



## POLICY REGARDING SEXUAL VIOLENCE

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### PREAMBLE

Sexual discrimination, intimidation, harassment and assault are not tolerated at Concordia University (the “University”). The University is a unique environment: an intellectual community with a responsibility for the discovery, creation and sharing of knowledge. This aspiration can only be fulfilled if there is a broadly shared commitment to create and safeguard a positive learning, working and living environment in which all Members (as defined below) of the University are free from Sexual Violence (as defined below). This Policy articulates the University’s commitment to address Sexual Violence and rape culture, and to counteract harmful myths and attitudes surrounding the subject through education and training. This Policy fosters awareness and prevention, outlines support for Survivors/Victims (as defined below), and sets out fair procedural frameworks for accountability. It describes and mandates appropriate responses to Disclosures (as defined below) of Sexual Violence and specifies procedures for Reports or Complaints (as such terms are defined below).

### SCOPE

This Policy applies to all Members of the University, regarding incidents occurring in any setting, on or off campus or online, where University learning, work or social activities take place. Such settings include, but are not limited to, athletic and research environments, co-op and experiential learning contexts, internships, organized class activities and University workshops.

This Policy also applies to Third Parties (as defined below), where applicable. In accordance with the [\*Act to prevent and fight sexual violence in higher education institutions, CQLR, chapter P-22.1\*](#), this Policy describes and addresses the serious problem of Sexual Violence separately from all other kinds of misconduct.

### PURPOSE

The purpose of this Policy is to set out the University’s commitment to:

- Reinforce a safe learning and working environment for its students, staff, faculty and visitors, where Sexual Violence is not tolerated.

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- Provide appropriate assistance and support to Members of the University who are impacted by Sexual Violence.
- Develop and implement appropriate education and communication plans and materials aimed at educating all Members of the University about this Policy and promoting a safe environment.
- Clearly articulate to all its Members their responsibilities in preventing Sexual Violence.
- Respond to Sexual Violence in a manner that is trauma-informed and survivor-centric while respecting the basic principles of fairness and natural justice.
- Build awareness of the intersectional nature of Sexual Violence and bring that awareness to our responses.
- Establish specific processes for making and responding to Disclosures of Sexual Violence.
- Ensure essential measures of support throughout those processes for Survivors/Victims, for those responding to allegations of Sexual Violence, for others impacted by allegations of Sexual Violence, as well as for those receiving and responding to Disclosures.

### DEFINITIONS

“Complaint” means when a Survivor/Victim, Disciplinary Officer (as defined below) or Member of the University engages in an available process with the appropriate body, unit, person or authority.

“Complainant” means a Survivor/Victim, Disciplinary Officer or Member of the University who files a Complaint (as defined below) of Sexual Violence under the terms of this Policy.

“Conflict of Interest” means a situation where an employee has a personal interest, whether direct or indirect, of which they are aware and which is sufficient to put into question the independence, impartiality and objectivity that they are obliged to exercise in the performance of their duties and responsibilities as an employee.

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“Consent” is bound and guided by the Criminal Code of Canada and means the voluntary agreement of a person to engage in the sexual activity in question. Anything other than active, informed, voluntary and continuous agreement to engage in sexual activity is not Consent.

For example, there is no Consent where:

- the agreement is expressed by the words or conduct of a person other than the Complainant;
- the Respondent (as defined below) induces the Complainant to engage in the activity by abusing a position of trust, power or authority;
- the Complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- the Complainant, having Consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

“Disciplinary Officer” means any of the following individuals: President and Vice-Chancellor, Vice-Presidents, Deputy Provost and Secretary-General.

“Disclosure” means when a Survivor/Victim comes forward for the purposes of receiving confidential support, assistance and/or accommodation.

“Instructor” means any University employee who is teaching, advising, supervising, mentoring, overseeing the allocation of resources to and/or coaching students. Such employees include, but are not limited to, full and/or part time faculty members, faculty administrators, librarians, laboratory or other instructors, principal investigators as well as teaching assistants, research assistants, staff members, coaches and coaching assistants.

“Member” is used in this Policy interchangeably with the expression “students, staff and faculty”. Member means faculty, employees, administrative and support staff, postdoctoral fellows, members of the administration, students and interns, stagiaires or researchers.

“Report” means when a Survivor/Victim or a witness, bystander or concerned person, brings forward information to a Member or unit of the University about an incident of Sexual Violence without necessarily seeking a recourse, support or follow up.

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“Respondent” means any Member of the University against whom a Report or Complaint is made.

“Sexual Assault” means any unwanted act of a sexual nature imposed by one person upon another and includes a range of behaviours such as unwanted kissing, touching and any type of sexual penetration, without Consent. Sexual Assault can occur between strangers, acquaintances or be perpetrated by someone known to the Survivor/Victim. It can also occur in a dating relationship, between spouses, or in any other relationship. Sexual Assault is an offence under the Criminal Code of Canada. It is illegal.

“Sexual Assault Response Team” (SART) means the ad-hoc team of University personnel convened by the SARC Manager in cases of Sexual Violence.

“Sexual Harassment” means a course of unwanted remarks, behaviours, innuendo, taunting or communications of a sexual nature and/or a course of unwanted remarks, behaviours or communications based on gender, gender identity and/or sexual orientation. Sexual Harassment may consist of unwanted attention of a sexual nature, such as personal questions about one’s sex life, unwelcome sexual invitations or requests, or unwelcome remarks about someone’s appearance. Sexual Harassment may also consist of unwelcome remarks based on gender, gender identity or sexual orientation where such remarks may not be of a sexual nature, but are nevertheless demeaning, such as derogatory gender-based jokes or comments. A single serious incident of such behaviour may constitute harassment if it has the same consequences as multiple incidents and if it produces a lasting harmful effect on the Survivor/Victim.

“Sexual Violence” means any violence or misconduct, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to, Sexual Assault; Sexual Harassment; stalking; coercion; sexist, homophobic and/or transphobic jokes; indecent exposure; stealthing; voyeurism; degrading sexual imagery; recording and distribution of sexual images or video of a Member of the University without their Consent; cyber harassment or cyber stalking of a sexual nature or related to a person’s sexual orientation and gender identity and/or presentation.

“Survivor/Victim” means a Member of the University who has experienced Sexual Violence.

“Third Party” means a person or an entity that provides services to or receives services from the University and/or acts as a partner or collaborator with the University. Examples include, but

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are not limited to consultants, conference organizers and participants, internal and external contractors, research partners and internship partners.

### INTERSECTIONALITY

Sexual Violence may be experienced by anyone, but it is overwhelmingly committed against women and gender non-conforming people, and in particular younger people and individuals who experience the intersection of multiple marginalized identities such as, but not limited to, Indigenous people, racialized people, trans people and people with disabilities. The University strives to reduce barriers in order to better support Survivors/Victims in the community. To this end, the responses to Complaints, prevention efforts and support or assistance provided under this Policy shall take into account, as needed and as requested, the different perspectives, voices or circumstances of each Survivor/Victim. The University is a diverse community and every effort to address issues of Sexual Violence must be grounded in an understanding that each person's experience is impacted by many factors. The University recognizes that a person's perspective or circumstance (such as national or ethnic origin, sex, sexual orientation, gender identity, age, religion, faith, disability/ability, indigeneity, immigration status, medical condition such as HIV status, language ability and/or socio-economic factors) could make them more vulnerable to Sexual Violence and could impact their needs and choices with regard to recourses. Systemic oppression, including, but not limited to, sexism, racism, colonialism, ableism, homophobia and/or transphobia, can manifest into acts of Sexual Violence, and impact the resources and options a Survivor/Victim may feel comfortable to pursue.

### POLICY

#### ROLES AND RESPONSIBILITIES

1. All Members of the Concordia community will make themselves aware of the Policy and their responsibilities under it and participate in the training and education programs dedicated to Sexual Violence, prevention and response.

Any Member of the University might be a witness to Sexual Violence or could be approached by someone wishing to disclose, report or complain about an incident of Sexual Violence. Any Member of the University, and especially those acting in supervisory and Instructor capacities, who receives a Disclosure alleging any form of Sexual Violence, has the responsibility to:

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- consult SARC, the Office of Rights and Responsibilities or Human Resources for confidential debriefing and advice on how to handle the incident that is disclosed; and
  - refer Survivors/Victims to SARC.
2. SARC acts as a primary point of contact for Members of the University who have experienced any form of Sexual Violence or need advice on how to address an incident of Sexual Violence that was disclosed to them. SARC has been created to ensure that the University's response to Disclosures of Sexual Violence is coordinated, trauma-informed and survivor-centric. The SARC Manager is the lead responder in cases of reported Sexual Violence and, with the consent of the Survivor/Victim, shall act as their voice, where needed, at the University, to coordinate the institution's response and the resources offered.

SARC provides confidential, survivor-centric and trauma-informed support services to students, staff and faculty at both campuses, regardless of when or where the Sexual Violence occurred. For more information: <https://www.concordia.ca/students/sexual-assault.html>

Reach SARC: [sarc@concordia.ca](mailto:sarc@concordia.ca)

The services provided by SARC include:

- Crisis intervention and/or short and long-term counseling for individuals who have experienced or been impacted by Sexual Violence;
- Identifying, accessing and coordinating appropriate accommodations;
- Referral and accompaniment for Survivors/Victims to on and off campus resources for support and/or redress;
- Drop-in space for active listening, books, articles and resources;
- Maintaining relevant records and de-nominalized statistics for the University pertaining to cases of Sexual Violence that SARC responds to under the Policy.

SARC is also responsible for developing and delivering the University's mandatory online and in-person training and other educational, outreach and awareness-raising activities on Sexual Violence prevention and response, as well as new issues arising in the field of Sexual Violence, to individuals and departments involved in responding to Sexual

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- Violence. The SARC Manager chairs the Training and Education Subcommittee of the Standing Committee on Sexual Violence and is a permanent member of the Standing Committee on Sexual Violence.
3. The Standing Committee on Sexual Violence is a permanent University committee of students, staff and faculty, convened to coordinate University efforts to prevent and respond to Sexual Violence, and to recommend revisions of this Policy to the Board of Governors. Detailed information can be found at [The Standing Committee on Sexual Violence](#) and the Committee can be reached at [SV.standingcmt@concordia.ca](mailto:SV.standingcmt@concordia.ca).
  4. Campus Security responds to all emergency situations and may also receive other Reports of Sexual Violence. In these instances, it will provide support and options to the person making the Report and refer them to SARC for follow-up. In consultation with the person making the Report and the appropriate unit, Campus Security may also determine further steps that need to be taken to ensure on-campus safety. Some examples of the services provided by Campus Security include accompaniment on campus of a student, staff or faculty who has safety concerns, and monitoring and/or implementing no contact orders. The Director of Campus Security will ensure that all Campus Security staff are trained to work with diverse Survivor/Victims of Sexual Violence, providing trauma-informed services.
  5. The Office of Rights and Responsibilities advises any Member of the community wishing to make or respond to a Complaint against another Member regarding Sexual Violence, facilitates support for Complainants, may be convened as part of SART and contributes to the regular review of this Policy. The Director of the Office of Rights and Responsibilities is a member of the Standing Committee on Sexual Violence.
  6. Student-led governing bodies will provide peer-to-peer Sexual Violence education, training and support; promote Consent culture at all events; collaborate with University administration, including, but not limited to, the Provost office delegate, to communicate and help rectify student concerns about Sexual Violence; support the University in its training activities and facilitate such events; collaborate with SARC to develop campaigns and initiatives about Sexual Violence and Consent culture that are student-led and that centre the voices and experiences of students. Student associations will also ensure that their student leaders complete the mandatory annual training.

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7. The University's senior administration is responsible for allocating resources necessary for the implementation and application of this Policy.

### PREVENTION, EDUCATION AND AWARENESS

8. The University is committed to promoting a safe environment for its Members and visitors. The University will work towards the goal of eliminating Sexual Violence through the dissemination of educational material and training for students, faculty and staff. The University, through SARC, will collaborate with on and off campus partners to develop and deliver Sexual Violence awareness and prevention education programs and campaigns. These educational initiatives will recognize intersectionality and will also include information related to University policies, guidelines and processes.
9. In order to create an informed culture on Sexual Violence within the University, the University will provide mandatory training to its Members. Training methods may include information packages, online training, in-person training, individualized training and workshops. All options and information related to the training on Sexual Violence can be found at the [mandatory training website](#).
  - All new incoming students are required to complete the training on Sexual Violence in their first semester.
  - All employees and student leaders are required to complete training on Sexual Violence annually.
10. The Office of the Provost is responsible for tracking and ensuring completion of the training.

### SUPPORT FOR SURVIVORS/VICTIMS

11. Support is available to all Members of the University community, regardless of when, where or by whom they experienced an incident of Sexual Violence.

The needs of each Survivor/Victim are different, and the types and forms of support and accommodation available will be tailored to the Survivor/Victim's needs on a case-by-case basis, within the limits of the University's resources.

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12. The primary source for support is the SARC Manager, who serves as lead responder and the single point of contact in cases of Sexual Violence, coordinating the University's response to ensure that Survivors/Victims do not have to tell their stories multiple times. With their permission, the SARC Manager will, whenever possible, act as the voice of the Survivor/Victim where needed, such necessity being determined by the University in discussion with the Survivor/Victim. The SARC Manager will provide and/or coordinate case management of the file, including calling the SART together. If necessary, they will provide relevant departments with updates regarding court dates, court conditions, restraining orders and decisions.
  
13. When appropriate, SART will be brought together on an urgent and priority basis to assist with and implement a coordinated and trauma-informed response. The SART is an ad hoc team composed of the most relevant personnel, depending on each case, as determined by the SARC Manager and in accordance with the needs and wishes of the Survivor/Victim. In addition to the SARC Manager, who acts as chair, the team may include a representative from:
  - Campus Security;
  - Health Services;
  - Office of Rights and Responsibilities;
  - Dean of Students;
  - Department Chair or Program Director (undergraduate or graduate);
  - Human Resources;
  - Residence;
  - University Secretariat;
  - Access Centre for Students with Disabilities;
  - Office of the Provost; or
  - Any of their designates.

Under the leadership of the SARC Manager, the members of the SART will contact and work with the relevant departments/units to address related internal accommodations for the Survivor/Victim.

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### ACCOMMODATION MEASURES

14. Accommodation measures support all Members of the University who have experienced Sexual Violence and who are consequently unable to complete their work as anticipated, who have safety concerns, or who require protection from retaliation or the threat of retaliation. Accommodation measures will be made available as soon as possible and will not exceed a 7-day delay.

Examples of measures available to support student Survivors/Victims include exam or assignment deferral; changes of class, schedule, housing or supervision; safety planning; and/or the provision of emergency funding.

Examples of measures that may be taken with the Respondent are changes of class, schedule, housing or supervision, and/or the imposition of a no-contact order by the Office of Rights and Responsibilities. Other measures could include a clear message to the Respondent to avoid contact and communication with the Complainant, the requirement to sign in and out of University premises with Campus Security, suspension of library and athletic privileges, suspension of a University email account, relocation from residence, and a clear message to the Respondent that the alleged behaviour must stop.

Examples of measures for employees include taking precautionary non-disciplinary steps to limit contact between the parties, redistribution of duties, changing the location of the workspace or the temporary suspension of the Respondent.

Examples of measures for all Members include the development of a safety plan for the Survivor/Victim, which could include accompaniment by Campus Security.

15. The process of determining accommodation measures begins with the initial meeting between SARC and the Survivor/Victim. Once determined, appropriate measures must be offered immediately and put in place no later than 7 calendar days (except if the last day falls on a statutory holiday, in which case it is extended).
16. All relevant units contacted by the SARC Manager in the application of this Policy are bound to collaborate with the SARC Manager to identify and implement all appropriate and reasonable accommodations in support of Survivors/Victims, in

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accordance with existing policies and procedures. Those who do not follow the measures put in place are subject to further consequences, as imposed by the University.

17. The Provost office delegate oversees the implementation of accommodations.

### REPORTS, DISCLOSURES AND COMPLAINTS OF SEXUAL VIOLENCE

18. For situations requiring support for Survivors/Victims, call the SARC Manager at 514-848-2424 extension 3353 or email at [sarc@concordia.ca](mailto:sarc@concordia.ca). SARC should be the first point of contact.

For situations requiring immediate safety concerns and assistance after hours or on weekends, call Campus Security at 514-848-3717 (option 1).

19. Those who report, disclose or file a Complaint of Sexual Violence will be made aware of the full range of their options for further action. The SARC Manager will explain these options, assisted as necessary by the Director of the Office of Rights and Responsibilities, providing information on methods available to facilitate a resolution, the process for filing a Complaint and other available options to address or resolve the matter.

In the case of any form of Sexual Violence by someone who is a Third Party to the University, or by someone outside the University, the person wishing to report the violence is encouraged to contact the SARC Manager, who will determine, in consultation with them, the appropriate steps to be taken.

20. Survivors/Victims will not have to undergo questioning about their sexual history at any point during the reporting, disclosure or complaint processes. The University will not reprimand or punish Survivors/Victims who may have broken regulations regarding the use of drugs or alcohol on or off campus, or who were subjected to Sexual Violence in the context of criminalized activity (e.g. sex work).
21. Reprisals against individuals who report, disclose or complain about any incident of Sexual Violence are prohibited. Retaliation, or any attempt to retaliate, constitutes grounds for disciplinary action under the *Code of Rights and Responsibilities* ([BD-3](#)), for

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students, or applicable collective agreements, for employees. The University will not reprimand Complainants who have disclosed a breach in University policy.

### REPORTS

22. Reporting is an option for any Member of the University who may have information and/or a concern about an incident of Sexual Violence in the community that they wish to bring forward without necessarily seeking a recourse, accommodation or follow-up. In these situations, a Report can be made to Campus Security or to the Office of Rights and Responsibilities, who will receive the Report, support the person making the Report and determine, in consultation with the appropriate unit, what steps need to be taken.

### DISCLOSURES

23. Disclosure is an option for Survivors/Victims seeking confidential support, assistance and/or accommodation as detailed in this Policy. Survivors/Victims have the right to determine what, when and how much of their experience to disclose. However, for an investigation of an actual Complaint to take place, a minimum amount of information is required.
24. The University embraces respect for Survivors/Victims' agency as a fundamental value and upholds their right to receive non-judgmental support from specially trained personnel, who will present individuals with their options and help them to access a range of supports as appropriate.

### COMPLAINTS

25. Complaints are an option for Survivors/Victims who wish to move towards a legal and/or disciplinary process in which anonymity is not possible.
26. Complaints of Sexual Violence can be made alongside Complaints about other types of misconduct. In such cases, the processes and procedures specific to Sexual Violence Complaints, as outlined in this Policy, will be followed in all investigations.

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27. Survivors/Victims have the choice whether or not to make an internal or external Complaint. The full range of accommodations set out in this Policy remains available to them regardless of their choice.

### External Complaint Options

28. Members of the University are free to engage with any outside recourse they feel is appropriate. This Policy and the internal Complaint process do not prevent and are not intended to limit a Member from also reporting Sexual Violence to the police and pursuing a Complaint of Sexual Violence through the criminal justice system and/or pursuing civil justice options. This Policy also does not prevent a unionized employee from pursuing a grievance under their collective agreement.
29. Criminal Option: Reports/Complaints can be made to the police with the goal of pursuing criminal charges under the Criminal Code of Canada. A representative from SARC will accompany the Survivor/Victim upon request.
30. Civil Option: Legal resources such as lawyers and legal clinics can help orient Survivors/Victims as to other external reporting options. Such options may include civil lawsuits against the Respondent or other responsible parties. SARC will provide referrals upon request.

### Internal Complaint Options

31. University personnel responsible for helping to resolve or investigate Complaints of Sexual Violence are trained to address such cases of Sexual Violence in a trauma-informed, survivor-centric manner and to understand the impact that intersecting identities have on the experiences of Sexual Violence.
32. The University does not have jurisdiction to address allegations made against a person who is not a Member of the University community. However, in the event of such allegations, the University will provide support to Complainants and may be able to take measures such as restricting access to campus by the person against whom the allegation is made.

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33. An anonymous allegation of Sexual Violence or an allegation of Sexual Violence made by a person who is not a Member can be reported to the University. However, in both cases the University's ability to address the allegation will depend on a number of factors, including information available to substantiate the allegation and to permit a fair process.

### Informal Conflict Resolution

34. Informal conflict resolution opportunities, available through the Office of Rights and Responsibilities and Human Resources, enable Complainants and Respondents to arrive at a voluntarily agreed-upon resolution outside the formal process of investigation or hearing, in cases where these offices have jurisdiction.

Such a process may take a variety of forms, such as helping to clarify perceptions (e.g., use of an intermediary), raising awareness of the impact of certain conduct (e.g., impact statements), reconciling differences (e.g. apology letters), sorting out misunderstandings through mediation or offering sensitivity training for Respondents. Neither party is required to attend any face-to-face meetings during this process unless they both agree to do so.

35. Any agreement reached between the parties through informal conflict resolution is entirely voluntary. Conditions agreed upon by the parties are binding.
36. The Complainant may refuse and/or withdraw their participation at any point during the process of informal resolution. The Advisor from the appropriate office, or their delegate, may also withdraw from the informal process if they determine that no useful purpose will be achieved by continuing.
37. The Office of Rights and Responsibilities or Human Resources, as applicable, will monitor the implementation and compliance of informal resolution processes. If there is no resolution, or a failure to comply with the terms of a resolution, the Complaint may be moved to a hearing or investigation and decision-making process.

### Formal Complaints

38. A formal Complaint is an internal process that involves either an investigation or a hearing, and may result in disciplinary action.

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39. The investigation and adjudication of all Complaints will be conducted according to principles of fairness and natural justice. Steps will be taken to ensure that the circumstances of any meeting will appropriately protect the dignity of the Complainant and Respondent through accommodations that continue to allow their participation. Complainants will be offered the options of participating in the investigation and hearing in the following ways: providing separate rooms prior to meetings; meetings through other means of participation such as telephone, video, Skype; use of an intermediary; pre-recorded answers and statements; prepared written responses, as well as the opportunity to have support and representation at any hearing or confidential meeting with the investigator. At all times, the Complainant has the right to deny any request to attend any meeting or hearing in person, without forfeiting any rights associated with their presence in said meeting or hearing. These and other appropriate accommodations determined by the University will not negatively impact the process.
40. The full mechanisms governing Complaints are set out in the *Code of Rights and Responsibilities* ([BD-3](#)) and, in the case of a faculty or staff member, in the relevant employee or collective agreement. The University's recourse to those policies and processes will be informed by the special circumstances and considerations relevant to Sexual Violence, as outlined in this Policy. The following sections provide a general overview of the process for addressing Complaints specifically related to Sexual Violence.

### Initiating a Formal Complaint

41. Individuals considering initiating an internal Complaint should consult with SARC, which will accompany them through internal and/or external options as well as assist them in accessing administrative compensation bodies, such as the [Indemnisation des victimes d'actes criminels](#) (the "IVAC"), which offers compensation to victims of criminal acts. Victims of criminal acts do not have to make internal and/or external Complaints to apply for benefits from [IVAC](#).

SARC will connect individuals who decide to initiate a Complaint of Sexual Violence with an Advisor from the Office of Rights and Responsibilities who will discuss all relevant processes, options and policies with them. All consultations are confidential.

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42. A Complaint is only initiated when a Survivor/Victim or disciplinary officer submits a formal statement to the appropriate authority, as identified by the Office of Rights and Responsibilities.

### Timeframe for Making and Responding to Formal Complaints

43. Concordia acknowledges that the decision to report an incident of Sexual Violence is a difficult one that can take time to reach. Therefore, there is no time limit for making a Complaint of Sexual Violence or misconduct. Complainants should be aware, however, that significant delays in reporting may negatively affect the University's ability to collect evidence and to act upon it, especially if the Respondent has since left the University.
44. Complaints regarding Sexual Violence will normally be processed within 90 calendar days (except if the last day falls on a statutory holiday, in which case it is extended). This delay is subject to modification where compelling circumstances, such as the needs of the Survivor/Victim or applicable employment agreements or laws, make it difficult to determine the timeline for the review, investigation and resolution of formal Complaint.

### Support for Complainants and Respondents

45. Complainants and Respondents have the right to identify a support person to accompany them to meetings and proceedings related to their case. Support persons may include any Member of the University, or a friend or an immediate family member. Students have the option of obtaining a student advocate through the Concordia Student Union or Student Advocacy Services. Employees can choose to reach out to their union representative or Human Resources to discuss options for support.
46. Throughout the process, Complainants can continue to access a range of support and accommodations through SARC.
47. Students facing allegations of Sexual Violence will be provided with support and referrals from the Dean of Students. Staff or faculty facing allegations will be provided with referrals to the appropriate internal or external resources from Human Resources.

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### Initial Review

48. An Advisor from the Office of Rights and Responsibilities will conduct an initial review of the Complaint and determine whether it falls within the jurisdiction of the University, and if a hearing, an investigation or other steps are appropriate. The Advisor will notify the Complainant of the outcome of this initial review in writing. An alleged violation set forth in a Complaint must have taken place:
- on University premises, either rented or owned;
  - on other premises in the course of any University-sponsored activity or event (e.g. internships, fieldwork); or
  - in a context, either in person or online, where activities or events have a real and substantive link to the University.

### Complaints against Students

49. Complaints against students are investigated and decided by a trained hearing panel which is constituted and administered by the Office of Student Tribunals.

Any party may object to the participation of a panelist on the grounds of potential bias, the final decision to rest with the Chair of the Hearing Panel.

In advance of the hearing, Complainants and Respondents have the opportunity to submit documentation that will be shared with both parties and with the Hearing Panel.

The parties may submit or make statements, present evidence and witnesses (expert or otherwise), and make representations with respect to desired sanctions. These processes shall be conducted with regard for the dignity of both Complainants and Respondents, in full awareness of the highly sensitive nature of Sexual Violence.

Hearings shall include, at a minimum, opening statements by the parties, the presentation of evidence and witnesses (expert or otherwise), the right of cross-examination, questioning by members of the Hearing Panel, representations with respect to desired sanctions and closing statements. These processes shall be conducted with regard for the dignity of both Complainants and Respondents, in full awareness of the highly sensitive nature of Sexual Violence.

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### Complaints against Faculty or Staff

50. Complaints against faculty, affiliate faculty or staff are investigated by an internal or external investigator depending on the case. The investigator may meet with all parties involved, including witnesses, as well as consult relevant documentation and experts. Investigations shall be conducted with all possible regard for the dignity of both Complainants and Respondents, and in full awareness of the highly sensitive nature of Sexual Violence.
51. Any party may raise concerns about the participation of an investigator on the grounds of potential bias, the final decision to rest with the Dean (faculty) or Human Resources (staff), as applicable.

### Withdrawing a Complaint

52. A Complainant can withdraw a Complaint at any time. Exceptionally, the University may continue looking into the matter without the Complainant's participation if the conditions set forth in section 60 apply. In such circumstances, support and accommodations will be made available to the Complainant.

### Outcomes, Disciplinary Measures and Appeals

53. The standard of proof in all investigations and hearings is a "preponderance of evidence". This means that the investigator and members of any hearing panel must believe that the Complainant's version of the facts is significantly more probable than the alternatives. This is different from the standard of "beyond a reasonable doubt" required under criminal law.
54. In the case of Complaints against students, decisions are made by the Hearing Panel. In the case of Complaints against faculty members, decisions are normally made by the Dean of the relevant faculty. In the case of Complaints against staff members decisions are normally made by their immediate supervisor.
55. If a Complaint against a student is founded, the appropriate measures will be applied. The range of sanctions includes: a written reprimand; restricted access conditions on the Respondent while they are on University premises or at University events; restrictions on

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communication or contact (space and time restriction); payment as compensation; community service at the University or elsewhere of up to 10 hours per week for a specified period of time; a recommendation of suspension, subject to confirmation by the Provost and Vice-President, Academic; or a recommendation of expulsion subject to confirmation by the Provost and Vice-President, Academic.

56. If a Complaint against a Member of faculty or staff is founded, appropriate measures will be applied and the following sanctions may be implemented: a letter of concern or warning, suspension or dismissal.
57. In the case where a Respondent becomes a non-Member, the Complaint can be reactivated if the Respondent returns to the University. In the meantime, the University can impose restrictions on the Respondent's access to campus, if appropriate.
58. Students may appeal a decision or sanction imposed upon them in accordance with the terms of the Appeals Authorization Panel. Faculty and staff members may appeal a decision or sanction imposed upon them in accordance with the terms of their employment or collective agreement or University policies.

### CONFIDENTIALITY AND PRIVACY

59. Ensuring confidentiality is key to creating a climate in which those affected by Sexual Violence feel safe to report or disclose their experience, to seek support and accommodation, and to pursue Complaints.

As such, the general practice of the University and all of its individual Members must be to keep all information confidential except where employees require information to carry out their authorized duties under the Policy or to seek advice from SARC, the Office of Rights and Responsibilities or Human Resources.

60. Notwithstanding the above, there are circumstances where the University must balance its concerns for confidentiality with its legal responsibility to provide a campus environment free from Sexual Violence. Such circumstances might include, for example:
  - when an individual is judged to be at imminent risk of self-harm or of harming another;

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- when evidence of Sexual Violence is available in the public realm (for example: video shared publicly on social media); or
- when reporting or action is required by law (e.g. subpoena, a minor at risk of harm).

These circumstances represent exceptions, not the rule. Faced with them, the University reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the Consent of the Survivor/Victim. The University will disclose the minimum amount of information needed to allow such concerns to be addressed, and affected individuals will be fully informed and supported at every step of the process, even if the Survivor/Victim chooses not to participate.

61. All Members of the Concordia community who are tasked with receiving a Complaint of Sexual Violence, or are involved in investigating it, must keep the matter confidential, except in accordance with the terms of this Policy, in order to protect the rights of those involved in the allegations, to prevent an unjustified invasion of their personal privacy and to preserve the integrity of the investigation and decision-making process.

Complainants, Respondents and witnesses are expected to keep the details of any case confidential outside their immediate circle of support (e.g. their named support person, as well as family members and close friends), in order to ensure the integrity of the investigation and decision-making process.

62. In the case of a Complaint against a student that proceeds to a hearing panel, the hearings are closed events, limited to the members of the tribunal, the Complainant, the Respondent, and their respective support persons. The decision of the tribunal will be made available to both parties.
63. In the case of a Complaint against a staff or faculty member, reporting on the outcome of the investigation will respect the terms of the [\*Act to prevent and fight sexual violence in higher education institutions, CQLR, chapter P-22.1\*](#), as well as the [\*Act respecting Access to documents held by public bodies and the Protection of personal information, CQLR, chapter A-2.1\*](#). In such cases, the University will notify the Complainant when the investigation has been carried out and, upon request, will provide information to the Survivor/Victim regarding the outcome of the Complaint, such as whether a sanction was imposed, and, if so, the details thereof.

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64. Information pertaining to safety concerns can be shared with Complainants. Such information could, for example, include details about the presence, or not, of the Respondent in certain buildings at certain times.

### CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS BETWEEN INSTRUCTORS AND STUDENTS

65. The foundation of the University's educational mission is the integrity of the Instructor-student relationship. As stated in the University [Guidelines on Consensual Romantic or Sexual Relationships](#), this relationship vests considerable trust in the Instructor, who, in turn, bears authority, responsibility and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship can potentially heighten the vulnerability of the student. Students may have difficulty communicating freely that they do not want to be in a romantic or sexual relationship, or that they want the relationship to end, because of concern over the impact such a communication may have on their academic progress. The pedagogical relationship between an Instructor and a student must be protected from influences or activities that can interfere with learning and personal development. Engaging in such relationships is a Conflict of Interest for Instructors. Instructors are to avoid such relationships. Notwithstanding the foregoing, if a consensual or romantic relationship exists or develops between a student and an Instructor, the process outlined in the [Guidelines](#) applies. Disclosure of such a relationship is required and the Conflict of Interest it engenders must be managed. Failure to do may result in disciplinary measures against the Instructor.
66. The [Guidelines](#) aim to provide guidance solely with respect to consensual romantic or sexual relationships between Instructors and students. Any student with a Complaint or charge of Sexual Harassment, Sexual Assault or other forms of Sexual Violence involving an Instructor, which may or may not arise from a consensual romantic or sexual relationship, may seek the necessary support at the University as set out in this Policy.

### ANNUAL REPORTING

67. Without compromising confidentiality, the University will comply with the [Act to prevent and fight sexual violence in higher education institutions, CQLR, Chapter P-22.1](#) by compiling an annual report of all incidents of Sexual Violence reported across the University. A summary of this report will be presented to the Standing Committee on Sexual Violence.

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### POLICY RESPONSIBILITY AND REVIEW

68. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Provost and Vice-President, Academic or their delegate.

Approved by the Board of Governors on May 20, 2016, and amended on December 12, 2018, June 18, 2020 and June 16, 2022.

## APPENDIX A: Support Services

Sexual Assault Resource Centre (SARC)	<a href="https://www.concordia.ca/students/sexual-assault.html">https://www.concordia.ca/students/sexual-assault.html</a>
Office of Rights and Responsibilities	<a href="http://www.concordia.ca/conduct/behavioural-integrity.html">http://www.concordia.ca/conduct/behavioural-integrity.html</a>
Campus Security	<a href="https://www.concordia.ca/campus-life/security.html">https://www.concordia.ca/campus-life/security.html</a>
Dean of Students	<a href="http://www.concordia.ca/offices/dean-students.html">http://www.concordia.ca/offices/dean-students.html</a>
Human Resources	<a href="https://www.concordia.ca/hr.html">https://www.concordia.ca/hr.html</a>
Student Advocacy Office	<a href="https://www.concordia.ca/offices/advocacy.html">https://www.concordia.ca/offices/advocacy.html</a>
Centre for Gender Advocacy Peer-to-Peer Support	<a href="https://genderadvocacy.org/">https://genderadvocacy.org/</a>
CSU Legal Information Clinic	<a href="https://www.csu.qc.ca/services/lic/">https://www.csu.qc.ca/services/lic/</a>
CSU Student Advocacy Centre	<a href="https://www.csu.qc.ca/services/advocacy/">https://www.csu.qc.ca/services/advocacy/</a>
CSU Off-Campus Housing and Job Bank	<a href="https://www.concordia.ca/students/housing/off-campus.html">https://www.concordia.ca/students/housing/off-campus.html</a>
Employee Assistance Program	<a href="http://www.concordia.ca/hr/benefits/eap.html">http://www.concordia.ca/hr/benefits/eap.html</a>
Montreal Sexual Assault Centre hotline	(514) 933-9007 <a href="http://www.cvasm.org/en/">http://www.cvasm.org/en/</a>
Campus Wellness and Support Services	<a href="http://www.concordia.ca/offices/cwss.html">http://www.concordia.ca/offices/cwss.html</a>

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### APPENDIX B: Filing an Internal Complaint

#### Filing an Internal Sexual Violence or Sexual Misconduct Complaint

Concordia offers impartial, confidential and independent services to those with concerns about the behaviour of any Member of the Concordia community.

If you have experienced – or witnessed – Sexual Violence/misconduct and would like to make a Complaint or Report, you are encouraged to contact our primary resource, Concordia’s [Sexual Assault Resource Centre \(SARC\)](#).

#### If you are in immediate danger and

- are on campus, contact Campus Security at 514-848-3717 – option 1.
- are off campus, call 911 or [contact the police](#).

#### The types of cases we can address

We can intervene in cases that relate to a situation involving Concordia students, faculty or staff that have taken place:

- on campus;
- during an on or off-campus University-sponsored activity or event; or
- during an activity or event that has a link to Concordia.

#### Complaint options

Every case is unique. When you consult with [SARC](#), the staff will:

1. discuss your options;
2. guide and support you through the process; and
3. connect you to the Office of Rights and Responsibilities.

All consultations with SARC and the Office of Rights and Responsibilities **are confidential and non-judgmental**, and are available to Concordia University students, faculty and staff of all genders and orientations. Please note that, exceptionally, there are limits to the confidentiality that can be assured under certain circumstances, such as:

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- An individual is judged to be at imminent risk of self-harm or of harming another;
- Evidence of sexual violence is available in the public realm (for example: video shared publicly on social media);
- Reporting or action is required by law (for example: subpoena, a minor at risk of harm).

In addition, regardless of resolution options chosen, the University may, when circumstances warrant, take additional measures and/or initiate its own processes. The University reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the consent of the Survivor/Victim, if the University believes that the safety of the community is at risk. A decision by the University to initiate an internal investigation and/or pursue other recourses without the consent of the Survivor/Victim will only be taken in extraordinary circumstances following an assessment by the appropriate University administrators.

### **There are two Complaint options:**

- An **informal Complaint** leads to a resolution that is voluntary on both sides. An informal Complaint may be escalated to a formal Complaint.
- A **formal Complaint** involves either an investigation or a hearing, and may result in disciplinary action.

### **What to expect when you file a Complaint**

The process depends on whether the Complaint is against a student or a faculty/staff member. Use the guide below to get a clearer picture of what you can expect during the Complaint process.

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### Making a formal Complaint against a staff or faculty member

#### Step 1

You are strongly encouraged to consult with [SARC](#) who will connect you with the Office of Rights and Responsibilities to discuss Complaint options.

#### Step 2

- **Complaint:** You will be asked to submit a Complaint letter to the Office of Rights and Responsibilities. A student advocate, union representative (if applicable), and/or University member can support you as you write this letter as well as throughout the resolution process.
- **Investigation:** An investigation will be conducted by an internal authority or external investigator depending on the case. The investigator is appointed by the University, and may meet with all parties involved including witnesses as well as consult relevant documentation and subject matter experts.
- **Conclusion:** If the Complaint is founded, the appropriate measures will be applied. The range of sanctions includes:
  - a letter of concern or warning;
  - sensitization training;
  - suspension; or
  - dismissal.

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### Making a formal Complaint against a student

#### Step 1

You are strongly encouraged to consult with [SARC](#) who will connect you with the [Office of Rights and Responsibilities](#) to discuss Complaint options.

#### Step 2

- **Complaint:** You will be asked to submit a Complaint letter to the Office of Rights and Responsibilities. A student advocate, union representative (if applicable), and/or University member can support you as you write this letter as well as throughout the resolution process.
- **Hearing:** The Complaint will be heard by a panel trained extensively on matters pertaining to sexual violence. In certain cases, there are alternatives to participating in a face-to-face hearing, such as participating via Skype or providing video testimony.
- **Conclusion:** If the Complaint is upheld, sanctions may include:
  - written reprimand;
  - restricted access conditions;
  - payment as compensation;
  - community service at the University or elsewhere;
  - a fine;
  - recommendation of suspension\*;
  - recommendation of expulsion\*.

*\* A recommendation of suspension or expulsion from the panel is subject to confirmation by the Provost and Vice-President, Academic.*
- **Appeal:** Either party may request authorization to appeal following the decision.

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### **Making an informal Complaint against a student, faculty or staff**

#### **Step 1**

You are strongly encouraged to consult with [SARC](#) who will connect you with the [Office of Rights and Responsibilities](#) to discuss informal Complaint options.

#### **Step 2**

The informal Complaint process may involve:

- Mediation;
- 3rd party facilitation (shuttle diplomacy);
- No-contact agreements;
- Settlement agreements (can include sensitization training, community service, an apology, etc.); or
- Other measures.