



POLICY REGARDING SEXUAL VIOLENCE

Effective Date: May 20, 2016

Originating Office: Office of the Provost and Vice-President, Academic Affairs

Supersedes /Amends: N/A

Policy Number: PRVPAA-3

SCOPE

This Policy applies to all Members of the Concordia University Community, as defined in Section III of the *Code of Rights and Responsibilities* ([BD-3](#)). Nothing in this Policy shall replace or supersede any applicable University Policy or the provisions of any collective or employee agreement including but not limited to the *Code of Rights and Responsibilities* ([BD-3](#)), and/or the *Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct* ([BD-3 Protocol](#)) and the *Policy on Student Involuntary Leave of Absence* ([PRVPAA-15](#))

PURPOSE

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

- Promote a safe learning and working environment for its students, faculty, staff and visitors where sexual violence will not be tolerated.
- Provide appropriate assistance and support to members of the University community who are impacted by sexual violence.
- Respond to disclosures and complaints employing a trauma-informed and intersectional understanding of the impact of sexual violence and a survivor/victim's decision to disclose as well as the method of disclosing.
- Provide confidential assistance and support, subject to certain limits. (see Confidentiality, below.)
- Provide appropriate support, when requested, to a person accused of committing sexual violence.
- Develop and implement appropriate education and communication plans and materials aimed at educating all members of the university community about this Policy and promoting a safe environment;

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- Present the relevant criminal and/or internal reporting options and ensure that appropriate support to the survivor/victim is provided, depending on the circumstances and wishes of the survivor/victim.

For greater clarity, this Policy creates a network of support for survivors/victims of sexual violence, ensures a coordinated and caring response to survivors/victims of sexual violence and commits to promoting and maintaining a safe campus, free from sexual violence. It is understood that any redress, complaint, grievance or appeal procedure set out in any collective or employee agreement or processes under the [Code](#) and the [Protocol](#) and/or the *Policy on Student Involuntary Leave of Absence (PRVPAA-15)* may be undertaken in parallel to processes set out in the present Policy.

DEFINITIONS

“Sexual Violence” means any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature or related to a person’s sexual orientation, gender identity and/or presentation.

“Sexual Assault” is an offence under the Criminal Code of Canada. It is illegal. Sexual assault is any unwanted act of a sexual nature imposed by one person upon another and includes such activities as kissing, fondling, oral or anal sex, intercourse, or other forms of 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 Harassment” is 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 where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwelcome. 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

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such remarks may not be of a sexual nature but are nevertheless demeaning such as derogatory gender based jokes or comments.

A single serious incidence of such behaviour may constitute harassment if it has the same consequences and if it produces a lasting harmful effect on the survivor/victim.

“Consent” Concordia University and its members are bound and guided by the Criminal Code of Canada which defines consent as the voluntary agreement of a person to engage in the sexual activity in question. Anything other than 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,
- where the complainant is incapable of consenting to the activity,
- where the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority,
- where the complainant expresses, by words or conduct, a lack of agreement to engage in the activity, or
- where 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.

“Survivor/Victim” is a member of the university community who has experienced sexual violence as defined in this policy.

Concordia recognizes that a person’s individual perspective or circumstances such as: national or ethnic origin, sex, sexual orientation, gender identity, age, religion, disability/ability, indigeneity, immigration status, medical condition such as HIV status, and/or socio-economic factors could make them more vulnerable to sexual violence and could impact their needs and choices with regard to recourses. The support or assistance provided under this Policy shall take into account, as needed and as requested, the perspective or circumstances, as described above.

“Sexual Assault Response Team” (SART) refers to the response team convened by the SARC coordinator in cases of sexual violence, as described below.

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POLICY

1. Primary Resource Regarding Sexual Violence

Sexual Assault Resource Center

- The Sexual Assault Resource Center (SARC) is the primary resource for support and response in the case of Sexual Violence as well as coordinating all education, training and communication to the community regarding sexual violence as set out in this policy.
- In addition, SARC shall maintain relevant records and denormalized statistics for the University pertaining to cases of sexual assault that it responds to under this policy.

2. Responding to Sexual Violence

Procedures for Responding to Sexual Assault

[See Concordia's responding to sexual assault resource website](#)

For situations requiring immediate emergency assistance call Security at 514-848-3717 (option 1) and / or 911

- For situations requiring immediate medical attention call 911
- For situations requiring support for victims / survivors call the SARC coordinator at 3461 and / or 3353

Informing SARC

Any member of the University community could be the first person informed of an incidence of sexual violence.

The first person aware of a non-immediate incident of sexual assault should encourage the survivor/victim to contact the SARC.

Any member of the staff or faculty who is made aware of an incidence of sexual violence is encouraged to contact SARC in order to:

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- Consult with the SARC coordinator as to how to assist or where to refer the survivor/victim (on an anonymous basis or with the consent of the survivor/victim)
- Debrief regarding the intervention or encounter with the survivor/victim

3. Support

The Sexual Assault Response Team

The Sexual Assault Response Team (SART), chaired by the SARC coordinator, is called to meet on an urgent and priority basis in the event of a reported incidence of sexual violence and will act together to provide a coordinated and appropriate response. The SART is an ad hoc team composed of the most relevant resources, depending on each case, as determined by the SARC coordinator and in accordance with the needs and wishes of the survivor/victim. In addition to the SARC coordinator the team may include a representative from:

- Security
- Health Services
- Office of Rights and Responsibilities
- Dean of Students
- Department Chair or Program Director (undergraduate or graduate)
- HR representative
- Residence Director
- University Secretariat
- The Access Center for Students with Disabilities
- or any of their designates

The SARC coordinator, acting as chair of SART will:

- Act as the lead responder in cases of reported sexual violence and, with the consent of the survivor/victim, shall act as their voice, where needed, in the community;
- Provide and/or coordinate case management of the file including calling the SART together, as required, and coordinating the University's response and the resources offered;
- Contact and work with all relevant departments/units to address related internal issues for the survivor/victim (e.g.; class changes, work assignments);

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- Where appropriate, provide relevant departments with updates regarding court dates, courts conditions, restraining orders and decisions.

If the SARC coordinator or any other member of the community is approached by the alleged perpetrator seeking support or assistance, such person shall be referred to the Dean of Students (in the case of a student) or Human Resources or a union representative (in the case of staff/faculty) who shall provide timely support and referrals to the appropriate resources.

Internal Collaboration

All relevant units contacted by the SARC coordinator in the application of this Policy are bound to collaborate with the SARC coordinator and identify all appropriate and reasonable accommodations and/or arrangements in support of the survivor/victim, the whole in accordance with existing policies and procedures.

Confidentiality

Ensuring confidentiality is vital in creating an environment and culture where survivors/victims feel safe to disclose and seek support and accommodation. There are, however, limits to the confidentiality that can be assured under certain circumstances such as:

- 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 (ex: video shared publicly on social media);
- Reporting or action is required by law (ex: subpoena, a minor at risk of harm).

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.

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4. Education, Training and Communication

Concordia University is committed to promoting a safe learning and working environment for its students, faculty, staff and visitors. The University will work to eliminate Sexual Violence through the dissemination of educational material and year-round training programs for students, faculty and staff.

SARC is responsible for:

- coordinating education and training communication to the community regarding Sexual Violence.
- working with relevant departments to provide education to the University campus as a whole regarding sexual violence;
- providing and coordinating information and training related to new issues arising in the field of sexual violence to individuals and departments involved in responding to sexual violence;
- consulting and collaborating with individuals and groups both on and off campus who provide alcohol education, bystander training, sexual violence and sexual harassment prevention education;
- providing and coordinating support and education to the University community as required around issues related to the survivor/victim, alleged perpetrator, sexual assault policy and procedures and general information on sexual violence;
- providing a yearly report to the Deputy Provost regarding the application of this Policy. Such report shall include the data collected and any appropriate recommendations regarding this policy;
- Coordinating with University Communications Services (“UCS”) on awareness campaigns.

The University encourages students, faculty and staff to regularly review policies, programs and services within the University community designed to promote a safe educational and working environment.

5. Reporting and Discipline

Survivors/victims of sexual violence have options when deciding where and how to file a formal report or complaint in response to an incident or incidences of Sexual Violence. Note that *disclosing* is not the same as *reporting*. Disclosure of an incidence of sexual

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violence for the purposes of support, assistance and/or accommodation is confidential, subject to the limits set out in this policy. Reporting is a choice made by a survivor/victim who wishes to move towards a legal and/or disciplinary process in which anonymity is not possible. Complaints made under the *Code of Rights and Responsibilities* ([BD-3](#)) are treated confidentially, subject to the limits of that policy.

The SARC coordinator shall assist survivors/victims in understanding each of these options and in ensuring that they have all the information that they need in order to make an appropriate decision on next steps.

Detailed information about options and what to expect for all parties, survivors/victims and persons accused, are provided on a dedicated SARC/Concordia website.

The availability of some options will depend on the member status of the survivor and/or the person accused.

Reporting options include:

Criminal option

- reports/complaints can be made to the police with the goal of pursuing criminal charges under the Criminal Code of Canada;

On-campus option

- *Code of Rights and Responsibilities* ([BD-3](#))(when both parties are subject to the jurisdiction of the Code)
- In the case of an allegation against the staff or faculty member, Reports/Complaints can also be made to appropriate supervisor, depending on the parties involved.

Survivors/victims of sexual violence are encouraged to engage in appropriate recourses and avoid making public accusations. Such public accusations would include but are not limited to social and other media.

Persons making false accusations and/or statements that are vexatious and/or in bad faith could be charged under the *Code of Rights and Responsibilities* ([BD-3](#)). Reprisals

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against individuals who report an incident or incidents of Sexual Violence is prohibited and disciplinary action may be taken following threats or attempts to retaliate.

6. Policy Responsibility and Review

The overall responsibility for the implementation and recommended amendments to this Policy shall rest with the Deputy Provost. This Policy will be reviewed by a committee including representatives from the Sexual Assault Resource Center, Legal Counsel, the Office of Rights and Responsibilities and the student body one (1) year after its initial adoption, and shall make any necessary recommendations to the Deputy Provost.