

Student's Companion to the
*Policy on Sexual Violence and Sexual
Harassment*



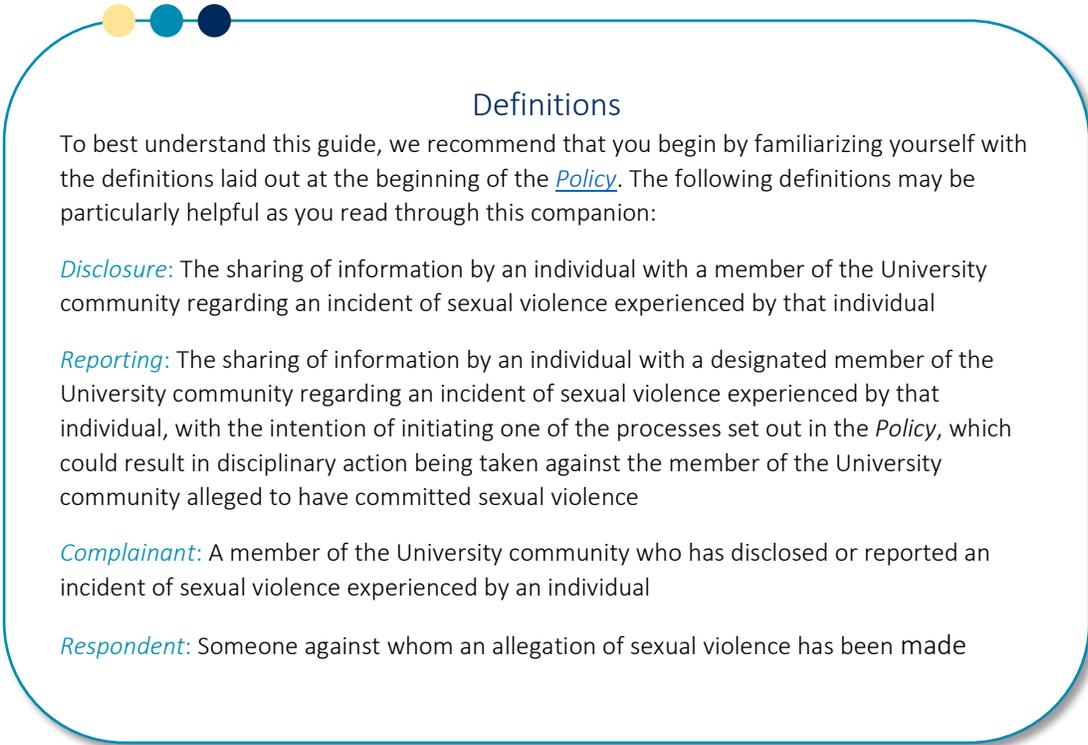
January 2019



Introduction

On January 1, 2017, the University of Toronto's [Policy on Sexual Violence and Sexual Harassment](#) ('the *Policy*') came into effect. The purpose of this companion is to help students and those who work with students understand and navigate the *Policy* and to address any questions about the *Policy* and the procedures surrounding it.

The materials contained in this companion are provided for information and general guidance only. These materials do not amend or replace the *Policy on Sexual Violence and Sexual Harassment*. The interpretation of the *Policy* and its proper application are within the jurisdiction of the University.



Definitions

To best understand this guide, we recommend that you begin by familiarizing yourself with the definitions laid out at the beginning of the [Policy](#). The following definitions may be particularly helpful as you read through this companion:

Disclosure: The sharing of information by an individual with a member of the University community regarding an incident of sexual violence experienced by that individual

Reporting: The sharing of information by an individual with a designated member of the University community regarding an incident of sexual violence experienced by that individual, with the intention of initiating one of the processes set out in the *Policy*, which could result in disciplinary action being taken against the member of the University community alleged to have committed sexual violence

Complainant: A member of the University community who has disclosed or reported an incident of sexual violence experienced by an individual

Respondent: Someone against whom an allegation of sexual violence has been made

The *Policy* and the Sexual Violence Prevention and Support Centre

1. What is sexual violence? How does the *Policy* define it?

The definition of sexual violence in the *Policy* is consistent with [provincial legislation](#). Sexual violence is defined as “any sexual act or act targeting a person’s sexuality, gender identity or gender expression.” The act could be either physical or psychological in nature. It could be committed, threatened, or attempted without a person’s consent. Such acts would include sexual assault, stalking, indecent exposure, voyeurism, or sexual exploitation, among others.

While it is recognized that sexual harassment is a form of sexual violence, they are separated in the *Policy* in both title and definition because it provides clarity to the *Policy*.

Voyeurism: The practice of obtaining sexual gratification from observing others without their consent

Stalking: To pursue obsessively and to the point of harassment

Cyber stalking: The use of electronic communication to harass or threaten someone

2. What kinds of acts could be considered sexual violence?

The scope of sexual violence is broad and includes a range of behaviours. It can be physical in nature, such as forced kissing or touching, for example. It can also be non-physical, as with stalking or verbal sexual comments. It can occur in private, in public or online, and it can occur between two or more people regardless of their gender, gender expression, gender identity, or sexuality. One defining feature of sexual violence is the absence of consent. This means that the behaviour has not been discussed or agreed to by all parties, and that there is at least one person in the situation who has not said yes or agreed to the sexual interaction.

Examples of sexual violence might include but are not limited to:

- inappropriate and unwelcome comments or physical contact of a sexual nature
- sexual harassment
- sexual abuse
- sexual assault (including assault by a partner or marital partner)
- stalking
- indecent exposure
- circulating degrading sexual imagery
- voyeurism
- cyber sexual harassment
- sharing intimate photos without consent
- stealthing (i.e., removing a condom without consent during sex)

Examples of sexual harassment might include:

- unnecessary physical contact, including unwanted touching
- derogatory language and/or comments toward women (or men, depending on the circumstances), gender-specific derogatory names
- comments or conduct relating to a person’s perceived non-conformity with a gender-role stereotype
- sexual jokes, including circulating written sexual jokes (e.g., by e-mail)
- sexual or gender-related comment or conduct used to bully a person
- propositions of physical intimacy
- questions or discussions about sexual activities

For further examples, see the Ontario Human Rights Commission:

<http://www.ohrc.on.ca/en/sexual-harassment-employment-fact-sheet>

3. What is the *Policy on Sexual Violence and Sexual Harassment*?

The *Policy on Sexual Violence and Sexual Harassment* outlines the steps that the University of Toronto will take to address incidents of sexual violence. It also articulates the education, supports, resources, and accommodations that can be provided to someone affected by sexual violence.

To support the implementation of the *Policy*, the University has also created the Sexual Violence Prevention and Support Centre, which has locations on all three campuses ([see Appendix A](#)) as a primary resource for students, staff and faculty who have experienced sexual violence or who have questions about sexual violence and the processes supporting this *Policy*.

4. What does the Sexual Violence Prevention and Support Centre do?

The Sexual Violence Prevention and Support Centre ('the Centre') accepts disclosures and reports of sexual violence, and provides support to members of the University community who have been affected by sexual violence. It also plays a coordinating role with other support services on campus and supports education and prevention initiatives across the University.

Examples of supports and services for students might include:

- Assistance with referrals to counselling
- Assistance with referrals to medical services
- Coordination of short-term academic accommodations
- Support with accessing emergency bursaries or other financial aid
- Assistance with referrals to community legal assistance
- Changes to housing and assistance in finding emergency housing

Examples of accommodations for students might include:

- Rescheduling or deferral of exams or assignments
- Class or schedule changes
- Housing changes

5. What is the difference between the Centre and the Office of Safety and High Risk?

The Sexual Violence Prevention and Support Centre's mandate is to provide support to anyone on campus (student, staff or faculty) who has experienced sexual violence. It accepts [disclosures](#) and/or [reports](#) from complainants, makes referrals to counselling and other resources, assists with understanding the *Policy*, and coordinates the University's education and prevention activities related to sexual violence. The Centre also serves as a resource to those on campus who have heard a disclosure and may be looking to support someone or wondering what to do next. **Disclosing to the Centre to receive support or information does not automatically result in a report under the *Policy*.** A complainant needs to make a conscious choice to submit a written report.

If a complainant chooses to report an incident of sexual violence, they do so through the Centre, which forwards the report to the Office of Safety and High Risk. Upon receiving a report, the Office of Safety and High Risk assesses the report to determine whether the matter falls within the scope of the *Policy*. It also decides whether to begin an investigation of the allegations.

Individuals may also choose to report to Campus Police. See Section 11 for more details.

6. To whom does the *Policy* apply?

The *Policy* applies to all members of the University community, including students, faculty, instructors, librarians, post-doctoral fellows, and all employees of the University of Toronto.

The *Policy* applies to all Faculty of Arts and Science students, including those registered at one of the Federated Colleges (University of St. Michael's College, Trinity College and Victoria College). In addition, it applies to students registered in any of the Toronto School of Theology's programs that are delivered by one of the seven TST colleges (St. Michael's, Trinity, Emmanuel, Knox, Regis, St. Augustine's and Wycliffe.)

7. When does the *Policy* apply?

Some provisions of the *Policy* always apply. For example, those outlining the University's commitment to prevent sexual violence or to offer education and prevention initiatives are always in effect.

The *Policy* applies when a report is made about an act of sexual violence involving any member of the University community, whether the act occurred on or off campus. Even when an act of sexual violence occurred in the past, the *Policy* applies in that it allows the person to access supports and resources through the Centre and it could possibly result in an investigation if the respondent is still a member of the University community.

In order for the University to take action following a report of sexual violence, the complainant and the respondent must both be members of the University community. The status of the individuals, such as whether both are students or one is a student and one is a faculty member, are relevant to determining which provisions of the *Policy* apply.

The **disclosure process**, which allows for access to supports and accommodations, applies when any member of the University community discloses that they have been affected by sexual violence, regardless of who is alleged to have committed it or when the incident of sexual violence occurred.

The **reporting process** can only apply when both parties are members of the University community.

Disclosing and Reporting

8. What is the difference between disclosing and reporting?

There are two kinds of action that someone who has experienced sexual violence can take.

Disclosing involves telling someone about an incident of sexual violence. A student can disclose simply by speaking to a fellow student, a faculty member or a staff member about an experience of sexual violence. The Centre also hears disclosures in person, by email, or by phone.

Reporting involves telling a *designated person* at the University about an incident of sexual violence for the purpose of initiating official University procedures. A report is not required in order for a student to receive support, services or accommodations from the University.

9. What should a student do if someone discloses to them?

Any person who receives a disclosure can consult with the Centre on how to respond in a supportive manner. The Centre also provides some helpful advice on receiving disclosures on its [website](#).

Here are some suggestions to follow if someone discloses an incident of sexual violence:

1. Be there to listen, offer support and empathy.
2. Don't ask questions about what happened.
3. Refer them to the [Centre](#) (svpscentre.utoronto.ca).

10. What will happen if someone discloses to the Centre?

If someone chooses to disclose to the Centre, a staff member will offer to meet with them. If the person wants to talk about what happened, the staff member will listen. The staff member will discuss the options that are available to the person and will help them decide how they wish to proceed. The staff member will discuss the supports that are available and will help facilitate access to these supports and to other resources as needed. The Centre can also support someone if they choose to make a report under the *Policy* or report to the police.

11. How can a student file a report of sexual violence?

A student can file a report by contacting either the Centre, Campus Police, or municipal police.

- A report made to municipal police is separate from a report made to the University.

- Reporting to Campus Police or municipal police may trigger a police investigation and may result in criminal proceedings.
- If Campus Police receives a report, they will also inform the [Centre](#) that a report of sexual violence has been made.

In most cases, a report made to the Centre will not be shared with Campus Police or municipal police unless the complainant gives the Centre permission to do so. A report can be filed with the Centre in person, by phone, or by email.

Please visit the Centre website to learn more about reporting:

<https://www.svpscentre.utoronto.ca/support/disclose-or-report/>

12. What will happen if someone chooses to file a report of sexual violence at the Centre?

A report filed at the Centre may lead to an investigation under the *Policy*, which may result in disciplinary actions imposed against the person(s) who violated the *Policy*. The process and procedures will vary somewhat from case to case but could include:

- An information meeting with the Centre, in which a staff member will explain options and discuss the reporting process;
- A meeting with someone from the Centre who will provide assistance in filing out the report, if the complainant chooses to do so;
- The assessment process, in which the Office of Safety and High Risk will determine whether the report falls within the scope of the *Policy* and identify next steps, which may involve conducting an investigation into the report or initiating an alternative resolution process;
- The appointment of an investigator, who will be chosen from a group of trained investigators to conduct the investigation;
- The investigation itself, which will end with a written and confidential report containing the investigator's findings submitted to the Office of Safety and High Risk;
- The decision-making process, in which the University administration will determine how to proceed based on the investigator's findings.

Decisions will be made based on the respondent's status at the University and the University's existing policies. For example, a case against a staff member would be resolved based on both the *Policy* and relevant employment agreements. Potential remedies could span a range of options depending on the details of the report and the investigator's findings and might include anything from a verbal warning to expulsion or termination of employment.

Students can discuss the reporting process with the Centre before choosing to file a report.

FORMAL OUTCOMES:

<p>Simplified Process when the Respondent is a Student</p>	<p>Report</p>	<p>Sexual Violence Prevention & Support Centre Takes information for a report and provides support</p>
	<p>Investigation</p>	<p>Office of High Risk & Safety Determines whether an investigation shall occur and, if so, manages the investigation process</p>
	<p>Considers referring to a Hearing</p>	<p>Office of the Vice-Provost, Students Reviews the investigation report and determines whether the case proceeds to a hearing under the <i>Code of Student Conduct</i></p>
	<p>Hearing</p>	<p>Office of Appeals, Discipline and Faculty Grievances Responsible for conducting hearings under the <i>Code of Student Conduct</i> and communicating the outcome</p>

13. Will the *Policy* rely on pre-adjudicative resolution (such as ‘informal resolution’ or ‘mediation’) to resolve claims?

Pre-adjudicative resolution, such as ‘alternative resolution’, ‘informal resolution’ or ‘mediation’, is an approach that may address a complainant’s concerns through the use of an independent facilitator. This could occur outside of an investigation or formal hearing process.

This approach would involve both parties communicating through a facilitator, who attempts to negotiate a resolution to the report. **The *Policy* explicitly states in paragraph 78 that the use of informal resolution and/or mediation will only be permitted if both parties consent to the process. If both parties agree to informal resolution and/or mediation, the process does not require any face-to-face meetings between the two parties.** A complainant can request pre-adjudicative resolution at any stage of the reporting process, including at the time of filing the report.

Pre-adjudicative resolution may be used to:

- Address potential overlap in courses or extra-curricular involvement;
- Require education for the respondent;
- Request an apology from the respondent;
- Mandate no contact between the complainant and respondent.

PRE-ADJUDICATIVE RESOLUTION (e.g., 'informal resolution' or 'mediation'):

Simplified Process when the Respondent is a Student	Report	Sexual Violence Prevention & Support Centre Takes information for a report and provides support
	Assessment	Office of High Risk & Safety With consent from both the complainant and the respondent, begins a pre-adjudicative resolution process
	Resolution Process	Office of High Risk & Safety Expert facilitator is appointed to facilitate an agreed upon resolution between the complainant and the respondent. Does not require face-to-face interaction.

14. Can a student speak about their experience with others during an investigation?

Confidentiality during an investigation process is important to protect the integrity and fairness of the investigation. Individuals involved in the investigation are encouraged to speak to those in their support network. An investigator will further outline the confidentiality expectations at the start of an investigation.

15. How long does the investigation process take?

It is difficult to speak generally about how long the investigation process takes as it depends heavily on the nature, complexity and details of the report. The University will make every effort to complete the investigation process as quickly as possible while ensuring that proper time and care are taken in the investigation and that due diligence is respected.

16. What are interim measures?

When a student reports an act of sexual violence, the University may impose interim measures in order to avoid contact between the complainant and the respondent and to address any potential safety concerns. For the purposes of this *Policy*, interim measures might include:

- Measures to keep the complainant and the respondent separate
- Changes to class, academic or work schedules
- Changes to residence accommodations
- Temporary suspension from the University

The University will attempt to limit disturbance to the complainant, such as changes to their schedule or living conditions, to the greatest extent possible in light of the

Interim Measures and Conditions

The *Policy* refers to 'interim measures', which include both interim measures and interim conditions under the *Code of Student Conduct*.

relevant circumstances. The complainant will be informed of any interim conditions or measures that are put in place in so far as they pertain to the complainant.

Supports and accommodations will be made available to complainants who have been affected by sexual violence. Support services will also be made available to members of the University community who are respondents.

Confidentiality

17. How does the *Policy* protect confidentiality?

The Sexual Violence Prevention and Support Centre will treat all disclosures and reports of sexual violence in accordance with the *Freedom of Information and Protection of Privacy Act*. It will only share information when required by law or when it is necessary in order to implement the *Policy*.

The University will limit the sharing of information on a “need-to-know” basis for the purposes of implementing the *Policy*. For example, faculty members do not “need to know” the details of the circumstances unless they are involved in the complaint, so they would not be provided with information about an incident when implementing academic accommodations.

18. What are the limits to confidentiality?

There are some situations in which the law requires the University to share the details of a case. These include but are not limited to situations:

- in which there may be imminent or significant risk of harm to members of the University;
- involving sexual violence against a minor (i.e., someone under the age of 16);
- in which the University is obligated to share details due to occupation health and safety or human rights obligations;
- when information is subpoenaed by a court of law;
- in which a person is at risk of seriously harming themselves or others (including situations where a person says that they are considering suicide).

19. What kind of information will the Centre collect? How will it be used?

Anyone who visits the Sexual Violence Prevention and Support Centre will be asked to give the Centre permission to collect personal information, such as their name, student number, preferred contact information, etc. This information will be treated in accordance with the *Freedom of Information and Protection of Privacy Act*. This information is stored in a secure, confidential database that is located in the Centre and accessible only to Centre staff.

Information shared with the Centre may be used to maintain non-identifying data on disclosures and reports of sexual violence on campus for legislative compliance and operational purposes.

Appendix A: Contact information for the Centre

Students, staff and faculty can access supports and services at the [Centre](#). Meetings and consultations are available in person or by phone. Contact the Centre by phone or email to book an appointment with a Centre staff member.

To access supports, contact the Sexual Violence Prevention and Support Centre:

- Phone: 416-978-2266
- Email: sypscentre@utoronto.ca
- Website: www.sypscentre.utoronto.ca

Locations:

Mississauga campus

Davis Building, room 3094G

St. George campus

Gerstein Science Information Centre (Gerstein Library), suite B139

Scarborough campus

Environmental Science & Chemistry Building, room 141

Appendix B: History of the *Policy*

In March 2015, the Government of Ontario released “Its Never Okay: An Action Plan to Stop Sexual Violence and Harassment.” The Action Plan outlined steps to help change attitudes, provide more supports for victims, and make campuses safer and more responsive to complaints of sexual violence and harassment. These objectives were enshrined in legislation and subsequent regulations under Bill 132, the *Sexual Violence and Harassment Action Plan Act, 2016*.

The University's work on sexual violence on campus precedes this provincial legislation. The *Policy* is the result of work that began in November 2014 with the formation of the Presidential and Provostial Committee on Preventing and Responding to Sexual Violence. The Committee, which included tri-campus representatives from among student, staff, and faculty groups, submitted its [final report](#) in February 2016. Among its recommendations was the creation of a new policy on sexual violence. The President and Provost accepted all of the Committee's recommendations in their [response to the final report](#).

The requirements of Bill 132 aligned with the recommendations of the Presidential and Provostial Committee. For example, Bill 132 required, among other things, that each publicly-funded university and college in the province have in place policies and procedures for addressing incidents of sexual violence. The regulations passed under Bill 132 also mandate training for all members of the University community on its sexual violence policy, and create reporting requirements to provincial government on the number of sexual violence incidents involving students.

In response to both the recommendations of the Presidential and Provostial Committee and the requirements of Bill 132, the University launched its Action Plan on Preventing and Responding to Sexual Violence. This plan included four parts:

- 1) The creation of a new sexual violence policy;
- 2) The implementation of a regular climate survey about sexual violence on campus;
- 3) A review of the University's education and prevention activities related to sexual violence;
- 4) The creation of a new tri-campus Sexual Violence Prevention and Support Centre.

To direct the next phase of the plan, three expert panels were created, including the Expert Panel on Sexual Violence Policies, the Expert Panel on Education and Prevention of Sexual Violence, and the Sexual Violence Climate Survey Advisory Board. In August 2016, the Expert Panel on Sexual Violence Policies delivered its [final report](#), which included 40 recommendations. These informed the draft *Policy*, which was released for broad consultation throughout the University community in Fall 2016.

The *Policy* was approved by Governing Council on December 15, 2016, and came into effect on January 1, 2017. For more information on the University's Sexual Violence Action Plan, please visit the [Provost's Office website](https://www.provost.utoronto.ca/) (https://www.provost.utoronto.ca/).