexual violence. In the case of a sexual assault, the best evidence is collected within the first 72 hours (3 days) following an incident of sexual assault; however, certain evidence can be collected up to 12 days after the sexual assault.

9.3. If a Survivor is not sure whether they wish to make a Report to law-enforcement agents, Huron strongly encourages Survivors to seek health care treatment immediately at the Regional Sexual Assault and Domestic Violence Treatment Centre, located at St. Joseph's Hospital in London, Ontario. The Centre is able to provide the Survivor with the option of collecting forensic (physical) evidence, which the Survivor may choose to use at a later date.

- 9.4. Anyone who has experienced sexual violence and would like to file a formal Report, or would like to discuss their reporting options, can receive assistance from the following resources:

Director, Community Safety
Huron University College Wellness Centre,
Telephone: 519-438-7224 x 854
Email: Safety@huron.uwo.ca

Western Special Constable Service (Available 24/7)
Lawson Hall, Room 1257
Calling from on campus phone: call 911 (emergency)
Off campus or cell phone: call 519-661-3300 or 519-661-2111 x83300 for non-emergency situations

In the event a Survivor wishes to pursue criminal charges after consulting the above-noted resources, the Director, Community Safety or Western Special Constable Service will assist the Survivor with making a formal Report to the London Police Service. The London Police Service would be responsible for conducting any criminal investigation.

- 9.5. The Director, Community Safety and/or Western Special Constable Service will not report instances of sexual violence to London Police Services if a Survivor does not wish to formally Report the instance of sexual violence and/or decides to pursue non-criminal options, such as a formal Complaint under this policy.

10. FILING A FORMAL COMPLAINT WITH THE UNIVERSITY

General Overview

- 10.1. A Survivor may choose to file a formal Complaint to Huron after they have experienced an act of sexual violence or sexual misconduct (the process and procedure for filing a Complaint is set out in section 11 of this policy below). The filing of a Complaint triggers a formal procedure which includes an investigation. Interim measures may be put in place while the investigation is underway if there are concerns for safety or well-being.
- 10.2. A Survivor is not required to make a formal Complaint under this policy in order to receive any of the Supports and Accommodations outlined above.
- 10.3. The investigative process that is initiated by the filing of a Complaint does not preclude a Survivor from contacting the Police where they feel it is appropriate or desired to do so and it is not intended to discourage anyone from taking any steps that they feel necessary in that regard. In fact, Huron strongly encourages Survivors to take whatever steps they feel comfortable with, including contacting any individuals or departments identified within this policy.
- 10.4. For clarification and ease of reference, Survivors who decide to file a formal Complaint under this policy will be referred to as "Complainants".

Jurisdiction

- 10.5. The process and procedures set out in section 11 of this policy apply to all alleged incidents of sexual violence or sexual misconduct in which the Respondent is a member of the Huron Community (both at the time of the alleged incident and when the Complaint is filed), and which

has an impact on the learning, working or campus environment at Huron, regardless of whether the alleged incident of sexual violence or sexual misconduct occurred on campus, off campus or using social media or other electronic forums.

- 10.6. A Complaint may be made anonymously or by someone other than the Survivor; however, it is important to note that Huron's ability to respond may be limited by the information available or its ability to provide a fair process to the Respondent.
- 10.7. If, at any time during the investigation or decision-making process, the Respondent's relationship with Huron ends, Huron may:
 - i. Suspend the process, with the option of reinstating it if the Respondent rejoins the Huron Community; or
 - ii. Continue with the process to conclusion, whether or not the Respondent chooses to participate.
- 10.8. A leave of absence or other temporary break from Huron does not constitute the end of a relationship with Huron for the purposes of this policy.
- 10.9. A student who is also an employee who commits an act of sexual violence or sexual misconduct may be subject to sanctions both as a student and an employee in accordance with the relevant Collective or Employment Agreement and policies.

Limitation Period

- 10.10. There are no time limitations on bringing forward a Complaint. However, Huron encourages individuals to file a Complaint at the earliest opportunity, as the longer the time lapse between the incident and the initiation of the Complaint process, the more difficult it becomes to investigate the allegations effectively. Once a Complaint is received, it will be dealt with as expeditiously as possible.

Procedural Rights / Fairness

- 10.11. Investigators, adjudicators and other decision-makers will follow this policy and, when exercising their discretion, employ a decision-making process that meets the requirements of procedural fairness. This includes, but is not limited to:
 - i. Ensuring that the Respondent(s) understand(s) the allegations and is given a meaningful opportunity to respond;
 - ii. Ensuring that the Complainant(s), Respondent(s) and University Officer(s) are aware of their entitlement to be accompanied by a support person throughout the Complaint process; and
 - iii. Providing reasons for the decision to the Complainant(s) and Respondent(s) after an investigation has been completed.
- 10.12. Huron will ordinarily address Complaints by following the Complaint procedure set out below; however, Huron may depart from the Complaint procedure where fair, appropriate and/or as required by applicable Collective Agreements.

10.13. The procedural entitlements set out in the Complaint procedure apply in place of procedural entitlements set out in all other Huron policies, including, but not limited to, procedural entitlements related to notice, hearing entitlements and appeals.

11. COMPLAINT PROCEDURE

Submitting a Complaint

- 11.1. A Complaint must be made in writing and must set out the identity of the Respondent(s) and the relevant facts alleged to constitute sexual violence or sexual misconduct under this policy. Additionally, Complainants are encouraged to include any evidence (e.g. text messages, social media posts, emails, letters, notes, etc.) upon which they will be relying as well as a list of any potential witnesses to the event(s) in question.
- 11.2. A Complaint must be submitted online, or in writing to the “Designated Authority”. Depending on the circumstance of the situation, the appropriate Designated Authorities are as follows:
 - i. If the Complainant(s) and the Respondent(s) are both students, to the Assistant Vice President, Students (AVP, Students);
 - ii. If Staff and/or Faculty are involved as either a Complainant or Respondent (or both), to the Vice President, Finance & Administration (VPFA);
 - iii. If the VPFA is either the Complainant or Respondent, to the President; and
 - iv. If the President is the Respondent, to the Chair, Board of Governors.
- 11.3. If a Complainant is unsure who to submit their Complaint to, they may contact and advise the Director, Community Safety that they wish to file a Complaint and the Director, Community Safety shall make arrangements with the appropriate Designated Authority to initiate the formal Complaint process.
- 11.4. As necessary, the Designated Authority will provide support and accommodations to those members of the Huron Community who are unable to submit complaints in writing without assistance.
- 11.5. Where an incident has been reported to the London Police, a copy of the formal statement made to the Police can be requested by the Complainant(s) and submitted to the Designated Authority or the Director, Community Safety. Complainants are strongly encouraged to request a copy of any statements made to the Police; however, it is important to note that there may be a 30-day waiting period to get a copy of the formal statement.
- 11.6. Upon receiving a Complaint, the Designated Authority will acknowledge receipt, review it and, if necessary, seek clarification from the Complainant(s) on the information contained within.
- 11.7. The Designated Authority will assess the Complaint and determine:
 - i. Whether Huron has jurisdiction to investigate the Complaint, and
 - ii. Whether the allegations, if proven to be true, would constitute a violation of this policy.
- 11.8. If the Designated Authority determines that Huron does not have jurisdiction to investigate the Complaint, or that the allegations, if proven to be true, would not constitute a violation of this policy, the Designated Authority may decline to refer the Complaint to investigation.

- 11.9. If the Designated Authority is satisfied that Huron has jurisdiction to investigate the Complaint and the allegations, if proven to be true, would constitute a violation of this policy, the Designated Authority will refer the Complaint for investigation. If the Designated Authority refers a Complaint for investigation, the referral decision is final and is not subject to review or appeal. The Designated Authority shall appoint a qualified, professionally trained, internal or external Investigator(s) to investigate the Complaint, which may include legal counsel. The Investigator(s) appointed under this policy, whether internal or external to the University, will have training and expertise in the area of sexual violence/sexual misconduct and a trauma-informed, anti-oppressive approach to investigation processes.
- 11.10. Where a Student is the Respondent in an ongoing Complaint proceeding, Huron will not issue Official Transcripts to the Student directly, rather, transcripts will be sent to specified recipients at the Student's request. If the investigation results in sanctions where Huron is required to make a notation on the Student's transcript (e.g. suspension or expulsion), previous recipient(s) will be sent an updated Official Transcript after any available appeal process has been exhausted or the time for appealing has expired.
- 11.11. Should a Complainant seek redress through an external proceeding (i.e. Police investigation or criminal proceeding), with respect to the subject matter of the Complaint dealt with under this policy, the Designated Authority will determine whether in the circumstances, proceedings under this policy will be initiated. If proceedings under this policy have already been initiated, the Designated Authority will determine in the circumstances whether or not the proceedings under this policy will: a) continue concurrently with the external proceeding; b) be suspended until proceedings in the external or other forum are concluded; or c) be permanently discontinued. If the Designated Authority determines that proceedings under this policy will be suspended, the Designated Authority has the discretion to impose interim measures on an individual alleged to have committed an act of sexual violence or sexual misconduct.

Interim Measures

- 11.12. The Designated Authority may impose interim measures on an individual alleged to have committed an act of sexual violence or sexual misconduct in order to:
- Ensure the personal safety and well-being of anyone involved in the process;
 - Discourage or prevent retaliation;
 - Prevent further instances of sexual violence or sexual misconduct;
 - Protect confidentiality;
 - Minimize disruption to the learning, working or university residence environment; and
 - Preserve Huron's ability to conduct a thorough investigation.
- 11.13. Interim measures may include, but are not limited to:
- A requirement that the Respondent shall not have contact with specified individuals;
 - Changing employment or academic reporting structures and/or schedules;
 - Change in University residence accommodations;
 - Limiting the Respondent's access to specified areas of the Huron and/or Western University and Affiliate campuses at specified times;
 - Restricting a Respondent from all or parts of the Huron and/or Western University and Affiliate campuses;
 - Where the Respondent is a student, placing them on an interim academic suspension;

- Where the Respondent is an employee, placing them on a non-disciplinary suspension with pay pending the outcome of the investigation;
- Any other condition, restriction and/or requirement that Huron deems appropriate and proportionate to the situation in order to ensure the safety and well-being of any Huron Community members.

11.14. These measures exist only until the conclusion of the investigation and decision or for any other period of time determined by Huron. Interim measures may be imposed immediately upon receipt of a Complaint, or at any time during the investigation process.

11.15. A Respondent who is subject to interim measures can request (in writing) that the Designated Authority reconsider whether the interim measures are appropriate, in consideration of the factors outlined above in section 11.12. The Designated Authority shall advise the Respondent of the Designated Authority's reconsideration decision verbally and in writing ordinarily within three business days of the Respondent's request for reconsideration. There is no other right of reconsideration or appeal of the decision with respect to interim measures.

Notice to the Respondent

11.16. The Respondent will be notified in writing of the investigation by the Designated Authority. The notice will include:

- A written summary of all of the allegations;
- A description of any interim measures that have been imposed and previously communicated; and
- Potential support resources that a Respondent may wish to consider.

Investigation

11.17. Complainants are not required to participate in an investigation or the other aspects of the Complaint process. However, Complainants should understand that a decision not to participate may prevent Huron from investigating a Complaint and making a decision with respect to whether the allegations are in violation of this Policy.

11.18. Respondents are not required to participate in an investigation or the other aspects of the Complaint process. However, Respondents should understand that a failure to participate could be detrimental to the Respondent and will not deter Huron from proceeding with an investigation or making a decision with respect to the Complaint.

11.19. After the Designated Authority has retained an Investigator and after the Respondent has been properly notified of the Complaint, the Investigator(s) will then conduct an investigation, which ordinarily consists of:

- Obtaining a written response and documents from the Respondent;
- Interviewing the Complainant, Respondent and witnesses;
- Recording all interviews in writing (i.e., produce witness statements); and
- Gathering additional relevant documentation.

Both the Complainant(s) and Respondent(s) will be given full opportunity to present their cases. Follow up may be required at any point during the investigation.

- 11.20. At any interviews or meetings over the course of the investigative process, the Complainant, Respondent, the Designated Authority, and Investigator(s) have the option to be accompanied by a support person; however, the support person cannot also act as a witness in the subject Complaint. If the Respondent will be accompanied by a support person, Huron must be notified at least 24 hours in advance of the interview.
- 11.21. At the conclusion of the investigation, the Investigator(s) shall prepare a final written investigation report, which will be forwarded to the Designated Authority. The Investigator(s) will normally complete their report within 60 business days of being appointed. The Investigator(s) report shall contain the following information:
- i. A summary of the formal Complaint;
 - ii. A summary of the investigative process and relevant timelines;
 - iii. A summary of the key evidence obtained throughout the investigation;
 - iv. An indication of which evidence was considered credible and reliable and the Investigator's rationale for coming to these conclusions;
 - v. The Investigator's findings of fact, and their conclusion as to whether, on a balance of probabilities, and based on the disputed and undisputed facts arising out of the investigation, there has been a violation of this policy.

Disciplinary Action

- 11.22. If, after an investigation, the Investigator(s) finds that a Complaint is substantiated, the Designated Authority will determine what corrective action is to be taken, if any. Sanctions or actions available to the Designated Authority include, but are not limited to, all or any combination of the following:
- i. If the finding is against a Student:
 - Require the completion of information or education sessions;
 - Require participation in a counselling process;
 - Formal letter of reprimand, placed in the Student's file in the office of the Registrar;
 - A 'No Contact Order' that requires that a Student have no direct or indirect contact with a specific individual(s) or group(s);
 - Forfeiture of eligibility for Huron awards or financial assistance;
 - Prohibition from non-academic activities at Huron;
 - Prohibition from association with individuals at Huron;
 - Prohibition from specified buildings and/or all facilities at Huron, which may include Residence buildings;
 - Issuance of 'No Trespass' from Huron, Western, King's and/or Brescia;
 - Compensation to Huron in the form of community service, financial reimbursement and/or material replacement;
 - Restriction or denial of services or privileges. The lost privileges may include, but are not limited to, parking privileges, unrestricted access to the library, access to athletic facilities at Western, and access to and participation in extracurricular activities, including student leadership opportunities;
 - Non-academic, disciplinary probation for a designated period of time during which the student is required to adhere to the terms of the probation which may include restrictions of student privileges and/or set behavioral expectations. A violation of probation or additional breaches of the standards of conduct outlined under the Student

- Code of Conduct (related or not), while on probation may result in more severe penalties;
 - Removal from academic programming at Huron and/or Western, Brescia, King's through: 1) Removal from Course Registration; and/or 2) Removal from Registration in Multiple Courses;
 - Suspension from Huron for a specified period of time (this is recorded on the Student's academic transcript); and
 - Expulsion from Huron (this is recorded on the Student's academic transcript).
- ii. If the finding is against an employee of Huron:
- Require the completion of information or education sessions;
 - Require participation in a counselling process;
 - A directive to cease and desist the behaviour with notice that failure to do so will lead to a further penalty;
 - Restriction of access to a physical area of Huron or barring from the Huron Campus, either on an indefinite basis or for a specified period of time;
 - Suspension for a set time with or without pay or reimbursement; and
 - Termination of employment.
- iii. If the finding is against a guest or visitor of Huron
- i. A reprimand or limitation of social privileges in relation to activities and/or events on the Huron Campus; and
 - ii. Restriction of access to a physical area of Huron or barring from the Huron Campus and Events.
- iv. If the finding is against a Board member of Huron
- i. A reprimand, and/or expulsion from the Board of Governors; and
 - ii. Restriction of access to a physical area of Huron or barring from the Huron Campus and Events.
- v. If the finding is against a contractor providing services at Huron:
- i. A reprimand, cancellation of the contract, and/or a barring from future bids for a period to be determined by Huron; and
 - ii. Restriction of access to a physical area of Huron or barring from the Huron Campus and Events.
- 11.23. Prior to making a final decision with respect to the sanction(s) to be imposed on the Respondent, the Designated Authority may consider any submissions or recommendations from the Complainant and the Respondent with respect to the appropriate sanction(s).
- 11.24. When imposing sanction(s), the Designated Authority will consider the following:
- i. The Complainant's and the Respondent's submissions on sanction(s), if provided;
 - ii. The principle of progressive discipline and Huron's role as an educational institution;
 - iii. The nature and the severity of the incident; and
 - iv. Aggravating, mitigating and any other relevant factors.

- 11.25. The Designated Authority shall notify the Respondent and Complainant in writing of the outcome of the investigation and any sanction(s) imposed on the Respondent along with reasons for imposing the sanction(s).
- 11.26. If requested by either the Complainant or the Respondent, the Designated Authority may provide access to a redacted copy of the investigation report relied upon by the Designated Authority in reaching its decision. Prior to disclosing the investigation report to the relevant parties, the Designated Authority will redact all third party information to address confidentiality concerns. Additionally, prior to receiving access, the Complainant or the Respondent, as the case may be, shall agree not to photocopy or photograph the report and shall agree to only use its contents for the purposes of considering and/or filing an appeal of the Designated Authority's decision.
- 11.27. Huron may require a review and modification of policies, procedures and practices for a particular work group.

Malicious, Vexatious and Bad Faith Complaints

- 11.28. If, as a result of an investigation, it is determined by the Investigator(s) that an otherwise unfounded complaint was intended to be malicious, vexatious and/or made in bad faith, it will be considered a form of harassment and will be dealt with in accordance with the sanctions applicable to the Complainant as defined above.

Appeal

- 11.29. Appeal process for Employees governed by a Collective Agreement:

- i. Subject to section 12 of this policy, employees of Huron may grieve the decision of the Designated Authority following the appropriate procedures outlined in the relevant Collective Agreement.

- 11.30. Appeal process for Huron Community members (other than Employees governed by a Collective Agreement):

- i. If an individual (in their capacity as either a Complainant or Respondent) wishes to appeal the decision of the Designated Authority, they may submit an appeal application to a sub-committee of the Campus Discipline Appeals Committee (CDAC).
- ii. The sub-committee of the CDAC to hear appeals of decisions related to incidences of sexual violence or sexual misconduct shall consist of the following individuals and shall be referred to as the Sexual Violence Appeal Committee (SVAC):
 - i. The appointed Chair of the CDAC;
 - ii. The appointed Faculty Representative of the CDAC; and
 - iii. The Director, Human Resources.

This committee shall be chaired by the Director, Human Resources and shall report directly to the President.

- iii. The President may also appoint other *ad hoc* members to the SVAC, based on the circumstances contained within the appeal application and where subject matter

expertise of another staff or faculty member, or external resource, including legal counsel, would benefit the SVAC. If there is a perceived conflict of interest with a standing member of the SVAC, the President may appoint another member to the SVAC in their place.

- iv. An individual may only raise the following issues in their appeal application:
 - a. The appellant believes that the Designated Authority made a fundamental procedural error in reaching the final decision and as such, that error has caused or will cause actual prejudice to the appellant;
 - b. There is now, relevant and new evidence that was not available to the Designated Authority at the time of making their decision;
 - c. The decision of the Designated Authority was unreasonable or unsupportable on the evidence; or
 - d. The sanction imposed by the Designated Authority was unreasonable or unsupportable on the evidence.
- v. An appeal application must include the following information:
 - i. A copy of the Notice of Complaint;
 - ii. A copy of the decision from the Designated Authority;
 - iii. A written statement supporting the grounds for appeal, including any new evidence that was not available to the Designated Authority at the time of their decision (using only the grounds outlined in section 11.30(iv)); and
 - iv. A description of the relief or resolution sought.
- vi. An appeal must be made within ten (10) business days of receiving the decision and subsequent sanctions of the Designated Authority. The appellant must submit their appeal application to the Executive Assistant, Office of the President, who will provide one (1) copy to the Designated Authority (as the "Respondent") and one (1) copy to the Chair of the SVAC.
- vii. While the appeal is being considered by the SVAC, the original sanctions remain in effect, unless explicitly set aside by the SVAC upon receiving the appeal. The parties will be notified in writing by the Chair of SVAC if any sanctions are being set aside prior to issuing its decision on the appeal.
- viii. During the appeal process, all parties, including the SVAC, have a right to be represented by legal counsel. Each party will be responsible for their own respective legal expenses. Processes outlined in the appeals procedure shall not be unreasonably postponed or rescheduled due to the unavailability of legal counsel.
- ix. The Designated Authority whose decision the appellant is appealing will have five (5) business days from the receipt of the appeal application from the Executive Assistant, Office of the President to make a detailed response to the appellant's submissions by writing to the Chair of the SVAC.
- x. Following the receipt of the appeal application, and response from the Designated Authority, the Chair of the SVAC will convene a meeting of the SVAC to consider the appeal application. The right to an appeal is not automatically granted, nor is an appeal the opportunity for the appellant or the Designated Authority to repeat information. The

SVAC will only proceed with an appeal if the conditions outlined in section 11.30(iv) above are clearly met. Simply disagreeing with, or not liking the decision of the Designated Authority, is not grounds for an appeal.

- xi. In most cases, the SVAC will consider appeals in writing. However, the SVAC reserves the right to request an oral appeal hearing. This will only be done in exceptional circumstances. Should the SVAC determine that an oral appeal hearing is necessary, the Complainant may choose not to participate. Furthermore, due to the confidential nature of the issues and impact on the individuals involved, appeal hearings, if granted, shall be closed and not open to the public.
- xii. After reviewing the written appeal or oral hearing, the SVAC will take one (1) of the following actions:
 - a. Dismiss the appeal as having insufficient grounds;
 - b. Consider the appeal and nevertheless uphold the original findings and sanctions imposed;
 - c. Consider the appeal and uphold the original findings but not the sanctions imposed, choosing to impose alternative sanctions, if any;
 - d. Consider the appeal and overturn both the original findings and the original sanctions imposed.
- xiii. The SVAC has no authority to make any order for the payment or award of costs.
- xiv. The written decision of SVAC will be delivered to the parties within fifteen (15) business days of the filing of the appeal. The decision will be filed with the Executive Assistant, Office of the President and copied to any relevant University offices that require such information.
- xv. The decision of the SVAC is final.
- xvi. As previously stated, where a Student is the Respondent in an ongoing Complaint proceeding, Huron will not issue Official Transcripts to the Student directly, rather, transcripts will be sent to specified institutions at the Student's request. If the sanction results in a requirement to make a notation on the Student's transcript (e.g. suspension or expulsion), previous recipient(s) will be sent an updated Official Transcript after the appeal process has been exhausted or the time for appealing has expired.
- xvii. The appeal process for all Employees is subject to section 12 of this policy.

Informal Resolution Processes

- 11.31. The Designated Authority, may offer the Respondent and the Complainant the opportunity to participate in an informal resolution process. Informal resolution may take place after the notice of a Complaint is issued to a Respondent, but before the Designated Authority has issued a decision, in an effort to resolve the matter by mutual agreement. The Designated Authority will only offer the option of an informal resolution process when the following preconditions are met:
- i. The Respondent has acknowledged that their actions have caused harm in the particular circumstances. This does not require the Respondent to admit to a policy violation; rather, this requires the Respondent to acknowledge that their actions have

caused harm and express a willingness to engage in a process that will allow them to understand the extent of the harm they have caused; and

- ii. The Complainant(s) must be allowed to freely decide whether to participate in the informal resolution process. The safety of Complainant(s) must be the first priority and if there are any doubts about the ability to maintain safety, the informal resolution process should be abandoned.

11.32. The informal resolution process shall be conducted by the Director, Community Safety, or such other qualified staff, faculty member or outside third party chosen by the Designated Authority. This individual will be referred to as the “Intermediary”.

11.33. The informal resolution process is voluntary and both the Complainant and the Respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the Complainant, the Respondent, and the Designated Authority. Even if both the Respondent and Complainant agree to a resolution, the Designated Authority, acting reasonably, must also agree with the resolution, for it to be final.

11.34. If a resolution is reached, the Complainant and the Respondent shall be notified in writing, and the Intermediary will confer with the Designated Authority when creating a written memorandum setting out the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the Respondent’s student or employee record, if applicable. Once the informal resolution is signed by the Complainant, the Respondent and the Designated Authority, the Complaint shall be dismissed.

11.35. If no agreement is reached within a reasonable time, the Designated Authority shall proceed with the investigation process outlined above. Information learned during and directly from the informal resolution process will not be disclosed to the Designated Authority, nor considered by the Designated Authority when making a decision.

Record of the Action

11.36. Where a complaint of sexual violence or sexual misconduct is substantiated there will be a formal record of the action taken on the Respondent(s)'s personnel or student file, if applicable. All other records will be maintained in a secure file kept by the Director, Community Safety or the VP, Finance & Administration.

Retaliation

11.37. All employees and students have a right to be free of retaliation or threat of retaliation as a result of being involved in a complaint of sexual violence or sexual misconduct. Retaliation will be deemed to be harassment and dealt with in accordance with Huron’s Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy.

12. EMPLOYEE SEXUAL MISCONDUCT

12.1. Sexual misconduct between employees and students is prohibited.

12.2. Any allegations of sexual misconduct reported to, or made known to Huron, within the scope of its responsibilities and powers to act, shall normally be processed and/or acted upon in accordance with this policy and the procedures established under it or in accordance with the

Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy and the procedures established under it. Huron will determine which policy is most applicable in the circumstances and the process or procedure contained therein shall be followed.

- 12.3. Upon becoming aware of any incident which may fall under the definition of sexual misconduct, nothing precludes Huron from deciding it may be necessary to take appropriate action even in the absence of a formal complaint. Huron retains the discretion to initiate proceedings under this policy or under the Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy upon becoming aware of any alleged incident of sexual misconduct.

Disciplinary Action

- 12.4. If, after an investigation, an Investigator finds that an employee has committed an act of sexual misconduct, the Designated Authority will determine what corrective and/or remedial action is to be taken, if any, in accordance with sections 11.22-11.24.
- 12.5. If an employee is found to have committed an act of sexual misconduct, the discharge or disciplinary measure that is imposed by the Designated Authority is deemed to be just cause for all purposes.
- 12.6. An employee who has been found to have committed an act of sexual misconduct is not entitled to notice of termination or termination pay or any other compensation or restitution as a result of the discharge or disciplinary measure that is imposed by the Designated Authority.
- 12.7. Despite subsection 48 (17) of the *Labour Relations Act, 1995* and subsection 14 (17) of the *Colleges Collective Bargaining Act, 2008*, and despite any provision in any applicable collective agreement or employment contract, no arbitrator, arbitration board, or other adjudicator shall substitute any other penalty for the discharge or disciplinary measure that is imposed by the Designated Authority with respect to an employee who has been found to have committed an act of sexual misconduct.

Student Employees

- 12.8. A student who is also an employee who commits an act of sexual misconduct may be subject to sanctions both as a student and an employee in accordance with the relevant Collective or Employment Agreement and policies.

No Re-Employment

- 12.9. An employee who has been found to have committed an act of sexual misconduct and is discharged for that act or resigns from their employment shall not be subsequently re-employed by Huron.
- 12.10. An employee re-employed by Huron contrary to section 12.9 will be discharged without notice of termination or termination pay or any other compensation or restitution as a result of the discharge or disciplinary measure. Such discharge shall constitute just cause for all purposes and the penalty of discharge shall not be substituted by an arbitrator, arbitration board, or other adjudicator.

Agreements

- 12.11. Subject to section 12.12 of this policy, despite any contrary term in an employment contract or collective agreement, or any contrary rule or principle of common law or equity, Huron shall not enter into any agreement with any person on or after July 1, 2023, that directly or indirectly prohibits Huron or any person related to Huron from disclosing that an allegation or complaint has been made that an employee committed an act of sexual misconduct.
- 12.12. Huron may enter into an agreement described in section 12.11 of this policy if the student requests that Huron do so, provided that,
- i. the student has had a reasonable opportunity to receive independent legal advice;
 - ii. there have been no undue attempts to influence the student with respect to the request;
 - iii. the agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so; and
 - iv. the agreement is of a set and limited duration.

13. COLLECTION AND DISCLOSURE OF DATA

- 13.1. Huron will maintain annual cumulative statistics on disclosed and reported incidents of sexual violence on campus for the purposes of community education and legislated reporting. This data will not include any information that would identify any Huron community member but will include the number of times supports, services and accommodation relating to sexual violence are requested and obtained by members of the Huron community.

14. PREVENTION & EDUCATION OF GENDER-BASED AND SEXUAL VIOLENCE

- 14.1. Huron is committed to providing and supporting on-going education and awareness initiatives about Sexual Violence, including issues of consent, sexual harassment, and cyber harassment to students, faculty, and staff. Huron fully supports all cross-campus education and awareness initiatives occurring at Western University, King's University College, and Brescia University College, and encourages the participation of and collaboration with the Huron community.

15. POLICY REVIEW PROCESS

- 15.1. Huron recognizes that the issue of sexual violence on university campuses is an evolving issue. At a minimum, Huron will review this policy every three years. Every time the policy is reviewed or amended, Huron shall ensure student input is considered in accordance with any legislative or regulatory requirements.

16. RELATIONSHIP TO OTHER POLICIES

- 16.1. Huron recognizes that some behaviours that are defined as sexual violence may also involve workplace violence, harassment or sexual harassment. In cases where multiple policies may be applicable, Huron will determine which policy is most appropriate in the circumstances and the process or procedure contained therein shall be followed. This Policy complements other such policies:

- Harassment, Sexual Harassment, Racism and Discrimination Prevention Policy
- Non-Academic Student Code of Conduct
- Occupational Health and Safety
- Workplace Violence / Safe Workplace

APPENDIX A: Roles and Responsibilities of the University Community

Upon becoming aware of an incident or complaint, everyone on campus has a role to play. In responding to experiences of sexual misconduct and supporting a Survivor, there are common responsibilities that are shared by all and unique roles for specific campus groups.

Common Responsibilities

- Model positive behaviors and attitudes by:
 - Demonstrating respectful behaviors in personal relationships
 - Valuing diversity
 - Resolving conflicts in constructive and non-violent ways
 - Challenge the myths surrounding Gender-Based and Sexual Violence
- Be an Upstander and speak up:
 - Come to the defense of a Survivor if you witness Gender-Based/Sexual Violence or Sexual Harassment, and offer support
 - Call a proper authority if you witness sexual assault
 - Tell a proper authority if you see anyone adding something suspicious to another person's drink
 - Check in with your friends and any vulnerable individuals to see that they get home safely
 - Say "no" if anyone tries to share private texts or snapchats they've received
 - Speak out against negative attitudes and intervene when comments are made that promote Gender-Based and Sexual Violence
 - SEE OR KNOW SOMETHING, DO SOMETHING
- Create an atmosphere where individuals feel comfortable disclosing and seeking help
- Have open discussions with peers about the issues of Gender-Based/Sexual Violence on campus
- Respond in a sympathetic, non-judgmental and supportive way when an act of Gender-Based/Sexual Violence is disclosed by a Survivor and/or by a person(s) accused
- Be a supportive listener when Survivors wish to discuss their experiences
- Respect Survivors' privacy and how much information they choose to disclose
- Promote confidentiality of the Survivor and the person(s) accused and discourage rumors
- Be aware of response protocol and how to contact resources/supports or make referrals to them
- Willingly participate in investigations
- Participate in training and public education initiatives on Gender-Based and Sexual Violence issues

Unique Responsibilities	
President, Dean, Vice-Presidents, Associate Vice-Presidents & Directors	<ul style="list-style-type: none"> • Play a leadership role in raising prevention, awareness, and education about Sexual Violence • Endorse a formal Gender-Based/Sexual Violence policy and its response protocol • Allocate resources for training campus members on the policy and response protocol • Make provisions and employment considerations/workplace accommodations for employees (staff and faculty) who are affected by Gender-Based and Sexual Violence issues in their workplace • Ensure and facilitate mandatory training on Gender-Based and Sexual Violence for staff and faculty
Vice President, Finance & Administration, AVP, Students, Director, Community Safety & Director, Human Resources	<ul style="list-style-type: none"> • Ensure that an investigation is undertaken in appropriate circumstances • Conduct an investigation • Oversee the effectiveness of the policy & protocol • Propose changes to respond to and ensure effectiveness • AVP, Students: oversight for the operation of the Student Code of Conduct • Director, Human Resources: oversight for the operation of all applicable policies
Faculty Members	<ul style="list-style-type: none"> • Provide Survivors with appropriate academic considerations, such as extensions on assignments, re-weighting assignments or tests, or supporting a request to drop a class or continue studies from home • Make students aware of opportunities to attend campus initiatives relating to Gender-Based and Sexual Violence • Attend and complete training on the policy and response protocol • Participate in ongoing campus prevention, education, and awareness initiatives about Gender-Based/Sexual Violence and Sexual Violence issues • Information regarding disclosures and/or reports/complaints should be shared in-person with Academic Dean or Director, Human Resources, respecting privacy of Survivor and person(s) accused • Follow all applicable policies
Academic Support Staff	<ul style="list-style-type: none"> • Assist with academic accommodations, petitions (e.g., requests for waiving an academic regulation, degree requirement or academic deadline with a student who has experienced a hardship or disadvantage), dropping courses, adjusting course schedules where appropriate and other academic needs of the Survivor • Make students aware of opportunities to attend campus initiatives relating to Sexual Violence • Attend and complete training on the policy and response protocol • Participate in ongoing campus prevention, education, and awareness initiatives about Gender-Based and Sexual Violence issues • Information regarding disclosures and/or reports/complaints should be shared in-person with the Budget Unit Head; or Dean of Students; or Director, Human Resources, respecting privacy of Survivor and person(s) accused • Follow all applicable policies

<p>Residence Life</p>	<ul style="list-style-type: none"> • Organize a change in living arrangements that is minimally disruptive to the Survivor, when necessary • Encourage students living in residence to organize and participate in Gender-Based and Sexual Violence awareness activities • Be aware of any changes in behaviour by individual students • Attend and complete training on the policy and response protocol • Participate in ongoing campus prevention, education, and awareness initiatives about Gender-Based and Sexual Violence issues • Information regarding disclosures and/or reports/complaints should be shared in-person with Manager; or AVP, Students; or Director, Human Resources, respecting privacy of Survivor and person(s) accused • Follow all applicable policies
<p>Western Special Constable Service</p>	<ul style="list-style-type: none"> • Issue a campus safety alert when it is determined that the campus may be at risk • Offer the Survivor the opportunity to be interviewed by police of the same gender, if the individual chooses • Assist with investigations • Collaborate with London Police • Follow best practices in creating campuses that are physically safe; implement measures to reduce sexual violence on campus • Assess the physical safety of campus through regular safety audits • Engage the campus community in periodic reviews of safety procedures, where appropriate
<p>Director, Community Safety</p>	<ul style="list-style-type: none"> • Help Survivor navigate their options • Provide confidential support, referrals and assistance • Source of referral to Western Special Constable Service or London Police for reporting; or referral to on-campus health and/or off-campus community supports • Conduct the investigation where an internal investigation is undertaken • Liaise with External Investigator as needed
<p>Wellness Services</p>	<p><u>Wellness Coordinator</u> – Provide confidential counselling, support including accommodations, and referrals as needed for the complainant</p> <p><u>Wellness Manager</u> – Provide confidential support and resources as needed for the respondent</p> <ul style="list-style-type: none"> • Attend and complete training on the policy and response protocol • Participate and facilitate ongoing campus prevention, education, and awareness of campus initiatives about Gender-Based and Sexual Violence • Engage students' participation and awareness of opportunities to attend campus initiatives relating to Gender-Based and Sexual Violence

Western (on-campus) Health Supports	<ul style="list-style-type: none"> • Psychological and emotional support • Assistance with safety planning • Referrals to other services, including medical services
Finance, Student Financial Services	<ul style="list-style-type: none"> • Provides access to emergency financial assistance for students in need • Participate in training on the policy and response protocol • Participate in ongoing campus prevention, education, and awareness initiatives about Gender-Based and Sexual Violence issues • Information regarding disclosures and/or reports/complaints should be shared in-person with Manager/Supervisor; or Dean of Students; or Director, Human Resources, respecting privacy of Survivor and person(s) accused • Follow all applicable policies
Campus Ministry	<ul style="list-style-type: none"> • Provides social, emotional and spiritual support, available for all students, staff and faculty
Student Associations & Student Groups	<ul style="list-style-type: none"> • Engage in educational initiatives to promote better understanding of Gender-Based and Sexual Violence and the institution's policies and protocols • Provide feedback on institutional policies, resources, and protocols • Participate in training on the policy and response protocol • Participate in ongoing campus prevention, education, and awareness initiatives about Sexual Violence issues
Staff	<ul style="list-style-type: none"> • Make students aware of opportunities to attend campus initiatives relating to Gender-Based and Sexual Violence • Participate in training on the policy and response protocol • Participate in ongoing campus prevention, education, and awareness campus initiatives about Gender-Based/Sexual violence • Information regarding disclosures and/or reports/complaints should be shared in-person with Manager/Supervisor; or AVP, Students; or Director, Human Resources, respecting privacy of Survivor and person(s) accused • Follow all applicable policies
Students	<ul style="list-style-type: none"> • Participate in ongoing campus Gender-Based and Sexual Violence prevention, education, and awareness initiatives • Participate in training on the policy and response protocol • Follow the Student Code of Conduct • Provide feedback on institutional policies, resources, and protocols

APPENDIX B: Resources

1) [Emergency/Crisis Resources](#)

2) [Campus Resources](#)

3) [Contact Information](#)

4) [Community Resources](#)

5) [Police and Legal Resources](#)

1) Emergency/Crisis Resources

A. [Regional Sexual Assault and Domestic Violence Treatment Program](#)

Located at St. Joseph's Hospital, London ([directions](#)).

Tel: 519-646-6100 ext. 64224 to speak to the nurse. They encourage women to call before coming to ensure there is not a wait for service.

B. [ANOVA](#) (formerly Sexual Assault Centre of London and Women's Community House)

24-hour crisis and support line (provides emergency shelter for women & children)

Tel: 519-642-3000 or 1-800-265-1576

C. [Western Special Constable Service](#)

Tel: **911** (on campus phone); 519-661-3300

D. [London Police Services](#)

Tel: **911** (emergency); 519-661-5670

E. [Canadian Mental Health Association \(CMHA\) Crisis Centre](#)

24/7 Crisis and Support Services

In person: 648 Huron Street, London

Tel: 519-433-2023

F. [Reach Out](#)

24/7 Confidential Mental Health Support Line

Tel: 1-866-933-2023

Text: 519-433-2023

2) Campus Resources

Service Type	Brief Overview of Service	Contact Information
Huron University		
Community Safety	<p>For all students, staff & faculty.</p> <p>To report/disclose information on sexual violence.</p> <p>To seek guidance, information on Gender-Based Sexual Violence policy and procedures.</p>	<p>Tel: 519-438-7224 ext. 854</p> <p>Email: safety@huron.uwo.ca</p>
Wellness Services	<p>Counselling services for students registered at Huron University College.</p> <p>Call/Go in person/email to schedule an appointment.</p>	<p>Tel: 519-438-7224 ext. 716</p> <p>Tel: 519-438-7224 ext. 866</p> <p>Email: huronwellness@huron.uwo.ca</p>
Human Resources	<p>For faculty, staff and individuals working on campus (e.g. volunteers).</p> <p>To seek guidance, information on Gender-Based Sexual Violence policy and procedures. To report/disclose information on sexual violence.</p>	<p>Tel: 519-438-7224 ext. 711</p> <p>Email: huronhr@huron.uwo.ca</p>
Huron Campus Security	<p>For all members of the Huron community.</p> <p>Contact for after-hours security concerns (4pm to 8am).</p>	<p>Tel: 519-438-7224 ext. 555</p>
Residence Life	<p>For issues of security, safety or any related concerns please contact your Residence Manager.</p>	<p>Tel: 519-438-7224 ext. 397</p> <p>Email: HuronRez@huron.uwo.ca</p>

Service Type	Brief Overview of Service	Contact Information
Western University - Main Campus		
<u>Western's Gender-Based and Sexual Violence Website</u>	This website is a source of information on Gender-Based Violence and Sexual Violence for all members of the Western community, including Huron.	See various links within website for contact information.
<u>Western Special Constable Service</u>	For all members of the Western community, including Huron. For emergencies and non-emergencies.	EMERGENCY - Call 911 Non-emergencies or inquiries Tel: 519-661-3300 Location: Lawson Hall 1257
<u>Western Education Centre for Research & Education on Violence Against Women & Children</u>	The Centre for research is a source of information/services/resources for all members of the Western community, including Huron.	1137 Western Road, Room 1118 Faculty of Education Building Western University London, ON N6G 1G7 Tel: 519-661-4040
<u>Student Health Services at Western</u>	Student Health Services is an appointment based medical clinic for all registered part-time and full-time students at Western and affiliated colleges.	Room 11, UCC Tel: 519-661-3030
<u>Western's Student Mental Health Support</u>	Counselling services for all registered part-time and full-time students at Western and affiliated colleges.	Tel: 519-661-3030 (Mon–Thurs 9:00 am –7:00 pm; Fri 9:00 am – 5:00 pm)

3) Contact Information

Contact	Phone lines
Huron University College	
Huron Campus Security	519-438-7224 ext. 555
Huron Wellness Services	519-438-7224 ext. 716 or 866
Huron Community Safety	519-438-7224 x 854
Huron Human Resources	519-438-7224 ext. 711
Huron Residence Manager	519-438-7224 ext. 397
Western University	
Western Special Constable Service	911
Western Special Constable Service (non emergency line)	519-661-3300
Student Health Services at Western	519-661-3030
Western Chaplains	519-661-2111 ext. 85929
Faculty/Staff Family Practice Clinic	519-661-2047
Western's Gender-Based Violence & Survivor Support Case Manager	519-661-3568 / support@uwo.ca
Off-Campus	
ANOVA (emergency shelter for women and children)	519-642-3000 or 1-800-265-1576
Good2Talk Post-Secondary Student Helpline	1-866-925-5454
Employee and Family Assistance Program (EFAP) Homewood Health Available 24/7/365, the program is free, anonymous and confidential.	1-800-663-1142
Assaulted Women's Helpline	1-866-863-0511 Toll free: 1-800-265-1576
Support Services for Male Survivors of Sexual Abuse	1-866-887-0015
Regional Sexual Assault and Domestic Violence Treatment Program Located at St. Joseph's Hospital, London (directions)	Tel: 519-646-6100 ext. 64224 to speak to the nurse. They encourage women to call before coming to ensure there is not a wait for service.

4) Community Resources

(For Reference – not for emergency/crisis situation)

- A. London Abused Women's Centre: <http://lawc.on.ca>
- B. London Intercommunity Health Centre: <http://lihc.on.ca>
- C. Fem'aide Crisis Line: 1-877-336-2433; www.femaide.ca
- D. Support Services for Male Survivors of Sexual Abuse Support Line: 1-866-887-0015; https://www.attorneygeneral.jus.gov.on.ca/english/ovss/male_support_services/
- E. National Resource Centre on Violence Against Women: <http://vawnet.org>
- F. Western's Centre for Research & Education on Violence Against Women & Children: <http://www.neighboursfriendsandfamilies.ca/>
- G. OCRCC: Ontario Coalition of Rape Crisis Centres: www.sexualassaultsupport.ca
- H. Ontario Native Women's Association (ONWA): www.onwa.ca
- I. Ontario Network of Sexual Assault/Domestic Violence Treatment Centres: www.sadvreatmentcentres.ca
- J. Southwesthealthline: Abuse and Sexual Assault: <https://www.southwesthealthline.ca/listcategories.aspx?id=10010>
- K. LGBTQ2S Community Resource List for London, Ontario: <https://lihc.on.ca/wp-content/uploads/2018/01/2018-12-LGBTQ2S-Community-Resource-List-for-London.pdf>

5) Police and Legal Resources

- A. [London Police \(519-661-5670\)](#)
- B. [Western Special Constable Service \(519-661-3300\)](#)
- C. [Ministry of the Attorney General: Programs and Services for victims of Crime](#)
- D. [Restraining Orders: Information regarding process and steps](#)
- E. [Ontario Women's Justice Network \(OWJN\)](#)
- F. [Criminal Injuries Compensation Board](#)
- G. [Ontario Women's Directorate](#)
- H. [Government of Canada – Justice Laws website](#)
- I. [Victim/Witness Assistance Program \(519-660-3041\)](#)
- J. [Legal Aid \(London\) \(1-800-668-8258\)](#)