

	Brandon University Sexualized Violence Policy	First Approved: <i>March 25, 2017</i>
		Updated:
Board of Governors Policy	Approved by <i>Board of Governors</i> Administered by <i>Vice-President (Academic & Provost)</i>	Reviewed:

1. Introduction/Preamble

Brandon University does not tolerate sexualized violence in any form. Brandon University is playing an essential role in combatting sexualized violence in our community and society more broadly.

Brandon University is committed to cultivating a productive and respectful environment that ensures the safety and security of all employees, and is working toward preventing sexualized violence in all forms within our University community. The University is ensuring that complainants receive supportive and affirming responses to their disclosures and are given clear, confidential, and survivor-centered options for reporting sexualized violence, while balancing the rights of each respondent to due process and privacy, keeping in mind the safety of the University community as a whole.

We strive to instill a safe, inclusive and respectful University community informed by intersectionality, which recognizes that people’s lives are multi-dimensional and complex yet interconnected, and are therefore made up of different social locations, power relations and experiences. We also recognize that universities are not immune to wider social environments, gender biases, and rape culture, in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing sexualized violence and by blaming individuals for their own abuse.

This commitment is being accomplished through raising awareness, providing education, and working to prevent sexualized violence. Brandon University is supporting these goals through policy, procedure, programming, and various committees made up of staff and students dedicated to responding and preventing sexualized violence.

2. Purpose

The purpose of this policy is to promote a culture of consent and respect, develop awareness and prevention of sexualized violence, reduce the occurrence of sexualized violence, and respond to the needs of the complainants and respondents and all those affected by

sexualized violence.

This Policy also includes an ongoing commitment the safety of the University community and to social change.

3. Scope

This policy applies to all members of the Brandon University community, including our students, staff, faculty, contractors and suppliers of services, volunteers, visitors, and individuals who are connected to any University initiatives. This policy applies to actions, interactions, and behaviours that take place on or off campus including the business of Brandon University or other actions sanctioned by or representing the University including but not limited to athletic events, practical and clinical placements, academic or professional conferences, volunteer activities, and academic or field research work. The context of the interaction need not be University related if the primary relationship is through a mutual connection to the University. This applies to all forms of sexualized violence, including sexual assault, sexual harassment, and all other forms of sexual misconduct, see Section 4, Definitions of this policy.

A violation of this policy may include, but is not limited to electronic communications: social media, text messages, email, etc.

4. Definitions

- a. **Bystanders** are individuals who witness sexualized violence or the conditions that perpetuate violence (rape culture). Bystanders are not directly involved in the situation, but can make a choice to intervene by discouraging, preventing, or interrupting an incident.
- b. **Cisgender** denotes or relates to a person whose self-identity conforms with the gender that corresponds to their assigned sex at birth.
- c. **Complainant** is an individual who has disclosed/reported an experience of sexualized violence. We recognize that it is an individual's choice how they are referred to, and Brandon University will honour that choice. Within this policy, the term complainant is interchangeable with victim and survivor.
- d. **Consent** is the voluntary agreement to engage in a sexual activity and to continue to engage in the activity. An individual's consent can be withdrawn at any time. Consent as it relates to sexual assault is referred to in the *Criminal Code of Canada* s.265(3) and s.273.1.
- e. **Culture of Consent** is a culture that normalizes and condones ongoing and voluntary consent as an integral aspect of healthy sexuality, and the safety and security of a person. A culture of consent disrupts and dismantles rape culture, see Section 6,

Parameters of Consent in this policy.

- f. **Disclosure** is when the complainant tells a member of the University community that they have experienced sexualized violence. A disclosure may not necessarily lead to a formal report.
- g. **Electronic Communication** may include, but is not limited to, email, texting, and forms of social media: Facebook, Instagram, Snapchat, Twitter, etc.
- h. **Initial Contact** is the person to whom the complainant initially discloses the incident of sexualized violence. This person may be a fellow student, colleague, coach, professor and/or student services counsellor, etc.
- i. **Intersectionality** is the interconnected nature of social categorization such as race, class and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.
- j. **Rape Culture** is a range of beliefs, attitudes, behaviours, and values that condone, encourage, justify, excuse, and/or perpetuate sexualized violence. Rape culture can be used as an umbrella term to encompass individual, institutional, and systemic normalization and trivialization of sexualized violence, including (but not limited to) rape jokes, victim-blaming, and the lack of criminal convictions and/or other accountability mechanisms for perpetrators of sexualized violence.
- k. **Report** is a formal account of an incident of sexualized violence to the institution for initiating some form of investigation or adjudication on or off campus.
- l. **Respondent** is a person who has been accused of committing (an) incident(s) of sexualized violence.
- m. **Safety Plans** are essential to optimize the safety of victims/survivors of sexualized violence at every stage. Survivors know their own situation the best and are suited to identify where the dangers lie while advocates can assist in the process by offering options for dealing with different situations. Safety plans should include information about potential triggers or dangerous situations, methods to control these risks, and resources that are available to the survivor. Safety plans should consider issues of physical, online/digital, psychological/emotional, and financial safety.
- n. **Sexual Assault** is any form of sexual contact that occurs without ongoing and freely given consent, such as non-consensual touching that is sexual in nature, or forced vaginal or anal penetration. Sexual assault can be committed by an intimate partner, someone known to the victim/survivor, an acquaintance, or stranger. Sexual Assault is outlined in s.271-273 in the *Criminal Code of Canada*.

- o. **Sexual Harassment** is unwanted communications or actions that are sexual in nature, and are offensive, intimidating, or humiliating. It can take many forms, including verbal, written, or visual. Sexual harassment includes unwanted touching, offensive jokes, sexual requests and verbal abuse. Sexual harassment is a type of sex discrimination, and falls under the *Manitoba Human Rights Code, s.19(2)* and *Workplace Safety and Health Act and Regulations*.
- p. **Sexualized Violence** is a spectrum of non-consensual sexual contact and behaviour. Examples include sexual harassment, sexual assault, sexual exploitation, criminal harassment, indecent exposure and voyeurism. Sexualized violence can be perpetrated by anyone – an acquaintance, classmate, professor, family member, colleague, friend or dating partner, intimate partner, or stranger. Sexualized violence can affect anyone, regardless of gender, race, class, dis/ability, citizenship, age, or size.

5. Guiding Principles

- a. **Trauma-Informed Approach** - It is critical that all members of the University community recognize the trauma that victims of sexualized violence can experience, and react to disclosures of sexualized violence in a mindful way so that they do not compound that trauma. This means that anyone coming forward to disclose sexualized violence must be treated with dignity and respect. They must also be informed and empowered to choose what support they require and when.
- b. **Survivor-Centered Approach** - Any time a complainant comes forward to disclose sexualized violence, their needs must be the primary focus. A survivor-centred approach means giving the complainant information about processes and supports, implementing measures to protect both their physical safety and their privacy, and maximizing their ability to choose how to disclose, report, and access support. A survivor-centred approach recognizes that events affect everyone differently and that the lived experience of the complainant cannot be minimized.
- c. **Culture of Consent** - The University fully supports the right of every individual to have autonomy over their own body, and recognizes the legal requirement of asking for and receiving consent before engaging in any kind of sexual activity. A culture of consent requires that the person initiating the activity ask for consent, and that the only valid consent is freely given, not passive, silent, or coerced. Consent can be withdrawn at any time. Any sexual act carried out in the absence of consent is an act of sexualized violence.
- d. **Inclusivity** - Recognizing the gendered nature of sexualized violence is critical to our support of survivors, and in our education and prevention efforts. Sexualized violence is predominantly perpetrated by cisgender men against women. We recognize that

transgender, transsexual, two-spirited, and gender non-conforming individuals are particularly vulnerable to sexualized violence, as are Indigenous women and women of colour, lesbian, gay, bisexual, and queer individuals, and people with disabilities. Everyone who experiences sexualized violence deserves equal respect and treatment at the University, and is equally protected under this policy.

- e. **Safety for All** - The University recognizes the need for safety of anyone who discloses that they have experienced sexualized violence. The responsibility of the University extends also to the safety of other members of the University community, including the respondent, witnesses, and in the larger community in which we operate.
- f. **Prevention through Education** - Members of the University community must share an understanding of the roles and responsibilities of each of us in preventing, recognizing, and responding to acts of sexualized violence. Education and awareness are key to developing this understanding and require an ongoing commitment from the University.
- g. **Due Process** - Anyone investigating a concern or report must remain neutral, and curb any bias in how they proceed and make decisions. Due process also means that the respondent has the right to know the report made against them in full detail and has the right to reply to these reports. Disciplinary decisions made under this policy will be based on evidence, and that evidence will be shared with both the complainant and respondent.

6. Parameters of Consent

The University Community is working to promote a culture of consent as follows:

- a. Consent is active and freely given, not passive, silent, or coerced.
- b. It is the responsibility of the person who wants to engage in physical contact or sexual activity to make sure that they have consent from the other person(s) involved.
- c. Consent to one sexual act does not constitute or imply consent to a different sexual act.
- d. Consent is required regardless of the relationship status or sexual history.
- e. Consent cannot be given by a person who is incapacitated by alcohol or drugs, or who is unconscious or incapable of giving consent due to some other physical or mental incapacity.
- f. Consent cannot be given when the respondent induces the person to engage in the activity by abusing a position of trust, power, or authority.

- g. Consent can be revoked at any time.

7. Confidentiality

Safeguarding confidentiality is central to creating an environment of security and respect, where complainants feel safe to disclose and to seek support and accommodation. Brandon University is committed to securing such an environment. We are committed to keeping all parties informed when there is a situation where confidentiality may be lifted. The following circumstances limit confidentiality:

- a. A person is determined to be at risk of harming themselves.
- b. A person is determined to be at risk of harming others.
- c. A requirement to respond to a court subpoena requires releasing information.
- d. Evidence of the sexualized violence occurs in the public domain (e.g. a video on social media).
- e. There is a child at risk (under the age of 18).

In the following circumstances, information regarding the respondent may be shared without consent:

- a. If circumstances exist that affect anyone's health or safety.
- b. To assist in an investigation or in making the decision to start an investigation.

8. Additional Recourse

Nothing in this Policy or the Procedure is intended to discourage or prevent a member of the University community, including students and employees, from filing a complaint with the Manitoba Human Rights Commission, or from exercising any other legal rights pursuant to any other law.

9. Disclosure Options for Complainants

Brandon University recognizes that the survivor of sexualized violence should choose the person to whom they first disclose their experience.

Disclosure occurs when the complainant tells a member of the University community that they have experienced sexualized violence. A disclosure may not necessarily lead to a formal

report. The complainant can make a disclosure and request that no action be taken.

Individuals may disclose an incident of sexualized violence to people in many different roles within the University community. With the permission of the individual, we encourage all students, staff, and faculty to refer any such disclosures or incidents immediately to the Sexual Violence Education and Prevention Coordinator (SVEPC). Should the SVEPC not be available, there are other resources both on campus and within the community, such as the Student Services Counsellors, Human Resources, and community-based resources.

10. Reporting Options for Complainants

Individuals who have experienced sexualized violence have options when filing a formal report in response to an incident. The SVEPC can assist individuals in understanding each of these options and ensure that they have all the information they require to decide next best steps in their healing. Detailed information on options, as well as what to expect for all parties involved, is available on our sexual violence website. All processes are required to protect the rights of both the complainant and the respondent. Formal reporting options include the following:

- a. **Criminal Option** - a report can be made to a Police Service or local Royal Canadian Mounted Police (RCMP), depending on where the incident occurred, in an effort to pursue criminal charges under the *Criminal Code of Canada*.
- b. **Non-Criminal on-Campus Options** - a report can be made under the following policies and/or processes:
 - i. Brandon University Sexualized Violence Policy
 - ii. Brandon University Respectful Environment Policy (Discrimination and Harassment Policy)
 - iii. Brandon University Student Discipline Process
 - iv. Brandon University Statement of Student Rights and Responsibility Process

11. Commitments and General Principles

Brandon University will not tolerate any retaliation, directly or indirectly, against anyone who discloses or reports sexualized violence, or who participates in a Brandon University process that addresses reports of sexualized violence against a member of the University community. Anyone found in violation of this commitment will be sanctioned in accordance with University policies (the Discrimination and Harassment Policy, Student Rights and Responsibility Process, etc.).

12. Complainant Support

- a. All members of the University community (staff, faculty, and students) can expect to receive support through the appropriate offices if they have experienced sexualized violence. Information in the form of a detailed handout, available on the University's sexual violence webpage, outlines resources that are available on and off campus.
- b. The SVEPC works with individuals in determining their needs for support and/or workplace and academic accommodation, needs and assisting with access to this support and/or accommodation.
- c. Complainants have the right to determine whether and how much they choose to disclose or report about their experience, and to decide if they will initiate a formal report off campus to Police and/or on campus to University Administration.
- d. Complainants will not be required or pressured to make a formal report. In some rare cases, when safety is an issue, the University may be required to take action without the complainant's approval, see Section 7, Confidentiality. If this action becomes necessary, the complainant will be fully informed and will be supported through the entire process.

13. Education and Prevention of Sexualized Violence

Brandon University is committed to ending sexualized violence through a culture of raising awareness and providing training for bystanders. Brandon University is working in partnership with the internal and external community to develop a yearly education strategy, which includes presentations, awareness campaign, workshops, online resources, and other materials.

14. Resources and Support

On Campus (during business hours from 8:30 am to 4:30 pm, Monday to Friday):

Sexual Violence Education and Prevention Coordinator (SVEPC): 204-727-7498

Human Resources: 204-727-7416 or 204-573-0920

Diversity and Human Rights Advisor: 204-727-9785 or 204-573-6085

Student Services: 204-727-9737

Off Campus:

Klinic 24-hour toll-free Sexual Assault Crisis Line: 1-888-292-7565

15. Roles and Responsibilities

The Office of the Vice-President (Academic and Provost) in coordination with the Sexual Assault Advisory Group (SAAG) representing all relevant areas of the University community (including students), are responsible for establishing the procedures to implement this policy.

a. Sexual Assault Advisory Group (SAAG)

SAAG is a standing committee responsible for maintaining and communicating an ongoing commitment to address the issue of sexualized violence on university campuses, receiving and reviewing the SVEPC's annual report, and provide advice on potential amendments to this policy and the procedure.

b. Office of the Vice-President (Academic and Provost)

The office of the Vice-President (Academic and Provost) provides an organizational home for the SVEPC and oversees of the implementation of the Statement of Student Rights and Responsibilities. The Vice-President (Academic and Provost) is responsible for maintaining and communicating an ongoing commitment to address the issue of sexualized violence among the University community.

c. Sexual Violence Education and Prevention Coordinator (SVEPC)

All members of the Brandon University community must inform the SVEPC of any sexual assaults, or allegations of any forms of sexualized violence governed by this policy, that are brought to their attention. Such information may include witnessing or having either knowledge of or a reason to believe that an incident of sexualized violence may have occurred. The SVEPC can be consulted at any point in the process.

The SVEPC oversees the day-to-day operation of this policy as outlined in the office's job description. The SVEPC works with partners and stakeholders on and off campus to develop and deliver awareness, prevention, education, and training programs, and provides guidance to the University community on how best to implement this policy and the procedure.

The SVEPC maintains statistical data on the number and types of disclosures/reports received, investigations conducted, and the outcomes of these investigations. The SVEPC prepares an annual report of the data collected, information on any observed trends, a summary of prevention and awareness programming undertaken, and recommendations for potential amendments to this policy and procedure. The data will not include any information that would identify any community member.

d. Dean of Students

The Dean of Students works in close partnership with the Vice-President (Academic and Provost), SVEPC, Director of Human Resources, and Diversity and Human Rights Advisor on the interpretation and application of this policy. The Dean of Students is responsible for ensuring that the appropriate supports are in place for survivors who are students, through the many units within Student Services: Student Counselling, Academic Advising, the Indigenous People's Centre, the Office of International Activities, and Student Accessibility Services.

e. Director of Human Resources

The Director of Human Resources works in close partnership with the Vice-President (Academic and Provost), SVEPC, Dean of Students, and Diversity and Human Rights Advisor (DHRA) on the interpretation and application of this policy. The Director of Human Resources is responsible for ensuring that appropriate supports are in place for survivors who are employees of the institution, through Human Resources benefits and programs, and the Employee and Family Assistance Program (EFAP). The Director also works with Human Resources consultants, managers, and supervisors to support workplace accommodations required in response to incidents of sexualized violence at Brandon University.

f. Diversity and Human Rights Advisor (DHRA)

The DHRA works in close partnership with the Vice-President (Academic and Provost), SVEPC, Director of Human Resources and Dean of Students on the interpretation and application of this policy. The DHRA brings an awareness that addressing issues of sexualized violence needs to be grounded in an understanding that each person's experience is affected by many factors, including sex, ancestry, race, ethnicity, language, ability, faith, age, socioeconomic status, sexual orientation, and gender identity.

g. All members of the University Community

All members of the University community will participate in education and training programs where appropriate, especially those designed for "first responders". Any member of the University community who receives a disclosure about an incident of sexualized violence will consult with the SVEPC as soon as possible to ensure that there is a coordinated response. If the complainant does not wish to speak to the SVEPC, all members of the University community are expected to report the fact of the disclosure (without identifying details), to the SVEPC for statistical purposes. All members of the University community will respect the privacy of the persons involved and will respect the role of the SVEPC as the lead coordinator of institutional support for the complainant.

h. Faculty and Academic Departments

In addition to the responsibilities outlined in the previous section, Faculty and Academic Departments will cooperate to the extent possible with students or their advocates as they attempt to seek academic accommodation in the face of incidents of sexualized

violence and their aftermath, and will recognize the need for confidentiality in these situations.

16. Maintenance of Statistics

The SVEPC collects and maintains annual statistics of incidents of sexualized violence, both reported and disclosed, for the purpose of any legislated reporting that may become required and for educational purposes. The data will not include any personal information that could identify any person seeking the services. These statistics will be published annually on the University's sexual violence website.

17. Related Policies and Procedures

- a. Respectful Environment Policy (Discrimination and Harassment Policy)
- b. Statement of Student Rights and Responsibility
- c. Criminal Code of Canada, RSC 1985, c C-46
- d. The Human Rights Code, C.C.S.M. c. H175
- e. Workplace Safety and Health Regulations
- f. Manitoba Child and Family Services Act
- g. The Sexual Violence Awareness and Prevention Act, Bill 15

18. Review

This policy will be reviewed one year after its inception by the Office of the Vice-President (Academic and Provost) and every three years thereafter.