

# STUDENT'S GUIDE TO THE POLICY ON **SEXUAL VIOLENCE & SEXUAL HARASSMENT**



UNIVERSITY OF  
TORONTO

November 2021

# CONTENTS

|   |    |
|---|----|
| Introduction.....   | 1  |
| Overview of the <i>Policy</i> .....                           | 2  |
| University Resources & Supports .....                         | 4  |
| Intake: Disclosing and/or Reporting.....                      | 8  |
| Overview of Resolution Pathways .....                         | 11 |
| Non-Adjudicative Process- Facilitated Resolution Process..... | 16 |
| Adjudicative Process- Investigation & Hearing.....            | 18 |
| Information for when a<br>Respondent is an Employee .....     | 24 |
| Conclusion.....   | 26 |
| Appendix: Definitions.....                                    | 27 |

# INTRODUCTION

## Purpose of Guide

The purpose of this Guide is to help students, and those who work with students, understand and navigate the University of Toronto's [\*Policy on Sexual Violence and Sexual Harassment\*](#) ("the *Policy*"). In particular, the Guide is intended to address questions about Disclosure and Reporting instances of Sexual Violence and Sexual Harassment and the subsequent processes under the *Policy*.

The materials contained in this Guide are provided for information and general guidance only. These materials do not amend or replace the *Policy* or other relevant University policies (e.g. [\*Code of Student Conduct\*](#)).

This Guide supports both the Complainant and the Respondent in navigating the *Policy*, including its procedures and supports.

**Complainant:** A Member of the University Community who has Disclosed or Reported an Incident of Sexual Violence that they experienced.

**Respondent:** Someone against whom an allegation of Sexual Violence has been made.

*\*Note: The Complainant and Respondent in this guide are assumed to be students, unless otherwise specified in the text (see '[Information for When Respondent is an Employee](#)' for more information).*

## How to Navigate the Guide

The Guide is divided into six sections, outlining different supports, options, and parts of the process from Disclosure/Reporting to University decision-making. The Guide is designed so that individuals may choose to read it sequentially or skip to certain sections of interest using the hyperlinks.

- **[SECTION 1: OVERVIEW OF THE POLICY:](#)** Definitions and When Does the *Policy* Apply
- **[SECTION 2: UNIVERSITY SUPPORTS:](#)** Sexual Violence Prevention and Support Centre
- **[SECTION 3: INTAKE: DISCLOSING AND/OR REPORTING:](#)** Overview and How to File a Report Under the *Policy*
- **[SECTION 4: RESOLUTION PATHWAYS](#)**
  - **[Overview of Resolution Pathways,](#)** Length of Resolution Pathways, Confidentiality, and Protection of Retaliation/Reprisal
  - **[Non-Adjudicative Process,](#)** Benefits, Conditions, and Possible Resolutions
  - **[Adjudicative Process,](#)** What Happens in an Investigation, Interim Conditions and Measures, Hearings, and Possible Resolutions
- **[SECTION 5: INFORMATION FOR WHEN RESPONDENT IS AN EMPLOYEE](#)**
- **[SECTION 6: CONCLUSION](#)**
- **[APPENDIX: DEFINITIONS](#)**

# OVERVIEW OF THE *POLICY*

## What is the *Policy*?

The University of Toronto's [\*Policy on Sexual Violence and Sexual Harassment\*](#) came into effect on January 1, 2017, and is reviewed every three years. The *Policy* outlines the steps that the University will take to address Incidents of Sexual Violence, including the supports available to the people involved. It also articulates the education, resources, and accommodations that can be provided to someone who has been affected by Sexual Violence.

## Definitions

Sexual violence is defined as:

“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.”

To better understand the Guide and to further explore what constitutes Sexual Violence, please consult the definitions provided in the [\*Policy\*](#) and in [Appendix](#).

## When Does the *Policy* Apply?

The *Policy* applies to all Members of the University Community as set out in the definitions section of the *Policy*. Among others, this includes University of Toronto students, faculty members and librarians, instructors, post-doctoral fellows, and all other employees of the University of Toronto. The Federated Colleges (University of St. Michael's College, the University of Trinity College, and Victoria University), and any Toronto School of Theology (TST) programs delivered by one of the seven TST colleges (St. Michael's, Trinity, Emmanuel, Knox, Regis, St. Augustine's, and Wycliffe) have adopted the *Policy* so that students and employees in those institutions have access to the University of Toronto *Policy*.

As outlined in the table below, how the *Policy* applies to a Complainant and Respondent depends on their relationship to the University of Toronto community.

|  | How the <i>Policy</i> applies*   |
|--|--|
| <b>Complainant and Respondent are both</b> Members of the U of T Community       | Complainant can <i>disclose</i> or <i>Report</i> . Complainant and Respondent can receive support from the University.   |
| <b>Complainant is</b> a Member of U of T Community, but <b>Respondent is not</b> | Complainant can <i>disclose</i> and have access to supports, but cannot file a <i>Report</i> under the <i>Policy</i> .   |
| <b>Respondent is</b> a Member of U of T Community, but <b>Complainant is not</b> | Respondent can receive support through a variety of offices for support, including counselling, accommodations, etc. Complainants can contact the Sexual Violence Prevention and Support Centre (SVPS Centre). |



**\*Note:** Some provisions of the *Policy*—including the University's commitment to prevent sexual violence, provide support, and/or to offer education and prevention initiatives—are always in effect. The applicability of other parts of the *Policy*—like operational or procedural elements—depend on the case. If the situation does not fall under the examples in the chart, or you are unsure what kind of support you can receive, we encourage you to reach out to the SVPS Centre.

# UNIVERSITY RESOURCES AND SUPPORTS

## Sexual Violence Prevention and Support Centre (SVPS Centre)

The SVPS Centre provides support to Members of the University Community who have been affected by Sexual Violence. It accepts Disclosures and/or Reports from Complainants, makes referrals to counselling and other resources, and assists Members of the University Community with understanding the *Policy*.

The SVPS Centre also coordinates the University's education and prevention activities related to Sexual Violence, and serves as a resource to those on campus who have received a *Disclosure* and may be looking to support someone or wondering what to do next.

### Examples of supports and services for students:

- Conducting intake and accepting Disclosure and Reporting of Sexual Violence
- 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:

- Rescheduling or deferring exams or assignments
- Class or schedule changes
- Housing changes

### Connect with the SVPS Centre at:



[svpscentre@utoronto.ca](mailto:svpscentre@utoronto.ca)



416-978-2266.



[www.svpscentre.utoronto.ca](http://www.svpscentre.utoronto.ca)

## Other Offices Supporting the Policy

Under the *Policy*, other key offices have a role in coordinating aspects of the *Policy* and communicating with Complainants and/or Respondents at different stages of the process. Some of these offices include:

| Office   | Description   |
|--|---|
| Office of Safety and High Risk (OSHR)  | <p>After receiving a Report of Sexual Violence, the SVPS Centre transfers the matter to the OSHR for assessment. OSHR determines whether the Report falls within the scope of the <i>Policy</i> and identifies next steps, which may involve investigating the Report or initiating another resolution process.</p> <p><i>If OSHR initiates a formal process—such as an investigation—under the Policy, a University support person will be assigned to the Respondent; the Complainant will continue to be supported by an assigned person at the SVPS Centre. See ‘<a href="#">Overview of Process</a>’ for more information.</i></p> |
| <b>For Students:</b> Office of the Vice-Provost, Students (OVPS)                               | <p>The OVPS is involved for the purpose of determining appropriate <u>interim conditions and measures</u>, and coordinating the decision-making processes under the <i>Policy</i>.</p> <p><i>See ‘<a href="#">Resolution Pathway</a>’ sections for information about possible resolutions. See ‘<a href="#">Information for When Respondent is an Employee</a>’ for information about other offices that are involved in those matters.</i></p>   |
| <b>For Student Respondents:</b><br>Office of Appeals, Discipline and Faculty Grievances (ADFG) | <p>The Governing Council Office of Appeals, Discipline and Faculty Grievances (ADFG) is responsible for the neutral administration of several Hearing (adjudicative) processes under a number of Policies at the University of Toronto. In circumstances where a Report of Sexual Violence involving a student Respondent has been referred to a Hearing, the ADFG provides administrative support for the Hearing and appeals processes. The <a href="#">ADFG website</a> provides important information on the Hearing process for Complainants and Respondents.</p>  |
| Campus Safety  | <p>Campus Safety, including Campus Special Constables, will become involved in the process if the Complainant chooses to disclose and/or Report to Campus Safety or would like Campus Safety’s assistance. In some instances, Respondents and/or witnesses might reach out to Campus Safety to report related safety concerns. Also, anyone may contact Campus Safety where there is a risk of imminent and serious harm to an individual or community.</p>   |


## Additional Student Supports

The SVPS Centre also plays a coordinating role with other support services on campus. Whether or not students choose to Disclose or Report an Incident of Sexual Violence, they can access a number of resources and supports. These include:

| Type of Support | Office/ Resource                                   | What They Offer   | Contact  | Hours of Support                          |
|-----------------|--|---|--|---|
| Legal           | Downtown Legal Services<br><i>*For Respondents</i> | Community legal clinic for U of T students that may be able to assist with free advice and/or legal representation or external referral for Respondents.            | 416-934-4535<br><a href="mailto:law.dls@utoronto.ca">law.dls@utoronto.ca</a><br><a href="http://downtownlegalservices.ca">downtownlegalservices.ca</a>   | Business hours, check website             |
|                 | SVPS Centre<br><i>*For Complainants</i>            | To explore external legal resources (including free legal services), the SVPS Centre can provide referral information to Complainants.                              | 416-978-2266<br><a href="mailto:svpscentre@utoronto.ca">svpscentre@utoronto.ca</a><br><a href="http://svpscentre.utoronto.ca">svpscentre.utoronto.ca</a>   |   |
| Counseling      | U of T Health & Wellness/ Counselling Centres      | For confidential mental and physical health services provided by an interdisciplinary team of health professionals.   | <b>UTSG:</b> 416-978-8030<br><a href="mailto:info.hwc@utoronto.ca">info.hwc@utoronto.ca</a><br><a href="http://studentlife.utoronto.ca/department/health-wellness">studentlife.utoronto.ca/department/health-wellness</a><br><b>UTM:</b> 905-828-5255<br><a href="mailto:health.utm@utoronto.ca">health.utm@utoronto.ca</a><br><a href="http://utm.utoronto.ca/health/health-counselling-centre">utm.utoronto.ca/health/health-counselling-centre</a><br><b>UTSC:</b> 416-287-7065<br><a href="mailto:health-services@utsc.utoronto.ca">health-services@utsc.utoronto.ca</a><br><a href="http://utsc.utoronto.ca/hwc/">utsc.utoronto.ca/hwc/</a> | Business hours, check website<br><br>24/7 |
|                 | My Student Support Program (MySSP)                 | Free immediate and ongoing, confidential support available 24/7. Immediate support available over the phone in 35 languages, with ongoing support in 146 languages. | 1-844-451-9700 or<br>001-416-380-6578 if outside of Canada or the USA<br><a href="http://uoft.me/myssp">uoft.me/myssp</a>  |   |
| Safety          | Community Safety Office                            | Short-term support and assistance to those who have experienced personal safety concerns.   | 416-978-1485<br><a href="mailto:community.safety@utoronto.ca">community.safety@utoronto.ca</a><br><a href="http://communitysafety.utoronto.ca/">communitysafety.utoronto.ca/</a><br>Campus Safety App  | Business hours, check website             |



| Type of Support        | Office/ Resource    | What They Offer   | Contact  | Hours of Support              |
|------------------------|---------------------|---|--|-------------------------------|
| Safety                 | Campus Safety       | Immediate support for emergency and/or nonemergency personal safety concerns, available 24/7. In an emergency, students should first contact 911, local police, or Campus Safety. | <b>UTSG:</b> 416-978-2222<br><a href="http://campussafety.utoronto.ca">campussafety.utoronto.ca</a><br><b>UTM:</b> 905-569-4333<br><a href="http://utm.utoronto.ca/campus-police/campus-safety-home">utm.utoronto.ca/campus-police/campus-safety-home</a><br><b>UTSC:</b> 416-978-2222<br><a href="http://utsc.utoronto.ca/police">utsc.utoronto.ca/police</a> | 24/7                          |
| Academic and Financial | Registrar's Offices | Provides support to students who have concerns about academic progress, need help with an accommodation, or are looking for financial support.                                    | <a href="http://future.utoronto.ca/current-students/registrars">future.utoronto.ca/current-students/registrars</a> to find Registrar   | Business hours, check website |
| Housing                | Housing Services    | Offers information and resources, and can support students with their housing needs.  | <b>UTSG:</b> 416-978-8045<br><a href="http://studentlife.utoronto.ca/department/housing/">studentlife.utoronto.ca/department/housing/</a><br><b>UTM:</b> 905-828-5268<br><a href="http://utm.utoronto.ca/housing/">utm.utoronto.ca/housing/</a><br><b>UTSC:</b> 416-978-8045<br><a href="http://utsc.utoronto.ca/residences">utsc.utoronto.ca/residences</a>   | Business hours, check website |



**Navi and U of T's Mental Health Website**  
 Students can explore more on and off-campus resources through Navi, an anonymous virtual agent wayfinding tool at [uoft.me/navi](http://uoft.me/navi), and the U of T Mental Health website at [mentalhealth.utoronto.ca](http://mentalhealth.utoronto.ca)

## Community Emergency Services

In addition to the above supports, here is a list of community emergency services beyond U of T.

- Toronto Rape Crisis Centre: 416-597-8808, [trccmwar.ca](http://trccmwar.ca)
- Assaulted Women's Helpline: 1-800-863-0511, [awhl.org](http://awhl.org)
- Gerstein Crisis Centre: 416-929-5200, [gersteincentre.org](http://gersteincentre.org)
- Hope 24/7: Sexual Assault Centre of Peel: 1-800-810-0180, [hope247.ca](http://hope247.ca)
- The Scarborough Hospital Mobile Crisis Program: 416-495-2891, [shn.ca/mental-health](http://shn.ca/mental-health)
- Good2Talk—Helpline for Post-secondary Students: 1-866-925-5454, [good2talk.ca](http://good2talk.ca)
- First Nations, Inuit, and Metis Hope and Wellness Line 24/7: 1-855-242-3310, [hopeforwellness.ca](http://hopeforwellness.ca)
- Support Service for Male Survivors of Sexual Assault 24/7: 1-888-887-0015, [familyservicetoronto.org/our-services/programs-and-services/male-survivors-of-sexual-abuse](http://familyservicetoronto.org/our-services/programs-and-services/male-survivors-of-sexual-abuse)
- Trans Lifeline: Canada (877) 330-6366, [translifeline.org](http://translifeline.org)
- LGBT Youthline: 1-800-268-9688, [youthline.ca](http://youthline.ca)

# INTAKE: DISCLOSING AND/OR REPORTING

If a student has experienced Sexual Violence, the first step of the process is knowing that there is support. They may choose to Disclose and/or Report the incident. Disclosure and Reporting are separate actions that a student can choose to take. A Disclosure to the SVPS Centre enables access to support and accommodations but does not result in a Report being made and does not initiate a process to address the Incident of Sexual Violence. If a student chooses to Report, the student will receive support and be designated a “Complainant” in the processes that follow.

Students who make a Disclosure or Report about Sexual Violence will not be subject to discipline or sanctions for violations of the *Code of Student Conduct* or other University policies relating to drug or alcohol use at the time the alleged Sexual Violence occurred.

|   | What is it?  | Who do you contact?   | SVPS Centre Support   |
|---|--|---|---|
| <p><b>Disclosing</b></p> <p>See <a href="#">‘University Resources and Supports’</a> for additional supports.</p>                  | <p>Telling someone who is a Member of the University Community about an incident of Sexual Violence. Disclosure to the SVPS Centre enables an individual to access support and advice under the <i>Policy</i>.</p> | <p><a href="#">The SVPS Centre</a> (in person, by email, or by phone).</p>  | <p>Meet with an SVPS staff member to talk about what happened and learn about the options and supports available to Complainants. Disclosures will be treated in a confidential manner in accordance with the University’s privacy obligations.</p>   |
| <p><b>Reporting Under the Policy</b></p> <p>See <a href="#">‘How to File a Report Under the Policy’</a> for more information.</p> | <p>Telling a designated Member of the University Community about an incident of Sexual Violence with the intention of initiating official University procedures.</p>   | <p><a href="#">The SVPS Centre</a> is U of T’s designated place to file a Report of Sexual Violence under the <i>Policy</i>. Complainants may also choose to make a Report to Campus Safety, which can initiate both a <i>Policy</i> Report and a criminal process.</p> | <p>Contact the SVPS Centre to book an appointment, to learn about reporting options, and to file a Report, if desired. An SVPS Centre staff member will discuss and review the Reporting Intake Form. They will explain the function of the Report and the information that needs to be included. They are the Complainant’s support through the Reporting process.</p> |
| <p><b>Reporting to local Police or Campus Safety</b></p>  | <p>Telling local Police authorities or Campus Safety about the incident, which may initiate criminal proceedings.</p>  | <p>Contact local police service or Campus Safety to initiate a police report. Any criminal proceedings will occur outside of any University processes and are not covered by this <i>Policy</i>.</p>  | <p>Meet with an SVPS staff member to discuss police reporting options and the criminal process. They will support Complainants in contacting their local police authority to make a report, if desired. Students can also contact Campus Safety or local police directly.</p>   |

## Has someone disclosed to you?

Any person who receives a disclosure (is told about an Incident of Sexual Violence) can consult with the [SVPS Centre](#) about how to respond in a supportive way. The SVPS Centre also provides helpful advice about receiving disclosures on its website. Here are some suggestions to follow if someone discloses to you:

- *Be there to listen, offer support and empathy*
- *Don't ask questions about what happened*
- *Refer them to the SVPS Centre*

If someone discloses a recent incident (in the last 14 days) where medical and/or immediate support is needed, you can encourage them to get medical attention at a local [Sexual Assault and Domestic Violence Care Centre](#). These 24/7 centres offer medical assistance along with emotional support, crisis intervention, safety planning, referral, and short-term counselling.

## How to File a Report Under the *Policy*

The SVPS Centre provides support for students Reporting to the University under the *Policy* and/or reporting to local police authorities. The SVPS Centre can assist in explaining the options available so that students can make informed decisions. In an emergency, students should first contact Campus Safety or 911.



Note: It is up to the Complainant whether, when, and how they want to report an Incident of Sexual Violence.

To initiate a University resolution or accountability process involving another Member of the University Community, a Report must be made under the *Policy*. A Report includes specific details about what happened, when, where, and who was involved. Sometimes a Complainant may not recall or know all these details. That is okay - they can still make a Report. A Report of an Incident of Sexual Violence is made to the University through the SVPS Centre.

## What Happens When a Report is Filed

Filing a Report of an Incident of Sexual Violence to the SVPS initiates the University's Reporting Process. Once a Report under the *Policy* is filed with the SVPS Centre, it is submitted to the Office of Safety and High Risk for assessment. The Office of Safety and High Risk will assess the Report to determine whether the matter falls within the scope of the *Policy*, and whether to commence an investigation. The assessment may also result in the imposition of interim conditions and/or measures to keep the Complainant and the Respondent separate, and may address any safety concerns, such as:

- Directives regarding direct and indirect communication boundaries between the Complainant and Respondent
- Changes to class, academic, or work schedules
- Changes to residence accommodations
- Limitations on access to University property, services, and facilities
- Other measures provided for under the *Code of Student Conduct*, collective agreements, employment agreements, or human resources policies depending on the Respondent's status as a student, staff, faculty, or librarian and the related policies and agreements.

Students may also decide to report to Campus Safety and local police. A report made to the police is outside of this *Policy* and separate from a Report made to the University. Reporting to Campus Safety or local police may initiate a police investigation and may result in criminal proceedings. If Campus Safety receives a report, they will inform the Centre that a Report of Sexual Violence has been made.

In most cases, a Report made to the University will not be shared with Campus Safety or municipal police unless the Complainant gives the Centre explicit permission to do so, except when there is an imminent risk of harm or violence to the individual, other Members of the University Community, or where required to report by law.

A Report can be filed with the SVPS 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>

# OVERVIEW OF RESOLUTION PATHWAYS

Two main resolution pathways where the Respondent is a student Member of the University Community are offered under the *Policy: Adjudicative\** and *Non-adjudicative\*\**. This section provides an overview of the two pathways and identifies steps in the process from Reporting to resolution. It is important to remember, however, that the particular circumstances may influence the steps a process may take.



**Note:** While this Guide provides an overview of the two pathways, Complainants and Respondents will each have a support person to help them navigate each step of the process.

| Overview of Non-adjudicative Resolution Pathway  | Overview of Adjudicative Resolution Pathway   |
|--|---|
| <ul style="list-style-type: none"> <li>• This approach allows for a range of solutions that can be focused on safety, wellness, restoration, and education</li> <li>• Both the Complainant and the Respondent must agree to this process</li> <li>• University assigns a facilitator</li> <li>• Can be explored before or after an investigation has occurred</li> <li>• Requires an agreement between the Complainant and the Respondent as to the appropriate terms of a resolution</li> </ul> | <ul style="list-style-type: none"> <li>• Requires an investigation and involves the possibility of a Hearing under the <i>Code of Student Conduct</i></li> <li>• Allows for determination as to whether Respondent violated the <i>Policy</i></li> <li>• If a Respondent is found to have violated the <i>Code of Student Conduct</i>, this enables the University to implement the appropriate sanctions or correction actions imposed by the Hearing Officer</li> </ul> |

\*The Adjudicative pathway begins with a fact-finding investigation. Following the investigation, the Vice-Provost Students may refer the case to a Hearing under the *Code of Student Conduct* to determine whether Sexual Violence has occurred and if so the appropriate penalties or remedies.

\*\*The Non-adjudicative pathway may be explored at any stage of the process, if both parties agree. For example, a facilitated agreement can follow an investigation instead of a Hearing process.

## Overview of Process

The following chart provides an overview of the steps in reporting the process:

| <b>Complainant Files Report with SVPS Centre</b>    |  |  |
|---|--|--|
|   | <b>For Complainant</b>   | <b>For Respondent</b>  |
| <b>Information and Support in Reporting Process</b> | <p>The Complainant will meet with the SVPS Centre to talk about options and learn about the Reporting process. Staff can support with filling out the Report, discuss any safety concerns, and refer to additional resources and discuss desired resources.</p> <p>See <i>'University Resources and Supports.'</i></p> | <p>The Respondent will be notified in writing, copying their Division Head (for students: Dean or Principal). This communication includes the particulars of allegations including the identity of the Complainant, expectations regarding the Respondent's behaviour, interim conditions, an assigned U of T support person, and a referral to additional resources.</p> <p>See <i>'University Resources and Supports.'</i></p> |



| <b>Resolution Pathway</b>  |  |  |
|--|--|--|
| The Office of Safety and High Risk (OSHR) will determine whether the Report falls within the scope of the <i>Policy</i> and identify next steps. |  |  |
|  | <b>Non-Adjudicative Process<br/>Facilitated Resolution</b>   | <b>Adjudicative Process<br/>Investigation and Possible Hearing</b>   |
| <b>High-Level Overview of Resolution Pathway Process</b>   | <p>The facilitated resolution process addresses concerns through an independent facilitator with the agreement of both parties. The Non-adjudicative Resolution process is available where both parties agree to participate and in circumstances where non-disciplinary outcomes may be appropriate.</p> <p>See more details about the <i>'Facilitated Resolution Process.'</i></p>   | <p>The OSHR will appoint a neutral person from a group of trained investigators that may be internal or external to the University to conduct the fact-finding investigation. The investigation concludes with a report containing the investigator's findings submitted to the OSHR, and then shared with the relevant University decision-maker.</p> <p>See more details about the <i>'Investigation'</i> and <i>'Hearing Process.'</i></p>  |
| <b>Possible Resolutions</b>  | <p>Both the Complainant and Respondent must agree to the outcome of the non-adjudicative process through "Terms of Resolution". Examples of terms and conditions that the parties may agree to include a No Contact Order, course registration preference, priority for U of T activities and student organizations, counselling, specific education, and apology.</p> <p>See more details about <i>'Possible Resolutions.'</i>*</p> | <p>Following review of the investigator's findings, the decision-maker will decide whether to refer the case for a Hearing under the <i>Code of Student Conduct</i>. Where the case is referred to a Hearing, the potential sanctions and remedies that a Hearing Officer may impose following a finding that a Respondent engaged in Sexual Violence are set out in the <i>Code of Student Conduct</i> (see section E). For employee Respondents, if there is a finding of Sexual Violence, disciplinary sanctions or corrective action may be imposed depending on the circumstances.</p> <p>See more details about <i>'Possible Resolutions.'</i></p> |

## Relationship between Pathways

Throughout the process, there are opportunities and possible reasons to switch between the two pathways. In considering whether to move between pathways, the University will take into consideration requests to do so from both the Complainant and the Respondent within the bounds of the *Policy* and the particular circumstances at the time.

**Example:** The parties may initially agree to pursue a Non-adjudicative Resolution process, however the University may subsequently decide to move the matter to an investigation and then potentially a Hearing following the completion of the investigation (adjudicative process). This scenario may occur if the Complainant or the Respondent is not complying with the agreed upon terms and conditions of the resolution, or if the Complainant and the Respondent are not able to agree on the terms of an appropriate resolution. Other factors could result in moving between pathways, depending on the specifics of an individual case. These options will be discussed with the Complainant and Respondent on a case-by-case basis.

If a Report is determined to fall outside of the *Policy*, the Report may be closed, or the decision may be to review the matter under a different University policy.

## Overview of Possible Resolutions

Depending on the nature of the case and taking into consideration the wishes of the Complainant and Respondent as well as the interests of the University, the pathway and possible resolutions may differ. A matter may be resolved through the Non-adjudicative process, in which the Complainant and Respondent mutually agree to a set of terms. In the Non-adjudicative process, the Complainant and Respondent are the decision-makers. A matter may also be resolved through a Hearing process, and the decisions and sanctions stemming from that process. In the Hearing process, the Complainant is not a party to the Hearing, the parties are the University and the Respondent.

In addition to the possible resolutions outlined above, after a matter is referred to a Hearing, there may be instances where the University is able to resolve the case without the need for proceeding with the adjudication itself. In these instances, the University will consult with and consider the wishes of the Complainant in agreeing to resolve the case.

While there are many pathways to a resolution, the Complainant's and Respondent's University support person will help individuals understand the options and decision-making points along the way.

## Length of Resolution Pathways

Each resolution pathway does take time. This duration **depends heavily upon the nature, complexity, and details of the Report and other circumstances of each case.** While the timeline for resolution will vary depending on the circumstances of each matter, every effort to complete the investigation and resolution process in a timely manner will be made, while ensuring that proper time and care are taken to ensure a fair and effective investigation and decision-making process for all parties in the circumstances of each case. Complainants and Respondents can discuss their situation further with their designated University support to help set expectations and to share any concerns or barriers around timing.

## Confidentiality

### How is confidentiality protected?

The SVPS Centre, the OSHR, and the other University offices involved will treat all Disclosures and Reports of Sexual Violence in accordance with the confidentiality provisions of the *Policy*, with the Freedom of Information and Protection of Privacy Act (FIPPA), or as required by law.

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

In most cases, the University respects the individual’s choice as to whether they wish to report an experience of Sexual Violence to the police. The SVPS Centre provides support for someone who decides to make a police report or wants to learn more about making that decision. Someone interested in making a police report can contact the police directly, or if they would like more information before making this decision, they can meet with a staff member at the SVPS Centre to discuss police reporting options and the criminal process.

A police report is separate from a Report made to the University under the *Policy*. In most cases, a Report made to the University will not be shared with Campus Safety or municipal police unless the individual reporting gives the University explicit permission to do so. The University may decide to inform Campus Police or municipal police where there is a risk of imminent and serious harm to an individual or community, or where required to do so by law.

### What are limits to confidentiality?

To meet the requirements for procedural fairness, if a Report proceeds to an investigation, the Complainant’s identity and the particulars of the Reported Incident of Sexual Violence will be shared with the Respondent. If the matter then proceeds to a Hearing, the University is required to disclose all relevant documents in its possession, including the entire investigation file, to the Respondent.

In some instances, the law requires the University to share the details of a case. These include situations:

- in which individuals may be at risk of imminent or significant harm to themselves or others;
- 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 legal obligations such as occupational health and safety or human rights obligations;
- when information is subpoenaed by a court of law.



**What kind of information will the SVPS Centre collect? How will it be used?**

Anyone who visits the SVPS 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 FIPPA, or as required by law or procedural fairness and will be stored in a secure, confidential database that is accessible only to SVPS Centre staff. Information shared with the SVPS Centre may be used to maintain non-identifying data on Disclosures and Reports of Sexual Violence on campus for legislative and governance compliance and operational purposes. Records around Reports of Sexual Violence are held by the Office of Safety and High-Risk (OSHR), who also treats and stores information in accordance with FIPPA.

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

Yes, students can speak with others about their experience during a University process, and it is also important to keep in mind that confidentiality during an investigation process is important in order to protect the integrity and fairness of the investigation. Sometimes, it is not clear who may be interviewed as part of an investigation, so individuals involved in the investigation are encouraged to speak only to those in their personal support network. An investigator will further outline the confidentiality expectations at the start of an investigation for all individuals (including Complainants, Respondents, and witnesses) involved in the process.

Confidentiality during the investigation process is considered best practice for the integrity of the investigation.

The outcomes of investigations are communicated to the Complainant and Respondent to the extent permitted within the University's privacy obligations.

**The Policy's Protection Against Retaliation/Reprisal**

Fear of retaliation can be a concern for those filing a Report and participating in a process under the *Policy*. The *Policy* specifically recognizes this concern and speaks to the University's obligation and commitment to protecting the Complainant and Respondent and other persons participating in the process from retaliation. For example, the University may advise individuals in writing of their duty to refrain from committing an act of reprisal, may sanction individuals for a breach of that duty, and will establish appropriate safety measures.

The *Policy* specifically states that the University will not tolerate any retaliation through any means—including through social or other electronic media—against anyone who Discloses or Reports an Incident of Sexual Violence, or who participates in a University process that is addressing a Report of Sexual Violence against a Member of the University Community. The *Policy* provides that threats of or acts of retaliation will be treated as Incidents of Sexual Violence.

# NON-ADJUDICATIVE PROCESS-FACILITATED RESOLUTION PROCESS

Non-adjudicative Resolution is a non-punitive accountability approach—such as “alternative resolution”, “informal resolution”, or “mediation”—which can address a Complainant’s concerns with the assistance of a facilitator provided that both parties agree. A key principle of this process is that the terms need to be agreed to by both the Complainant and the Respondent, as they are the decision-makers in this process. As such, the terms need to be within the ability of the Complainant and Respondent to agree to and generally relate to matters addressing personal safety, accountability, and educational and/or reflective components. Generally, an agreed upon term cannot be something that the University would have to agree to impose (e.g. imposing a notation on a transcript). Non-adjudicative Resolution does not lead to disciplinary sanctions such as transcript notations, expulsion or suspension being imposed by the University, which involve formal investigation, Hearing and appeals processes.

A Complainant or Respondent can request a Non-adjudicative Resolution at any stage of the process, even if an investigation is already underway. For this process to move forward, both the Complainant and Respondent must agree to participate in this process. Per the *Policy*, this process must not require any face-to-face contact between the Complainant and the Respondent.

## **Non-adjudicative Resolutions may include agreement on terms such as:**

- addressing potential overlap in courses or extra-curricular activities;
- education for the Respondent;
- an apology from the Respondent; and/or
- Mandate no contact between the Complainant and Respondent;

Alternatively, the Complainant and Respondent are encouraged to discuss their wishes with their supports/facilitator.

## **Benefits of Non-Adjudicative Resolution**

Non-adjudicative resolution can be an effective way of exploring a solution that is acceptable to both the Complainant and the Respondent. Some benefits can include:

- Eliminating the need to engage in a full formal investigation and/or Hearing process;
- Providing a restorative approach and allowing for solutions focused on healing, restoration, safety, and education;
- Is typically faster than an adjudicative process.

## Conditions for Non-Adjudicative Resolution

This approach involves both the Complainant and Respondent communicating through a facilitator, who attempts to facilitate an agreement between the parties that resolves the Report. Although the University will carefully consider requests for this form of resolution, there may be times when the Reported concerns require an investigation and/or Hearing.

### Who determines a Non-adjudicative Resolution option?

Non-adjudicative resolution may be available at any stage of a resolution process, including at the time the Complainant files the Report. However, it is not mandatory. The *Policy* states in paragraph 78 that the use of Non-adjudicative Resolution and/or mediation will only be permitted if both the Complainant and Respondent consent to the process.

### Can the Complainant and/or Respondent change their mind about engaging in Non-adjudicative Resolution?

If either the Complainant or the Respondent no longer wishes to participate in a Non-adjudicative Resolution process, then this process will no longer proceed, and the University will determine next steps, considering the views of the Complainant and Respondent and the circumstances of the case. Non-adjudicative Resolution is only available if both consent to the process and agree to the final terms of the resolution.

### Does this process require contact between Complainant and Respondent?

If both the Complainant and Respondent agree to pursue Non-adjudicative Resolution, the process does not require any face-to-face meetings between the Complainant and Respondent. Any face-to-face contact, would require consent from both the Complainant and Respondent.

## Qualifications of the Facilitator

When pursuing a non-adjudicative process under the Policy, the University will appoint a neutral facilitator with appropriate skills, training, and experience. Facilitators understand that participating in these processes can be demanding. They approach their work with an intersectional lens, and are well acquainted with university culture and challenges unique to the University community.

## Possible Resolutions

The types of resolution can vary, but both the Complainant and Respondent must agree to the terms. Some examples include:

- No Contact Order prohibits communication between parties—in-person, by phone, social media, etc.
- Course registration preference to provide for appropriate priority for course selection so as not to be in the same class;
- Priority for U of T activities and student organizations;
- Counselling/ education—often including a reflective paper reviewed by the University;
- Apology.

# ADJUDICATIVE PROCESS - INVESTIGATION AND HEARING

While the SVPS Centre receives Reports under the *Policy*, the assessment and investigation processes will be coordinated through the Office of Safety and High Risk (OSHR). The SVPS Centre does not have a decision-making role under the *Policy*. An adjudicative process establishes a fair procedure for determining the facts of what occurred, whether or not Sexual Violence occurred and, if so, the imposition of appropriate penalties and remedies. The adjudicative process includes provisions that allow the University to put in place certain protections to address concerns related to preventing or addressing retaliation or reprisal, and addressing safety concerns. This process also enables the University to implement appropriate sanctions or corrective actions imposed by the Hearing Officer in the case of student Respondents, and Vice-Provost, Faculty and Academic Life (VPFAL) and Vice-President, President, People Strategy, Equity and Culture (VPPSEC). in the case of employee Respondents.

## When Reports are Investigated

If the OSHR determines that a Report is within the scope of the *Policy*, it will notify the Complainant and Respondent in writing that a fact-finding investigation will commence. Both will be provided with the name of the assigned investigator, and informed that this individual will be reaching out to each of them as part of the investigative process. The Respondent will be provided with the name of the Complainant and the particulars of the Reported Incident(s) of Sexual Violence that will be investigated.

## What Happens in an Investigation

- The investigator arranges and conducts interviews with the Complainant, the Respondent, and any witnesses who have been identified as having relevant information to share. The investigator can also accept any physical/electronic evidence relevant to the investigation, such as photos, emails, texts, and social media posts.
- The Complainant and the Respondent can choose to have a support person with them at any meetings with the investigator, including a legal representative. During the investigative process, University employees and the investigator will not ask the Complainant irrelevant questions, including those relating to the Complainant's sexual expression or past sexual history.
- Once the investigation is concluded, the investigator submits their fact-finding Report to the OSHR. At this point, both the Complainant and the Respondent receive a summary of the investigative findings of fact. The matter is then transferred from the OSHR to the relevant decision-making office depending on the status of the Respondent (i.e. whether the Respondent is a student, staff member, or faculty member or librarian. See *information about 'Offices that Support the Policy'*).

## Qualifications of the Investigator

When pursuing a formal investigation under the *Policy*, the University will appoint a competent investigator with appropriate skills, training, and experience. The investigator will either be someone who is a Member of the University Community or a person who is external to the University, as appropriate in the circumstances. The University appoints skilled fact-finders with experience and training in trauma informed Sexual Violence/harassment investigations.

Investigators understand that participating in processes of this nature can be demanding, and as such, are skilled in balancing the imperative to be neutral and objective with the need to be sensitive to the needs of those navigating the process.

Investigators approach their work with an intersectional lens, recognizing the diverse lived experience of individuals and the systemic oppression faced by many marginalized communities. Additionally, they are well acquainted with post-secondary culture and challenges unique to the University community.

## Interim Conditions and Measures

The *Policy* provides that the University may impose interim conditions and measures when it receives a Report of Sexual Violence involving Members of the University Community. These interim conditions and measures may address issues such as safety and avoiding contact between the Complainant and Respondent pending the outcome of the process. The Respondent's status as a student, staff member, or faculty member will determine the mechanism(s) used (see '[Information for When Respondent is an Employee](#)' for more information).

**Interim conditions** related to ongoing personal safety, may be imposed when the Respondent is a student per section D.1 of the [Code of Student Conduct \(the Code\)](#).

**Interim measures** related to an urgent situation, such as those involving serious threats or violent behaviour by a student Respondent, can be imposed at the request of the Vice-Provost, Students (division head) to the Vice-President and Provost per section D.2. of the *Code*. The term "interim measures" is also used for terms that the University imposes on a Respondent who is an employee of the University pending the outcome of the process under the *Policy*.

Interim conditions and interim measures are not intended to be punitive nor do they indicate responsibility or culpability. They are temporary measures used to balance the Complainant's (and/or the broader community's) need for safety with the requirement for procedural fairness to the Respondent pending the completion of the proceedings. The purpose of interim conditions and interim measures is to mitigate any safety concerns and ensure, where reasonable, that both the Complainant and Respondent can safely continue with their academic studies and/or employment during the review of the matter.

### Under this *Policy*, interim conditions and interim measures might include:

- No direct or indirect contact or communication between the Complainant and Respondent;
- Changes to class, academic, or work schedules;
- Changes to residence accommodations;
- Limitations on access to University property, services, and facilities.

In urgent circumstances such as a serious threat or violent behaviour interim measures may be imposed on a student Respondent that temporarily suspends them from the University and prohibits them from attending any University premises pending the outcome of the proceedings.

To the greatest extent practicable, the University will attempt to limit disruption to the Complainant, such as changes to their schedule or living conditions. The University will inform the Complainant of any interim conditions or interim measures imposed on the Respondent that may affect the Complainant. The Respondent will receive a letter from the University outlining any interim conditions or measures, and these will generally remain in place until the process has concluded. For student Respondents, there is an appeal process for interim measures that suspend them from the University as outlined in the *Code*.

At any time in the process, a Complainant or Respondent can request that a variation to interim conditions or measures be considered by writing to the OSHR or the relevant decision-making office or by speaking with their University assigned-support person. These requests will be considered and the Complainant and Respondent will be notified in writing of any decision or changes to interim conditions or interim measures that affect them.

## Decision-Making

The *Policy* includes information about the decision-making process that follows investigations into Reports of Sexual Violence. The designated decision-maker(s), decision making processes and possible outcomes are determined based on the Respondent's status with the University as a student, staff, or faculty member or librarian.

In the case of a student Respondent, the Vice-Provost, Students will determine, on the basis of the Investigation Report, whether or not to refer the matter for a Hearing under the *Code of Student Conduct* to determine whether or not Sexual Violence occurred and if so, determine the appropriate penalty or remedies.

*In the case of employee Respondents, see ['Information for When Respondent is an Employee.'](#)*

## Hearings (When Respondent is a Student)

Where the Respondent is a student, adjudicative decisions are determined through a Hearing under *The Code of Student Conduct*. Below is a high-level overview of the Hearings process. For more detailed information, see ['Overview of What Happens in a Hearing'](#).

### Who Conducts Hearings

The [Office of Appeals, Discipline and Faculty Grievances \(ADFG\)](#), is the Governing Council office that is responsible for the neutral administration of several University Hearing processes under a number of University policies. The ADFG administers the Hearings relating to Reports of Sexual Violence. Upon receiving the decision from the Vice-Provost Students to refer the matter to a Hearing, the ADFG consults with the Senior Chair of the University Tribunal who appoints a Hearing Officer who will conduct the Hearing. The Hearing Officers for Sexual Violence cases are normally legally trained, are neutral, and have had no prior involvement in the investigation or matters that are the subject of the Hearing. The Hearing Officer is responsible to ensure that the Hearing process provides adequate notice, is fair, and is neutral. The parties to the Hearing are the University and the Respondent (both may be represented by legal counsel).

### Important Information

- If at any time the Complainant is not comfortable participating in the process, they may change their mind and choose not to participate. In many cases, if the Complainant chooses not to participate the case will not proceed to a Hearing because there may no longer be a reasonable prospect of obtaining a finding that the student Respondent violated the *Policy*.
- If a Respondent does not appear at the Hearing (after having been given notice), the Hearing Officer may decide to proceed in the Respondent's absence.
- The Respondent has the right to be represented by another person, who may be a lawyer.
- Only the Respondent has the right to appeal the decision of the Hearing Officer.
- When a case is referred to a Hearing, it becomes a matter between the University and the Respondent, and they are the official parties to the process. The Complainant is not a party to the Hearing process but in many cases is a witness in the proceedings.
- Complainants may be called upon by the University to give their account of what occurred. Complainants will have an opportunity to be prepared as a witness by a University representative. Complainants may bring a support person to attend with them. This can include their SVPS Centre Coordinator and/or other supports or representatives they wish to have present.

## Leading Up to a Hearing

- When a matter is referred to Hearing, the Respondent will be given the particulars of the allegations that are proceeding.
- The Respondent will receive disclosure of all documents in possession of the University that are potentially relevant to the allegations, including the investigator's file and report.
- The notice of date, time, and place for a Hearing will be provided by the Office of Appeals, Discipline and Faculty Grievances (ADFG) to the Respondent and the University's representative as parties to the Hearing. A University Representative will advise the Complainant of the Hearing date.

## Overview of What Happens in a Hearing

- Legal counsel for the Vice Provost Students will present the case against the Respondent.
- Hearings are open to members of the University unless the Hearing Officer orders otherwise. However, in some circumstances, there may be special considerations—such as concerns about disclosure of intimate personal matters or safety concerns—that outweigh the interest in an open Hearing. In those circumstances, the University's representative, the Respondent, or the Respondent's representative may make a request through the ADFG to have the Hearing closed and or to have other protective measures put in place. The Hearing Officer will consider these requests and make a decision based on the information that the parties presented prior to the commencement of the formal Hearing.
- If interim measures or conditions stipulate that a Respondent cannot come to campus, the Respondent may request to attend the Hearing in-person through the ADFG Office. The University's representative will have the opportunity to provide their position regarding the request. In addition, a Campus Safety Officer may be present in or outside of the Hearing room.
- Both the University's legal counsel and the Respondent (or the Respondent's representative) will be allowed to call, examine, and cross-examine witnesses and present evidence and arguments.
- The Hearing Officer has the discretion to put in place arrangements that protect any person and/or make adjustments that maintain procedural fairness. The Hearing Officer may do so at the request of either party. Examples of such requests for arrangements include: to not have Respondent directly cross-examine the Complainant; that testimonial aids be permitted (e.g. virtual participation, use of screens); and that a support person be present at the Hearing.
- It is the University's onus to prove on the balance of probabilities that the Respondent has committed the alleged offence(s). In other words, in order to meet this standard, the Hearing Officer must decide if the evidence at Hearing has established that it is more likely than not that the student Respondent committed the offence.
- If the Hearing Officer determines that the student committed the offence(s), the Hearing Officer will also determine the appropriate sanctions and remedies to be imposed in accordance with the *Code of Student Conduct* (see section E), also referred to as the sanction phase Hearing. In some cases, another Hearing date may need to be scheduled to determine the appropriate penalty or remedies (i.e. sanctions).
- In determining the appropriate sanction, the Hearing Officer will hear submissions from the Respondent and the University. The Complainant may be asked to provide additional evidence relevant to the sanctioning phase such as an impact statement and could be subject to cross-examination by the Respondent or their representative. A Respondent might also testify in the sanctioning phase and be subject to cross-examination by the University counsel.
- After considering the evidence presented at the Hearing, the Hearing Officer will provide their decision as to whether the Respondent committed the offence(s) and if so, the penalty or remedies to be imposed. The Hearing Officer will provide their decision in writing with reasons, typically within 90 days.

## Does this process require contact between Complainant and Respondent?

In a typical Hearing process, the Respondent is entitled to be present throughout the Hearing. The Complainant may also choose to be present during the Hearing and may be present to testify as a witness.

The Hearing Officer controls the process of the Hearing, which includes the discretion to adjust the traditional methods or manner of examination in chief or cross-examination where the Hearing Officer determines that such adjustments would help a witness give complete and accurate testimony, or are in the best interests of the witness, provided that such adjustments would not result in procedural unfairness for the Respondent in the circumstances.

If the Complainant has concerns about interacting with the Respondent during this process, they should discuss their concerns with the legal counsel representing the University at the Hearing, who can make requests for appropriate adjustments to the procedures to the Hearing Officer prior to the Hearing and through the ADFG Office. In such cases the Respondent's position would usually be sought before a decision is made by the Hearing Officer.

Similarly, if the Respondent has any personal safety concerns or other needs, they should discuss their concerns with their legal counsel or if they do not have legal counsel, the legal counsel representing the University at the Hearing.

## Possible Resolutions (When Respondent is a Student)

After a Hearing, the Hearing Officer will determine whether or not the student Respondent has committed the alleged offence. As part of their decision, the Hearing Officer may impose one or more sanctions listed below.

### Sanctions

The University may impose the following sanctions pursuant to the *Code of Student Conduct*:

- Formal written reprimand from the Vice-Provost, Students
- No Contact Order, including no direct or indirect contact by social media or other means including offensive or disparaging comments or images, in an appropriate case
- Mandated training or assignment.
- Order for restitution, rectification, or the payment of damages
- A fine or bond for behaviour not to exceed \$500
- Requirement of public service work not to exceed 25 hours
- Denial of access to specified services, activities, or facilities of the University for a specified period of time
- Other conditions regarding participation in the University community that are considered appropriate to enhance the health and safety of the community
- Suspension from registration and attendance in a course or courses, a program, an academic division or unit, or the University for a period of up to four years



### **Expulsion from the University**

The Hearing Officer has power only to recommend that such a penalty be imposed. The Hearing Officer makes this recommendation to the President, who in turn makes a recommendation to the Governing Council. In circumstances where the University accepts the recommendation for expulsion, the student will be prohibited from further registering at the University in any program and a permanent notation will be made on their transcript.

### **Notation on Academic Record**

The Vice-President & Provost (or designate) can authorize a notation on a student's academic record and transcript in cases where the student has been suspended or expelled for reasons of non-academic misconduct. For a suspension, this notation can be applied for up to five years. A permanent notation will be placed on the academic record and transcript of a student who has been expelled.

Per the *Code*, the notation will read:

- "Suspended from the University of Toronto for reasons of non-academic misconduct for a period of [length of suspension], [date]."
- "Expelled from the University of Toronto for reasons of non-academic misconduct, [date]."

# INFORMATION FOR WHEN RESPONDENT IS AN EMPLOYEE

If the Respondent is an employee of the University, the Hearing Process outlined in the previous section does not apply.

In the case of a staff member Respondent, the decision-maker is the Vice-President, People Strategy, Equity and Culture or designate. In the case of a faculty member or librarian Respondent, the decision-maker is the Vice-President and Provost or designate, in consultation with the Vice-President, People Strategy, Equity and Culture.

For all employee Respondents (staff, faculty member or librarian) Vice-President, People Strategy, Equity and Culture or designate will review the investigation report and determine whether workplace and/or Sexual Violence occurred and if so, will impose the appropriate discipline, sanction or corrective action, having regard to appropriate factors such as the nature of the offence and any mitigating or aggravating circumstances. The Respondent will be notified in writing of the decision and any discipline or sanction imposed and will have access to the grievance process under the relevant collective agreement, Memorandum of Agreement, or human resources policy in order to appeal. If a Respondent employee grieves the decision, the Complainant may be asked to be a witness in the grievance process.

## Offices Supporting the Policy

Depending on the status of the Respondent, the Office of the Vice-Provost, Faculty & Academic Life (VPFAL) / Office of the People Strategy, Equity and Culture (PSEC) are involved for the purposes of determining appropriate interim conditions and measures, and coordinating the decision-making processes under the *Policy*.

## Interim Measures

The Policy provides that the University may impose interim measures when it receives a Report of Sexual Violence involving Members of the University Community. These measures establish boundaries around some of the Respondent's behaviours or activities. Interim measures are able to be imposed when there is an Employee Respondent.

To the greatest extent practicable, the University will attempt to limit disruption to the Complainant, such as changes to their schedule or living conditions. The University will inform the Complainant of any interim

conditions or interim measures imposed on the Respondent that may affect the Complainant. The Respondent will receive a letter from the University outlining any interim measures, and these will generally remain in place until the process has concluded.

Interim measures might include:

- No direct or indirect contact or communication between the Complainant and Respondent;
- Shift in responsibilities;
- Arrange alternate supervision/references;
- Limitations on access to University property,

## The *Policy's* Protection Against Retaliation/Reprisal

Fear of retaliation can be a concern for those filing a Report and participating in a process under the *Policy*. The *Policy* specifically recognizes this concern and speaks to the University's obligation and commitment to protecting the Complainant and Respondent and other persons participating in the process from retaliation. For example, the University may advise individuals in writing of their duty to refrain from committing an act of reprisal, may sanction individuals for a breach of that duty, and will establish appropriate safety measures. The *Policy* specifically states that the University will not tolerate any retaliation through any means—including through social or other electronic media—against anyone who Discloses or Reports an Incident of Sexual Violence, or who participates in a University process that is addressing a Report of Sexual Violence against a Member of the University Community. The *Policy* provides that threats of or acts of retaliation will be treated as Incidents of Sexual Violence.

## Possible Resolutions

A determination that an employee violated the *Policy* may result in a number of possible outcomes, including the imposition of education and training, corrective action such as relocation or change of duties or supervision, and/or disciplinary action such as reprimand or suspension, up to and including termination.

## Additional Information

If a unionized Respondent files a grievance in respect to this matter, the University may be in touch with with the Complainant to see if they are willing to participate in an arbitration Hearing. The Complainant would be provided with further information about the arbitration process, an opportunity to ask and have answered any questions they may have about the process, and be offered continued support at that time.

In the case of a **staff member Respondent**, the investigation report will be reviewed by the Vice-President, People Strategy, Equity & Culture or designate, who will determine whether workplace violence and/or Sexual Violence occurred and, if so, the appropriate sanctions or discipline and corrective action, having regard to appropriate factors such as the nature of the offence and any mitigating or aggravating circumstances. The Respondent will be notified in writing of the decision and any discipline or sanction imposed and will have access to the grievance process under the relevant collective agreement or human resources policy in order to appeal.

In the case of a **faculty member or librarian Respondent** covered by the Memorandum of Agreement with the University of Toronto Faculty Association, the Vice-President and Provost or designate, in consultation with the Vice-President, People Strategy, Equity & Culture, will review the investigation report and determine whether workplace and/or Sexual Violence occurred and impose the appropriate discipline, sanction or corrective action, having regard to appropriate factors such as the nature of the offence and any mitigating or aggravating circumstances. The Respondent will be notified in writing of the decision and any discipline or sanction imposed and will have access to the grievance process in Article 7 of the Memorandum of Agreement in order to appeal. If the appropriate sanction is determined to be termination, the Vice-President and Provost will recommend that termination proceedings be instituted in accordance with the applicable policies and procedures of the University.

In the case of a Member of the University Community who **holds more than one role** – for example, a student who is also an employee – or in the case of multiple Respondents who hold different roles, or in the case of a Respondent who is a Member of the University Community who is not covered in paragraphs 73-75, the University will decide which process(es) will apply in the circumstances of the particular case.

# CONCLUSION

Navigating the *Policy* can be challenging, but you are not alone. The Sexual Violence Prevention and Support Centre, along with any designated assigned supports, can help students, staff, faculty and librarians navigate the *Policy*, and find the appropriate resources.

## Relevant University Policies

- Policy on Sexual Violence and Sexual Harassment:  
<https://governingcouncil.utoronto.ca/secretariat/policies/sexual-violence-and-sexual-harassment-policy-december-12-2019>
- Code of Student Conduct:  
<https://governingcouncil.utoronto.ca/secretariat/policies/code-student-conduct-december-13-2019>

## Contact Information for the SVPS Centre

Students, staff, faculty, and librarians can access supports and services at the SVPS Centre. Meetings and consultations are available in person, by phone or video. Contact the SVPS Centre to book an appointment.



- Phone: 416-978-2266



- Email: [svpscentre@utoronto.ca](mailto:svpscentre@utoronto.ca)



- Website: [www.svpscentre.utoronto.ca](http://www.svpscentre.utoronto.ca)

### Locations:

#### Mississauga campus (UTM):

Davis Building, room 3094G

#### St. George campus (UTSG):

Gerstein Science Information Centre (Gerstein Library), suite B139

#### Scarborough campus (UTSC):

Environmental Science & Chemistry Building, room 141

# APPENDIX: DEFINITIONS

The following definitions are intended to assist in interpreting this *Policy*, as well as other related University policies.

**Complainant:** A Member of the University Community who has Disclosed or Reported an Incident of Sexual Violence experienced by that individual.

**Consent:** The voluntary agreement of an individual to engage in a sexual act. Consent is positive, active and ongoing, and can be revoked at any time. Consenting to one kind of sexual act does not mean that consent is given for another sexual act or kind of activity. Consent is NOT obtained where a person is incapable of consenting – for example due to intoxication, or where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.

As per the *Criminal Code of Canada*, it is not a defense to an allegation of Sexual Violence that the Respondent believed that the Complainant consented to the activity that forms the subject matter of the complaint, where (a) the Respondent’s belief arose from the Respondent’s (i) self-induced intoxication; or (ii) recklessness or willful blindness; or (b) the Respondent did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the Complainant was consenting.

**Cyber Sexual Harassment:** Includes but is not limited to Sexual Harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour. For the purpose of this Policy, Sexual Harassment includes Cyber Sexual Harassment.

**Cyber Sexual Violence:** Includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity. For the purpose of this Policy, Sexual Violence includes Cyber Sexual Violence.

**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.

**Gender-based Harassment:** Includes but is not limited to engaging in a course of vexatious comment or conduct related to a person’s sex, gender, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome.

**Incident of Sexual Violence:** Includes any instance of Sexual Violence, including Sexual Harassment and all associated definitions.

**Member(s) of the University Community:** Includes students, faculty, librarians, post-doctoral fellows, and all employees of the University of Toronto. For clarity, faculty includes clinical, adjunct, status-only, retired, and visiting faculty. When used in reference to the University’s training obligation with respect to this Policy, the term also includes contractors and members of the Governing Council of the University.

**Non-adjudicative Resolution:** As described in section 78, this term refers to a resolution of the matters alleged in a Report that is agreed to by both the Complainant and the Respondent.

**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 this Policy, which could result in disciplinary action being taken against the Member of the University Community alleged to have committed Sexual Violence.

**Respondent:** Someone against whom an allegation of Sexual Violence has been made.

**Sexual Assault:** Any form of sexual contact without a person’s consent, including the threat of sexual contact without consent. A Sexual Assault can range from unwanted sexual touching to forced sexual intercourse; and a Sexual Assault can involve situations where sexual activity is obtained by someone abusing a position of trust, power or authority.

**Sexual Harassment:** Includes but is not limited to engaging in a course of vexatious comments or conduct that is known or ought to be known to be unwelcome. For the purpose of this Policy, Sexual Harassment includes workplace sexual harassment. Sexual Harassment includes any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. Sexual harassment also includes a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

**Sexual Violence:** Any sexual act or act targeting a person’s sexuality, 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.



UNIVERSITY OF  
TORONTO