

## Sexual Misconduct Policy

<b>Category:</b>	Health, Safety, and Security
<b>Number:</b>	HS10
<b>Responsibility:</b>	Director of Ancillary and Student Services, & Director of Human Resources
<b>Approval:</b>	December 1, 2016, Board of Governors
<b>Amendments:</b>	To be reviewed every 3 years or as circumstances or legislation warrants

### PURPOSE

All members of the Algoma University community have the right to work and study in an environment that is free from any form of sexual misconduct. The purpose of this document is to:

1. Define and prohibit sexual violence and misconduct;
2. Promote a safer campus environment in relation to sexual misconduct, both through awareness, support, education, training, and prevention programs;
3. Provide a swift, coordinated, consistent, fair and transparent response to disclosures and allegations of sexual misconduct; and
4. Ensure all members of the University community are aware of the support services and resources available to those who may be directly or indirectly affected by sexual misconduct.

### SCOPE

This Policy applies to all members of the university community: students, staff, faculty, administration, members of the Board of Governors, visitors, and guests. Supports provided under this policy are available to all members of the university community whether the event occurred on or off-campus.

### DEFINITION

*Sexual violence.* means 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.

*Sexual misconduct.* Sexual misconduct consists of a range of behaviours that vary in severity. The term includes, but is not limited to, sexual violence, sexual harassment, sexual assault, the threat of sexual assault, criminal

harassment (including stalking and cyber harassment), and relationship violence. Each of these terms is defined in Appendix A, which also includes definitions of the terms *consent*, *incapacitation*, *force*, *coercion*, and *bystander intervention*.

## POLICY

Sexual misconduct violates our institutional values, in particular, the right of all individuals to be treated with dignity and respect. Algoma University has zero tolerance for sexual misconduct and is therefore committed to:

- Ensuring that those who disclose experiences of sexual misconduct of any kind are treated with dignity and respect;
- Assisting those who have experienced sexual misconduct in obtaining the resources they need, including counselling and medical care (if required), whether on or off campus;
- Providing those who have experienced sexual misconduct with information about reporting options and respecting their choices (should they opt not to make reports);
- Ensuring on-campus (internal) investigation procedures are available and the process is understood in the case of sexual misconduct;
- Providing those who experience sexual misconduct with appropriate academic and other accommodation;
- Providing statistical information to the University community as described
- Educating and training the University community about responding to the disclosure of sexual misconduct;
- Providing education and information to students, faculty and staff about how to assess situations for risk for sexual misconduct and about how to reduce and prevent these forms of violence and harassment; and
- Working closely with student groups such as AUSU, SASA, and peer mentors on sexual misconduct prevention.

## SURVIVOR SUPPORT

- a) All members of the Algoma University community (staff, faculty and students) should expect to receive support if they have experienced sexual violence.
- b) Survivors will be able to access support regardless of when, where or by whose hand they experienced an incident of sexual violence.
- c) Student Services/Human Resources will work with individual survivors in determining their support and/or workplace and academic accommodation needs and assist them in accessing these.
- d) Survivors need only to disclose their experience to seek support and will not be required or pressured to make a formal report or complaint. In some very rare cases the university may be required to take some action without the survivor's consent (see confidentiality below). If this is necessary individuals affected would be fully informed and supported at every step of any process.
- e) Survivors have the right to determine what and how much they choose to disclose or report about their experience and to decide whether to report to police and/or Security.

## ALGOMA UNIVERSITY'S COMMITMENT:

Algoma University recognizes the challenges faced by those who have experienced sexual misconduct, and urges individuals to make use of the supports available to them. All those who have experienced sexual misconduct have a right to:

1. Be believed, and treated with compassion, dignity and respect;

2. Be informed about on-campus and off-campus (community) services and resources;
3. Decide whether to report the incident to the Campus Response Team, campus security, and/or the local police;
4. A fair and unbiased on-campus investigation with the full cooperation of the institution;
5. Be provided with assistance in formulating a safety plan;
6. Be provided with necessary appropriate accommodations to prevent further unwanted contact with the alleged perpetrator if the perpetrator is a member of the campus community; and
7. Choose amongst these supports, selecting all, some, or none of the above options.

Individuals who wait to initiate a complaint must understand that in the absence of an investigation and/or a finding of wrongdoing, there may be a limit to the scope of possible remedial actions.

Algoma University reserves the right to initiate an internal investigation and/or inform the local police of the need for a criminal investigation, even without the consent of the individual who experienced sexual misconduct, when the safety of the university community is believed to be at risk or to comply with any legal requirements it may have. The individual will be advised of the disclosure.

## PROCEDURES

### 1. Confidentiality

Ensuring confidentiality is a key principle in creating an environment and culture where survivors feel safe to disclose and seek support and accommodation. The university is committed ensuring such an environment and culture exists. Campus Response Team members will maintain confidentiality when consulting with other individuals and offices at the University unless they have obtained the express consent of the individual involved. When sexual misconduct is disclosed, the confidentiality of all parties must be protected. **Individuals who experience sexual misconduct should be aware that filing an incident report with campus security or university staff is confidential and does not necessarily lead to a criminal investigation.** If an investigation is carried out, the names of those involved will not be released except as required to conduct the investigation and as required by law. At the completion of the investigation, the name of an individual determined to be in violation of the sexual misconduct policy may be released by the university as part of any disciplinary outcome. The public accusation of sexual misconduct without engaging appropriate procedures for adjudication of the complaint is a violation of community standards, privacy, and due process.

But there are limits to confidentiality. In very rare cases, the university may be required to take some action without consent. This happens in cases where:

1. An individual is at imminent risk of self-harm;
2. An individual is at imminent risk of harming others;
3. Reporting or action is required by law;
4. There are reasonable grounds to believe that others in the university or wider community may be at risk of harm; and/or
5. There is evidence of sexual violence in the public realm (such as video posted on social media).

In such circumstances, information would only be shared with necessary services to prevent harm. The name of the person who has experienced sexual misconduct would not be released to the public.

To ensure due process while a formal complaint process pursuant to this Policy is underway, the person making a formal complaint, the person who is said to have engaged in sexual misconduct and others who may have knowledge of the matter, including a support person, must maintain confidentiality in accordance with this Policy and not make public statements pending the outcome of the complaint. Breaches of confidentiality may jeopardize the proper handling of the matter and the functioning of the formal complaint process outlined in this Policy. If a breach of confidentiality occurs, the circumstances of the breach and its impact on properly addressing the matter and the fairness of the formal complaint process may be considered in the ensuing handling of the matter and in the processing of the formal complaint.

### 2. What to do if you are a person who has experienced Sexual Misconduct

#### **If you have been sexually assaulted you may:**

- Attend Sault Area Hospital's Emergency Room and request to see a Sexual Assault Nurse Examiner
- Dial '4444' from an internal phone or call 705-949-2301 ext. 4444 to contact Security
- Call 911

#### **WHERE TO START**

- Do share with someone you trust. Share with a friend, a coach, a co-worker, or your residence advisor if you live on-campus. Let them know what you need.

- Seek medical care if you have concerns about obvious injuries or have concerns about STI's, pregnancy or if you wish forensic documentation. We can help you with that process - even accompanying you to a health care provider.
- Contact the Student Services Advisor or a member of the Campus Response Team. They are here to listen to you, and will help you access resources you need.
- Security is available 24 hours a day/7 days to assist with safety planning if required.

Campus	Contact Information
<b>Main Campus EMERGENCY:</b>	<p><b>For Immediate Assistance: INTERNAL PHONE: DIAL 9-911</b>  <b>EXTERNAL PHONE DIAL 911</b></p> <p><b>CALL SECURITY AT EXT. 4444 (if reporting after the incident)</b></p>
<b>Campus Response Team</b>	<p><b>Student Services Advisor (Ext. 4212)</b>  <b>Human Rights and Equity Office (Ext. 4112)</b>  <b>Director of Ancillary and Student Services (Ext. 4729)</b>  <b>Coordinator of Housing (Ext. 4215)</b>  <b>Health and Safety Officer (Ext. 4373)</b>  <b>AUSU Appointed Member</b></p>
<b>Brampton:</b>	<p><b>For Immediate Assistance: INTERNAL PHONE: DIAL 911</b></p> <p><b>Building Security:</b>  <b>Before 5:00 pm 416-884-6310</b>  <b>After 5:00 pm 416-319-2348</b></p>
<b>Timmins:</b>	<p><b>For Immediate Assistance: INTERNAL PHONE: DIAL 9-911</b>  <b>EXTERNAL PHONE DIAL 911</b></p>

## HOW WE HELP

Survivors have access to our support regardless if the sexual violence happened on- or off-campus, or if you were subjected to sexual violence before you came to Algoma. With your consent, we can help you with:

- Safety planning
- Referrals to counselling and medical services
- Self-care resources
- Academic and workplace accommodations
- Understanding the reporting options available to you
- Navigating systems and resources within the university and the community

Every survivor addresses violence, accesses supports, and heals from trauma in different ways. Any way you choose to survive and feel safe is valid. Our office will support you on whatever path works best for you.

## HOW TO FILE A REPORT

Reporting or not reporting is your choice. If you choose to report, you have several options and there are many factors to consider. We can assist you in understanding each option so that you can make an informed decision.

If you choose to report, you have several options and there are many factors to consider. We can assist you in understanding each option so that you have all the necessary information to make an appropriate decision that best suits your needs. At no point, will you be required or pressured to file a formal complaint/report.

## DOCUMENTING WHAT HAPPENED

- Although you may not choose to disclose or report immediately, it is helpful to create a paper trail of the incident(s) in case you decide to report in the future.
- First-hand, written notes are considered good evidence by courts, human rights tribunals, labour boards and employers, especially if they are dated and written as quickly as possible after the event or action occurred.
- A detailed, accurate log that includes names, dates, times, locations, witnesses, and other details is useful.
- Even a simple notation in an agenda or on a calendar is useful in formal settings, if you decide to report.

## REPORTING TO POLICE

- It is always your choice whether or not you report the crime to the police.
- Reports can be made to the police in an effort to pursue criminal charges under the Criminal Code of Canada.
- It is not guaranteed that the perpetrator will face charges or be found guilty, even when you know they are.
- If you report the assault, the police will take your statement, investigate the matter and determine if there is enough evidence to lay charges. The police and the Crown will require your participation in what can become a public process. If the matter proceeds to court, you will likely be called to testify.
- The court process can seem daunting. We will provide you with resources that can support you during the process

## GETTING MEDICAL ATTENTION

- If you decide to report the assault to the police, you can seek medical attention to document the violence. You can undergo a forensic medical examination at the Sexual Assault Centre located in a hospital emergency room, ideally within 72 hours. This helps to collect and preserve evidence. Some portions of the examine may be considered for collection up to 7-12 days post-assault depending on the circumstances and type of assault.
- If you are unsure about reporting to the police, but would like to preserve the evidence while you make a decision, you can specify this when you meet with the Sexual Assault Centre nurse.
- Prior to the exam, you should do your best to refrain from changing your clothing, using the toilet, showering, eating, or brushing your teeth.
- Even if you have not been injured physically, or don't want to report the assault to the police, you may want to consider being tested for sexually transmitted infections (STIs) or pregnancy.
- You can also obtain medical attention at the Algoma University Health Centre during its hours, however, they cannot provide specialized sexual assault care

## REPORTING TO UNIVERSITY AUTHORITIES

There are several options for reporting sexual violence within the university community.

### 1. Make a formal complaint to Student Services

- The office of the Director of Student and Ancillary Services is responsible for implementing the Student Code of Conduct, Non Academic. If the alleged perpetrator is an employee or non-student member of the community, Student Services will assist you in filing a complaint under the Workplace Violence and Harassment Prevention Program of Algoma University.

## 2. Use the Residence Community Standards Process

- Algoma University's Residence Handbook would also apply where the individuals involved lived in residence
- Residents agree to act in a responsible manner so as not to compromise or endanger the health and safety of others (in person or via social media).
- The Coordinator of Housing and the Director of Student and Ancillary Services have the right to determine what constitutes unsafe practices and the appropriate sanctions for residents in such situations.

## 3. Make a complaint report to Human Resources

- If making a formal complaint under the Human Rights Policy and Procedure or the Workplace Violence and Harassment program, the Director of Human Resources will work with you to receive the report

### **INTERIM MEASURES AND NOTICES OF PROHIBITION**

The university may impose interim measures as may be appropriate for the individuals and student groups involved in any allegation of sexual violence and for the larger campus community. Interim measures may include, but are not limited to:

- Separation of the academic and living situations of any students involved in a report of sexual violence;
- Temporary administrative suspension of a student group alleged to have committed sexual violence;
- No-Contact Orders/Undertakings;
- Notice of Prohibition;
- Any interim restrictions relevant to employees pursuant to Human Resources and Human Rights policies and procedures; and Restriction of privileges.

The imposition of any interim measure will depend on, and be in accordance with, the relevant policies.

## 3. What to do if you Witness Sexual Misconduct

If you see something of concern, check in with the victim and intervene. If you hear something of concern, say something. Any individual who has witnessed sexual misconduct is encouraged to report the incident immediately

## 4. Procedures After Report is Received

If someone discloses sexual violence to you, it may feel frightening or overwhelming. You may be worried about what to say or saying the wrong thing. This is normal and it's okay to not have all the answers. You don't need to be an expert to support them.

Individuals who have experienced sexual misconduct may disclose to different employees when seeking support and/or academic accommodation. It is the responsibility of all who receive these reports to:

- Listen without judgment;
- Respond with compassion and respect;
- Inform the student that counselling and support services are available on campus;
- Refer any student to the Office of the Director Ancillary and Student Services and work with that office to ensure that the student receives all necessary academic and other accommodation; and
- Maintain confidentiality to the greatest extent possible.

### **STEPS TO TAKE**

If someone discloses to you that they have been subjected to sexual violence, believe them, listen to them and validate them. Then follow the steps below.

### **1. Ensure their safety:**

Make sure they are in a safe location away from the perpetrator if they assault just happened and have a safe place to stay. If they are in immediate danger, dial '4444' from an internal phone or call 705-949-2301 ext. 44444 to reach Security.

### **2. Provide them options for support**

If they won't be seeking medical or professional support, encourage them to tell a trusted friend or family member. Refer them of [Off Campus resources](#) who they can call for support.

You can also refer them to Student Services. You can offer to come with them or to make an appointment on their behalf if they are uncomfortable doing this alone. They have access to our support regardless if the sexual violence happened on- or off-campus, or if they were subjected to sexual violence before they came to Algoma

Student Services can help with:

- Safety planning
- Referrals to counselling and medical services
- Self-care resources
- Academic and workplace accommodations
- Understanding the available reporting options
- Navigating systems and resources within the university and the community

### **If they have just been assaulted and want to make a report with the police:**

- A medical examination should be completed ideally within 72 hours, although some portions of the exam may be considered for collection up to 7-12 days post-assault, depending upon the circumstances and type of assault. The survivor should try to refrain from changing their clothes or taking a shower to preserve the evidence.
- If they would like to report to the police or campus security, provide them with the contact information and offer to assist them in making the call or being present with them when they do it.
- \*If there is a person who has experienced sexual misconduct and he/she is in need of serious medical attention or may have sustained life threatening injuries – 911 will be called immediately.
- \*If there is an assailant and he/she is considered to be an immediate threat to others - 911 will be called immediately.

### **3. Practice Self Care**

Know your own limits. Remember that is okay to say that you don't have to know the answer to a question, and that is okay for you to have boundaries. If you need to debrief with a professional and you are an Algoma student, contact Student Services Advisor. If you are staff or faculty, contact the Employee Assistance Program (EAP).

- The student can choose to do none of these things and come back to a decision later.

Any incident of sexual misconduct involving university employees would follow the Workplace Violence and Harassment Prevention Program.

### **PROVIDE ACCOMODATION**

A survivor of sexual violence may be impacted in the following ways:

- Disrupted sleep patterns
- An inability to concentrate or focus
- Headaches
- Anxiety and/or depression
- Fear of leaving a safe space

They may also need accommodations based upon court proceedings, and medical and counselling appointments.

## **STUDENTS**

A student experiencing the above may seek accommodations including reducing their academic load for the semester. When there has been a situation, the university will support a change in academic expectations, even after published deadlines. This may include:

- Withdrawing from a class or for a semester
- Extensions for coursework or makeup of missed tests/assignments
- Changing course sections or classroom locations

If students develop chronic symptoms, registering with Learning Centre may be appropriate. This type of accommodation includes alternative testing options, additional time on tests and exams, note taking, and alternative formats. Registration with the Learning Centre is based on a current and thorough assessment from an appropriate registered practitioner qualified to diagnose the condition.

## **FACULTY AND STAFF**

Faculty and staff who have been impacted by sexual violence and are unable to perform their professional responsibilities can seek accommodation with Human Resources via the Disability Management Program.

## **COMMUNICATION WITH INDIVIDUALS WHO HAVE EXPERIENCED SEXUAL MISCONDUCT**

Sensitive and timely communication with individuals who have experienced sexual misconduct and their family members (when an individual consents to this communication) is a central part of Algoma University's first response to sexual misconduct. To facilitate communication, Algoma University will:

- Create a Campus Safety information webpage that can be easily accessed through the main Algoma University webpage. The information webpage may include, but not be limited to:
  - Information on reporting options;
  - Educational & prevention resources on sexual misconduct;
  - Contact information and links for campus and community services;
  - Links to the Student Ombudsperson; and
  - Links to Security Service's monthly crime log;
  - The Sexual Misconduct Policy and Procedures.
- Ensure a designated staff member shall be responsive to the needs of individuals and respond in a confidential, prompt, compassionate, and personalized fashion; and
- Ensure that the person who has experienced sexual misconduct is provided with reasonable updates about the status of the university's investigation of the incident when such investigations are undertaken.

## **5. Investigation**

If an incident is reported or a complaint is filed, it will be reviewed by the Director of Student and Ancillary Services (or designate) and the Director of Human Resources (or designate) to determine which policy it falls under. The survivor has the right to choose not to request an investigation and has the right not to participate in any investigation that may occur.

Algoma University understands that persons who have experienced sexual misconduct may wish to control whether and how their experience will be dealt with by the police and/or the University. Normally, the person who has experienced sexual misconduct will retain this control; however, Algoma University reserves the right to initiate an internal investigation and/or inform the police of the need for criminal investigation, even without the consent of the person who has experienced sexual misconduct, if it believes that the safety of the university community is at risk.

During the investigation and decision-making process the individual who has experienced Sexual Misconduct has the right to be accompanied by another person of their choosing.

## **INVESTIGATION PROCEDURE:**

1. Upon receiving an Allegation, the Investigator shall initiate an investigation into the Allegation. The investigation may include but is not limited to:
  - a. Review of all records, including email, voice mail and social media accounts, associated with the incident. The Investigator shall have the right to require production of such records from anywhere and anyone in the University.
  - b. Interviewing of witnesses, including every individual identified in the Allegation (hereinafter called the "Respondent").
2. Upon completing the Investigation, the Investigator must determine whether or not the evidence justifies further action:
  - a. If the Investigator concludes that, on the basis of the evidence further action is necessary then, the Investigator must present the Allegation and all supporting evidence to the Respondent with a request for a formal response to the Allegation.
  - b. If the Investigator determines that the evidence does not justify further action, the matter shall be terminated and so inform in writing the Complainant, with reasons.
3. After receiving an Allegation, the Respondent shall submit to the Investigator a formal response either admitting the truth of the Allegation or refuting it with whatever arguments and evidence the Respondent wishes to provide.
4. Upon receiving the Respondent's response to the Allegation, the Investigator shall review the response, the Allegation, and the evidence presented both to and by the Respondent to determine whether or not the evidence on balance justifies a penalty or disciplinary action.

## **REMEDIAL AND DISCIPLINARY ACTION**

Individuals, regardless of status, seniority or tenure, influence or position, found to have engaged in conduct constituting a breach of this may be disciplined or restricted from access to services provided by the University. Specific sanctions will depend on the nature of the breach and what other policy the violation breached (Student Code of Conduct (Non-Academic); Code of Conduct-Respectful Workplace Policy).

Consequences or measures in response to sexual violence will depend on the circumstances, on the severity of the conduct, on any mitigating factors and on applicable collective agreements or other University policies. If a complaint of sexual violence is substantiated, consideration will be given to preventing its reoccurrence in the future, to correcting the negative impact of the incident on the Complainant and to ensuring or enhancing the safety of the Complainant and the University community. The following list provides examples of consequences and measures and is not meant to be exhaustive nor necessarily represent a progression of consequences or measures:

- a) a letter of apology,
- b) attendance at educational sessions on the impact of sexual violence,
- c) attendance at coaching sessions to improve communication or conflict resolution skills,
- d) restricted or prohibited access to University campuses and/or services

## **APPEAL**

An appeal is not an opportunity for the Complainant or the Respondent to repeat the information provided to the review committee or to the Appropriate Authority. The right to an appeal is not automatic and an appeal will only be considered if it meets the following requirements:

- a) The appeal is of a final decision of the review committee or of the Appropriate Authority or a University governing body. There is no appeal of a final decision of the Board of Governors or of the Senate.
- b) An appeal must be made by either the Complainant or the Respondent.
- c) The appeal must be made in writing and within 10 business days after the date of the final decision that is the subject of the appeal.

- d) 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.
- e) 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, the Appropriate Authority or the University governing body.
- f) The following is a list of some examples of situations where an appeal would not meet the requirements:
  - The appeal asks for review of a consequence or measure that has not yet been finally decided or approved.
  - The appeal repeats arguments made at the meeting of the review committee or in written submissions and does not provide any new information relevant to the final decision.
  - The appeal is based only on a disagreement with a finding of fact, including findings made about the credibility of witnesses.
  - The appeal raises new arguments that were not made, but could have been made at the review committee meeting or in written submissions or to the Appropriate Authority or University governing body.
  - The appeal amounts to a mere speculation or a bald statement of a procedural error causing prejudice and does not provide detailed and convincing information to establish the error and to establish a link between the error and actual prejudice or a reasonable expectation of prejudice to the person seeking the appeal.

The person in authority (the “Appeal Authority”) to issue a decision either dismissing or granting an appeal will depend on the Respondent, who made the original final decision, the final decision at issue and the expected outcome requested. The Director of Human Resources will determine the Appeal Authority based on the organizational structure of the University.

The appeal process is conducted in writing. The Complainant or Respondent, as the case may be, does not need to respond to the appeal unless the Appeal Authority sends a letter requesting him or her to do so.

The Appeal Authority reviews the appeal, consults with the Appropriate Authority, if necessary, to determine whether the appeal meets the requirements of this Policy and makes the decision either dismissing or granting the appeal.

If the appeal is granted, the Appeal Authority will then decide what happens next. This will depend on the particular situation. It could include returning the matter to the review committee or to the Appeal Authority or the University governing authority.

## 6. Education and Prevention

### PREVENTION AND TRAINING

Members of the university community are encouraged to contribute to the prevention of, intervention in, and effective response to, sexual misconduct. All members of the university community may play a role in building a safe and just educational environment by learning about sexual assault through educational programs, including but not limited to:

- Educational sessions for new students during orientation;
- Specific training for the Campus Response Team, Residence Advisors, Security, and Campus Bar Staff;
- On-line training modules for administration, board of governors, staff and faculty;
- On-line training modules for students;
- Peer support training provided by qualified off-campus personnel;
- Modelling healthy and respectful behaviour in personal and professional relationships;
- Speaking out against behaviour that encourages sexual misconduct and assault, such as sexism, ableism, racism, homophobia and transphobia;
- Speaking out against behaviour which discourages reporting, such as racism and sexism, the perpetuation of rape myths and blaming of the person who has experienced sexual misconduct, and joking about sexual misconduct and gender inequality;
- Developing the skills necessary to be an effective and supportive ally to those who have experienced sexual misconduct;
- Intervening in situations that could lead to sexual misconduct when safe to do so; and
- Upstander training
  - Interrupting sexual misconduct when it is safe to do so.

Campus Security, Student Services, Athletics and Residence Life staff will take part in mandatory annual training to effectively report and investigate incidents and provide support to individuals who have experienced Sexual Misconduct. Local agencies are consulted and collaborate in all training programs.

Working with staff in Student Services, Residence, Campus Security, Health and Safety and AUSU, the Director of Ancillary and Student Services has responsibility for ensuring ongoing awareness programs are offered on campus.

## **ON-CAMPUS SUPPORTS AVAILABLE**

Algoma University is committed to providing the following supports on campus:

- Confidential services of the Office of the Ombudsperson: [ombuds@algomau.ca](mailto:ombuds@algomau.ca);
- Academic, housing, and university life advocacy through trained individuals within the University's Student Services office;
- Counselling and emotional support through Student Services including referrals to outside agencies;
- Reporting options, including through the University's Student Services office, Security and the police;
- Providing access and referral to off-campus supports including the Sexual Assault Centre, Women in Crisis, and Sault and Area Crisis (Appendix B).

Although services such as Student Health and Counselling are available only to students, administration, staff and faculty who may experience sexual misconduct are entitled to supports. Please contact Human Resources.

## **SECURITY BULLETINS**

Security Bulletins on reported sexual misconduct play an important role in raising awareness about campus sexual assault. For these reasons, Algoma University is committed to timely, accurate, comprehensive, and sensitive communication with the campus community about complaints of campus sexual misconduct that pose a threat to community safety.

When a threat to the university community is perceived, the Director of Physical Plant (or designate) in collaboration with the Director of Ancillary and Student Services will draft a security bulletin. The bulletin must be approved by the President or a designate before it is issued to the university community. The bulletin will be disseminated to the campus community through one or more of the following means:

- [my.algomau.ca](http://my.algomau.ca) alert
- Electronic dissemination to campus community members' Algoma University email accounts;

- Posting in notice boards;
- Video screens;
- Electronically on the Security Services website;
- AUSU ap notification; and
- Town-hall Meetings as required.

## DISSEMINATING STATISTICS

To increase awareness of sexual misconduct on campus, Algoma University will ensure that statistics on investigations of sexual misconduct are publicly available. These statistics can be extended to include statistics on all crimes committed on campus. Director of Physical Plant will be responsible for maintaining and making public these campus crime statistics.

A monthly crime log will be posted on the Campus Safety section of the AU website, which will include:

- Nature of the crime reported (e.g. mischief, theft, sexual assault);
- Date reported;
- Location where the incident occurred;
- Date and time of day that the incident occurred; and
- Status of the police investigation if applicable (i.e.: suspect identified by police, charged, serving time).

In addition to the monthly log, Security Services will tabulate annual data on number of crimes reported by type. The aggregated annual data will be made available on the Security Services website.

## 7. Advisory Committee

A Sexual Misconduct Advisory Committee will be developed. Reporting to the University President, the committee will be composed of the following members:

- Faculty Representative
- Director of Ancillary and Student Services
- Health & Safety Officer
- Student Services Advisor
- Student Representatives (elected by AUSU)
- Community Representative

The role of the committee will be to:

1. Monitor reports
2. Make recommendations for policy and protocol implementation
3. Make recommendations regarding training and educational initiatives
4. Review the policy and protocol at a minimum of every three years.

## 8. Statistics

Student Services will maintain records on:

1. The number of times supports, services and accommodations relating to sexual misconduct are obtained by students
2. Initiatives established to promote awareness of the services and supports available to students
3. The number of incidents and complaints of sexual misconduct reported by students

Student services will annually report the number of times services are accessed because of sexual misconduct.

## APPENDIX A: DEFINITIONS

### ***Sexual Harassment***

Is defined in the Code as a course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to be have been known to be unwelcome. Sexual harassment can include, but is not limited to:

- Unwelcome sexual advances;
- Unwanted attention that is or feels sexual in nature;
- Implied or expressed rewards or benefits for sexual favour and implied or expressed threats if sexual favours are denied;
- Requests for sexual favours;
- Verbal or non-verbal or physical conduct of a sexual nature;
- Indecent exposure (prohibited under section 173 of the Criminal Code of Canada);
- Voyeurism (prohibited under section 162 of the Criminal Code of Canada);
- Unwelcome remarks and/or vexatious comments about someone's sexuality, appearance and bodily presentation, gender or gender expression;
- Attempts to extort sexual favors;
- Inappropriate touching;
- Repeated and vulgar sexual comments;
- Display of pornographic and/or suggestive calendars, signs, posters and/or photographs; and
- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter;
- Non-consensual sending of images and jokes.

All forms of sexual harassment and sex-based harassment are serious offences because these actions create a hostile, intimidating, or offensive working and learning environment.

### ***Stalking:***

Stalking is a form of criminal harassment prohibited by the Criminal Code of Canada, section 264. It involves behaviours that occur on more than one occasion and which collectively instill fear in the target or threaten the target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviours include, but are not limited to:

- Non-consensual communications (face to face, phone, email, social media);
- Threatening or obscene gestures;
- Surveillance and pursuit;
- Sending unsolicited gifts (romantic, bizarre, sinister or sexualized);
- 'Creeping' via social media/cyber-stalking; and
- Uttering threats.

### ***Sexual Assault:***

Sexual assault is prohibited by section 271 of the Criminal Code of Canada. Sexual assault is sexual touching of another person with any object or body part that is without consent or by force. Any sexual activity without consent is sexual assault under the Criminal Code. Sexual assault can occur if the alleged assailant is a married spouse, an intimate or dating partner, a friend or acquaintance, a known person in a position of authority, or a complete stranger.

**Consent:**

Under section 273.1 of the Criminal Code of Canada, consent is the voluntary agreement to engage in the sexual activity in question. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity. **Consent must be informed, freely given and active, and ongoing.**

It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement. Relying on non-verbal communication can lead to miscommunication about intent and it is important each participant clarifies their willingness to continue at each progression of sexual activity to ensure active and ongoing consent. Further, impaired judgement that leads an assailant to think or believe there was consent is no excuse.

People often do not fully understand consent and can feel that the line between consensual sexual acts and sexual assault can be unclear. This is particularly true when an acquaintance or friend is the perpetrator.

**Consent:**

- Is not silence or the absence of 'no';
- Is never assumed or implied;
- Cannot be given by someone who is incapacitated by alcohol or drugs or who is unconscious;
- Can never be obtained through threats, coercion, or other pressure tactics;
- Can be revoked at any time, whatever other sexual activities have taken place;
- Cannot be obtained if the initiator abuses a position of trust, power or authority;
- Cannot be assumed from previous consent to similar activities; and
- Is active and ongoing.

**Incapacitation:**

Is a state in which someone cannot make rational decisions because the individual lacks the capacity to give consent (to understand the 'who, what, when, where and why' of their sexual interaction).

Sexual activity with someone who one knows to be, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (by drug or alcohol use, unconsciousness, or a blackout) constitutes sexual assault.

- Evidence of incapacitation may include:
  - Slurred speech;
  - Bloodshot eyes;
  - The smell of alcohol on one's breath;
  - Shakiness;
  - Vomiting;
  - Confusion about self/surroundings etc.;
  - Unusual/strange behavior and/or state of emotional distress; and/or
  - Unconsciousness.

If there is evidence of any of the above, the initiator of sexual activity should always err on the side of assuming a party to be incapacitated, rather than risking committing sexual assault.

**Force:** In the context of sexual misconduct, force is the use of physical violence and/or imposing on and/or restricting someone physically to gain sexual access to that person. Force also includes threats of harm to self or others, intimidation, and/or coercion to overcome resistance.

**Coercion:** Coercion, in the context of sexual misconduct, is unreasonable and persistent pressure for sexual activity. Coercion is 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.

***Bystander intervention***

Safe and positive options that may be carried out by an individual or individuals aka a bystander to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

## APPENDIX B: BACKGROUND

### 1.1 Statutory and Policy Framework:

The Ontario *Human Rights Code* (“Code”) prohibits discrimination in the provision of educational services and in employment on the basis of sex, sexual orientation, gender identity and gender expression. The Code also prohibits harassment in employment on the basis of sex, sexual orientation, gender identity and gender expression. The behavior prohibited by the Code includes sexual misconduct. Finally the *Code* creates a right on every person to be free from a sexual solicitation or advancement (or any reprisal for rejecting such solicitation or advancement) by a person in a position to confer a benefit or advancement where the solicitation or advancement is known or ought reasonably to be known to be unwelcome.

The Ontario *Occupational Health and Safety Act* (“OHSA”) prohibits violence in the workplace. This prohibition includes sexual violence.

The *Criminal Code of Canada* prohibits sexual assault, voyeurism and criminal harassment (including stalking, bullying, cyber stalking and cyber bullying). Sexual misconduct is an umbrella term encompassing sexual and cyber bullying, stalking, and sexual assault and any form of sexual violence or gender based misconduct.

### 1.2 University-Related Policies, Procedures and Protocols

The university has a number of related policies, including, but not limited to:

- Health and Safety Policy
- Student Code of Conduct (Non-Academic)
- Workplace Violence and Harassment Policy and Program
- Human Rights Policy & Procedures
- Employee Code of Conduct (under development)
- Student Athlete Code of Conduct
- Residence Community Standards Policy

## APPENDIX C: RESOURCES

<h3>MAIN CAMPUS RESOURCES</h3>	<h3>OFF CAMPUS RESOURCES</h3>
<p>The following resources are available 24 hours a day/7 days a week to respond to complaints of sexual assault:</p> <p>705-949-2301</p> <p><b>Algoma University Campus Security</b> Phone: Extension Ext. 4444 for emergencies</p> <p>If Applicable, <b>Algoma University Residence Life Staff</b> Coordinator of Housing or Residence Advisor (contact information posted in Residence buildings)</p> <p><b>Monday-Friday from 8:30 am – 5:00pm</b></p> <p>Student Services Advisor (Ext. 4212) Human Rights and Equity Office (Ext. 4112) Director of Ancillary and Student Services (Ext 4729) Health and Safety Officer (Ext. 4373) Coordinator of Housing (Ext. 4215)</p> <p><b>On Campus Counselling Services</b> (see Student Services Advisor ext. 4212)</p>	<p><b>SAULT STE. MARIE:</b> <b>Sexual Assault Centre:</b> 705-759-5143 / <a href="http://www.sacc.to/gylb/satc/CentreID=28.htm">http://www.sacc.to/gylb/satc/CentreID=28.htm</a></p> <p><b>Women in Crisis:</b> 705-759-1230 / <a href="http://www.womenincrisis.ca/en/">http://www.womenincrisis.ca/en/</a></p> <p><b>Sault and Area Crisis</b> 705-759-3398</p> <p><b>City Police</b> - 911</p> <p><b>Victim Services of Algoma:</b> 705-945-6905</p> <p><b>BRAMPTON:</b> <b>Assaulted Women’s Helpline:</b> 24-hour Line: 416-863-0511 Toll Free: 1-866-863-0511</p> <p><b>Chantel's Place:</b> 905-848-7580</p> <p><b>Peel Regional Police:</b> 905-453-3311</p> <p><b>William Osler Health Centre Crisis Intervention Team:</b> 905-494-2120</p> <p><b>Victim Services of Peel:</b> 24-hour Line: 905-568-8800</p> <p><b>TIMMINS:</b> <b>Timmins and Area Women in Crisis:</b> 1-877-268-8380 (24/7)</p> <p><b>Timmins &amp; Area Women in Crisis (TAWC)</b> 705-268-8380</p> <p><b>Sexual Assault Helpline:</b> 1-800-205-7100 (24/7)</p> <p><b>ALL SITES:</b> <b>Good to Talk</b> 1-866-925-5454</p> <p><b>Employee Assistance Program:</b> 1-877-630-6701 / TTY: 1-877-371-9978 <a href="http://www.lifebalance.net">http://www.lifebalance.net</a></p>