

POLICY REGARDING SEXUAL VIOLENCE

Page 1 of 16

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

Supersedes /Amends:

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PREAMBLE

Sexual discrimination, intimidation, harassment and assault are not tolerated at Concordia. 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 of the community are free from sexual violence. This policy articulates the university's commitment to address sexual violence and seeks to counteract harmful myths and attitudes surrounding the subject through community education and training. The policy fosters awareness and prevention, outlines support for survivors/victims, and sets out fair procedural frameworks for accountability. It describes appropriate responses to disclosures of sexual violence and specifies procedures for reports or complaints.

APPLICATION AND RELATED POLICIES.

This policy applies to all members of the university community, regarding incidents occurring in any setting, on or off campus or on-line, where university learning, work, athletics and social or other activities take place. This policy also applies to third parties, where applicable and as defined below. In accordance with the *Act to prevent and fight sexual violence in higher education institutions*, this policy describes and addresses the serious problem of sexual violence separately from all other kinds of misconduct. The policy works within the university's existing legal and procedural framework. Applicable and superseding university policies, procedures and agreements include but are not limited to the [Code of Rights and Responsibilities \(BD-3\)](#), [Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct \(BD-3-protocol\)](#), [Consensual Romantic Or Sexual Relationships Guidelines \(BD-4-guidelines-relationships\)](#) and [Policy on Student Involuntary Leave of Absence \(PRVPAA-15\)](#) and relevant collective and/or employee agreements.

POLICY REGARDING SEXUAL VIOLENCE

Page 2 of 16

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.
- 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.
- Present the relevant criminal external and internal reporting options and ensure that appropriate support to the survivor/victim is provided, depending on the circumstances and wishes of the survivor/victim.
- Provide appropriate support, when requested, to a person accused of committing sexual violence.

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 of Rights and Responsibilities](#) and the [Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct \(BD-3-protocol\)](#) 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.

POLICY REGARDING SEXUAL VIOLENCE

Page 3 of 16

DEFINITIONS

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

“Consent” is bound and guided by the Criminal Code of Canada defined 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.

“Sexual Violence” is 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, stealthing, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member 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.

“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.

POLICY REGARDING SEXUAL VIOLENCE

Page 4 of 16

“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 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.

“Disclosure” is a statement made by a survivor/victim for the purposes of receiving confidential support, assistance and/or accommodation.

“Report” and/or “Complaint” is a statement (as defined in the applicable policy such as the [Code of Rights and Responsibilities, BD-3](#)) made by a survivor/victim, Disciplinary Officer or member of the community to the appropriate body, unit, person or authority for the purposes of:

- pursuing an available process, whether informal or formal, and/or disciplinary actions against a person accused of sexual violence; or
- reporting an incident or concern that they are aware of and wish to bring forward.

Statements made online or via social media platforms such as FaceBook and Twitter are not considered to be a report or complaint.

“Disciplinary Officer” is any of the following individuals (as defined in the applicable policy such as the [Code of Rights and Responsibilities, BD-3](#)) who shall have the powers, duties and obligations conferred upon them in the Code as well as any powers reasonably incident thereto: President and Vice-Chancellor, Vice-Presidents, Deputy Provost and Secretary-General.

“Sexual Assault Response Team” (SART) is the response team convened by the Sexual Assault Resource Centre (SARC) coordinator in cases of sexual violence.

“Third party” is a person or an entity that is not a member or part of the Concordia community but which provides services to or receives services from our community and/or acts as a partner

POLICY REGARDING SEXUAL VIOLENCE

Page 5 of 16

or collaborator with the university. Examples include but are not limited to: consultants, conference organizers and participants, contractors, research partners and internship partners. Such parties are subject to this policy as well as other policies (including the [Code of Rights and Responsibilities BD-3](#)) to the extent that processes or recourses are applicable to them.

“Instructor”, in this Policy, aligns with the definition of “Instructor” set out in the *Consensual Romantic or Sexual Relationships Guidelines* (issued in 2018 in accordance with the [Code of Ethics and Safe Disclosure Policy Applicable to Employees of Concordia University \(BD-4\)](#)). An Instructor is 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 and coaches and coaching assistants.

“Respondent” is any member of the community against whom a report or complaint is made.

INTERSECTIONALITY

Sexual violence impacts people of all genders. Sexual violence is overwhelmingly committed against women and gender non-conforming people and in particular younger people and individuals who experience the intersection of multiple identities such as but not limited to Indigenous people, racialized people, trans people and people with disabilities. Concordia strives to reduce barriers in order to better support survivors/victims in the community. To this end, the 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. Concordia is a diverse community and every effort to address issues of sexual violence must be grounded in an understanding of intersectionality that each person’s experience is impacted by many factors. Concordia 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 pursue.

POLICY REGARDING SEXUAL VIOLENCE

Page 6 of 16

POLICY

1. Primary Resource regarding Sexual Violence

Sexual Assault Resource Center (SARC) is located at 1455 de Maisonneuve Boulevard West, Room H-645. Detailed information about SARC services and resources can be found at [SARC](#).

- 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 violence that it responds to under this policy.

[*The Standing Committee on Sexual Misconduct and Sexual Violence*](#) is a permanent university committee of students, faculty and staff. The Standing Committee can be reached at standing-cmt.smsv@concordia.ca. Information about the committee

2. Responding to Sexual Violence

Procedures for Responding to Sexual Violence

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

- For situations requiring support for survivors/victims call the SARC coordinator at 514-848-2424 X3353. The coordinator will serve as the single point of contact for first response in cases of sexual violence.

Informing SARC

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

POLICY REGARDING SEXUAL VIOLENCE

Page 7 of 16

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

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

- 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

All members of the university (students and employees) may receive support through the appropriate office if they are affected by any form of sexual violence.

Support for survivors/victims

SARC will work with individual survivors/victims in determining their support and/or workplace and academic accommodation needs and assist them in accessing these. The needs of each survivor /victim are different, and the types and forms of support and accommodation made available will be tailored to the survivor/victim needs on a case by case basis.

Survivors/Victims may access support within the university regardless of when, where and by whom they experienced an incident of sexual violence. Survivors/victims need only to disclose their experience to obtain support and will not be required or pressured to make a formal complaint in order to receive support.

Support and complaint options will be provided to the survivor/victim regardless of the circumstances or context (such as the use of drugs or alcohol or the possibility that the events occurred off university premises) in which the sexual violence occurred.

Support for complainants and respondents throughout the process

Complainants and respondents will be provided with a contact person throughout the investigation and decision making processes. Support for student complainants will be facilitated by the Office of Rights and Responsibilities. Support for student respondents will be provided by the Dean of Students. Contact information for staff or faculty complainants or respondents will be provided by Human Resources.

POLICY REGARDING SEXUAL VIOLENCE

Page 8 of 16

Support for alleged perpetrators or respondents

Students facing allegations of sexual violence or who are respondents in a complaint made about such allegations may be provided with support or referrals from the Dean of Students.

In the case of staff or faculty facing such a complaint, they may be provided with referrals to the appropriate internal or external resources from Human Resources.

Support Resources

Sexual Assault Resource Centre (SARC)	(514) 848-2424 # 3353
Office of Rights and Responsibilities	(514) 848-2424 # 8559
Security	(514) 848-2424 # 3717
Dean of Students	(514) 848-2424 # 3517, # 4239
Human Resources	(514) 848-2424 # 3666
Special Advisor to the Provost on Campus Life	(514) 848-2424 # 4754
Centre for Gender Advocacy Peer-to-Peer Support	(514) 848-2424 # 7880
CSU Legal Information Clinic	(514) 848-7474 X 7375
CSU Student Advocacy Centre	(514) 848-7474 X 7313
CSU Off-Campus Housing and Job Bank	(514) 848-7474 X 7935
Employee Assistance Program	1 (800) 633-1142
Montreal Sexual Assault Centre hotline	(514) 933-9007

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

POLICY REGARDING SEXUAL VIOLENCE

Page 9 of 16

- Health Services
- Office of Rights and Responsibilities
- Dean of Students
- Department Chair or Program Director (undergraduate or graduate)
- Human Resources
- Residence Director
- University Secretariat
- The Access Center for Students with Disabilities
- Office of the Provost
- 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 (example: class changes, work assignments);
- Where appropriate, provide relevant departments with updates regarding court dates, courts conditions, restraining orders and decisions.

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 and implement all appropriate and reasonable accommodations and/or arrangements in support of the survivor/victim, the whole in accordance with existing policies and procedures.

Accommodation Measures

This policy sets out that interim academic, safety and employment accommodation measures that can be put in place to secure the parties, to protect a person from retaliation or the threat of retaliation, to address safety concerns and to support the survivor/victim.

POLICY REGARDING SEXUAL VIOLENCE

Page 10 of 16

Examples of measures available for a student include exam or assignment deferral, class or schedule changes, housing changes, no-contact orders and safety measures that set out where an alleged perpetrator can or cannot circulate on university premises.

Examples of interim measures for employees include taking precautionary non-disciplinary steps to limit contact between the parties.

In all cases the survivor/victim will be provided with information on methods available to facilitate a resolution, the process for filing a formal complaint, and information about other available options to address or resolve the matter.

4. Confidentiality of Disclosures

Ensuring confidentiality of disclosures 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 (example: 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.

5. Education, Training and Communication

Concordia University is committed to promoting a safe environment for its students, faculty, staff and visitors. The university will work to eliminate sexual violence through the dissemination of educational material and training for students, faculty and staff.

POLICY REGARDING SEXUAL VIOLENCE

Page 11 of 16

Concordia University through SARC will collaborate with on and off campus partners to develop and deliver an education plan that will include campaigns, training, workshops, online and print resources, programs and events on the topic of sexual violence on campus. These campaigns will include issues such as rape culture, consent culture, sexual violence awareness, how to seek support, resources for survivors/victims, resources for first responders, options for disclosing or reporting and the related university policies, guidelines and processes.

In order to create an informed culture within the university on sexual violence, the university will employ a variety of methods for training:

- Training methods for students may include information packages, on-line training, workshops and through our website;
- Mandatory training will be required annually for the following groups as per the *Act to prevent and fight sexual violence in higher education institutions*: faculty, staff, student association representatives and union representatives;
- All new incoming students will receive information on the sexual violence policy, SARC and options for training.

SARC is responsible for:

- coordinating education and training communication to the community regarding sexual violence;
- representing and updating the standing committee on sexual misconduct and sexual violence on training and education initiatives;
- working with relevant departments to provide education to the university community 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 and sexual violence and sexual harassment prevention education;

POLICY REGARDING SEXUAL VIOLENCE

Page 12 of 16

- providing and coordinating support and education to the university community as required around issues related to the survivor/victim, alleged perpetrator, sexual violence policy and procedures and general information on sexual violence;
- providing a yearly report to the Special Advisor to the Provost on Campus Life regarding the application of this policy. Such report shall include the data collected and any appropriate recommendations on training and education in this policy;
- coordinating with University Communications Services (“UCS”) on awareness campaigns;
- providing the university community with ongoing education and training about sexual violence including information on how to respond to the disclosure of sexual violence.

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.

6. 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 incidents of sexual violence. Note that *disclosing* is not the same as *reporting*. Disclosure of an incident of sexual 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.

Reporting is also an option for a witness or any member of the community who may have information and/or a concern about an incident of sexual violence in the community that they wish to bring forward. In these situations such a report can be made to Security and/or a member of staff, faculty or administration 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.

Survivors/victims of sexual violence may choose **not** to file an internal and/or external formal report or complaint. The full range of supports and services outlined in this policy remain available to the survivor/victim.

POLICY REGARDING SEXUAL VIOLENCE

Page 13 of 16

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. The SARC coordinator will accompany members through internal and/or external reporting options as well as assist them in accessing administrative compensation bodies such as the Indemnisation des victimes d'actes criminels (IVAC) which offers compensation to victims of criminal acts. Victims of criminal acts do not have to make internal and/or external reports to apply for benefits from IVAC.

Additional detailed information about options and what to expect for all parties, survivors/victims and persons accused, are provided at [SARC website](#).

Reporting options include

Internal options

Members of the University community are encouraged to engage with any internal reporting option or recourse they feel are appropriate. The availability of some options will depend on the member status of the survivor/victim and/or the person accused.

- The [Code of Rights and Responsibilities \(BD-3\)](#) when both parties are subject to the jurisdiction of the Code). Complaints made under the *Code of Rights and Responsibilities (BD-3)* are treated confidentially, subject to the limits of that policy.
- In the case of an allegation against a staff or faculty member, reports/complaints can also be made to appropriate supervisor, depending on the parties involved, or through a grievance under a collective agreement for unionized employees.
- Members can also notify Concordia Security of an incident of sexual violence in order to have on-campus safety concerns addressed and/or be informed about internal and/or external resources such as SARC. Security services is available 24 hours a day, seven days a week, including statutory holidays.

External options

Members of the university community are encouraged to engage with any and all outside reporting resources they feel are appropriate. This policy and the internal complaint process do not prevent and are not intended to discourage a member from also reporting sexual violence to the police and pursuing a complaint of sexual violence

POLICY REGARDING SEXUAL VIOLENCE

Page 14 of 16

through the criminal justice system; and/or pursuing a complaint of sexual harassment with the Quebec Human Rights Commission; and/or pursuing civil justice options. The policy also does not prevent a unionized employee from pursuing a grievance under the collective agreement.

Criminal option

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

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 accused or other responsible parties.

7. Processes and Possible Outcomes

The processes and outcomes of an internal complaint process vary depending on the status (example: student or faculty/staff) of the survivor/victim and of the person accused. For example, in the case of students (where both the survivor/victim and person accused are students) the Responsibilities [*Code of Rights and Responsibilities \(BD-3\)*](#) provides for the possibility of informal resolution if both parties agree, or a formal complaint. A formal complaint is heard and decided by a student tribunal as per the Code of Rights and Responsibilities. In these cases both parties are present at the hearing and receive a copy of the tribunal decision outlining the case, facts and the decision. The Code provides that if a charge is upheld, a range of sanctions could be imposed– from a reprimand to expulsion.

If the accused person is a staff or faculty member, the applicable processes are set out in collective agreements, employment contracts, policies and laws which provide that the investigation into the allegations may be performed by an internal or an external investigator and is confidential. The details of the outcome of the investigation cannot be shared due to privacy and confidentiality reasons. In these cases a survivor/victim will be informed when the processes has been carried out. If the complaint is founded then the appropriate measures will be applied. The range of sanctions that could be imposed

POLICY REGARDING SEXUAL VIOLENCE

Page 15 of 16

vary depending on all the circumstances but generally range from a warning to a dismissal.

Note that in all cases interim measures designed to ensure the safety of the survivor/victim and the community can be put in place while the applicable processes are taking place. Regardless of whether or not a complaint is filed, the full range of supports and services outlined in this policy remain available to the survivor/victim.

Reprisals 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.

8. Consensual Romantic or Sexual Relationships between Instructors and Students

The foundation of the University's educational mission is the integrity of the instructor-student relationship. As clearly stated in the [Consensual Romantic or Sexual Relationships \(BD-4-guidelines\)](#) (issued in 2018 in accordance with the [Code of Ethics and Safe Disclosure Policy Applicable to Employees of Concordia University \(BD-4\)](#)) this relationship vests considerable trust in the instructor, who, in turn, bears authority 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 strongly urged 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 a failure to do so can have disciplinary consequences.

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 discrimination or sexual harassment involving an instructor, which may or

POLICY REGARDING SEXUAL VIOLENCE

Page 16 of 16

may not arise from a consensual romantic or sexual relationship, may seek the necessary support at Concordia as set out in this policy.

9. Roles and Responsibilities

All members of the university are responsible for the implementation of this Policy and must take steps to make themselves aware of the Concordia University Sexual Violence Policy and participate in mandatory training and education and training programs.

If an incident is reported or disclosed by a survivor/victim, of a witness or a concerned member; members of the university community will refer them to the Sexual Assault Resource Centre or to the Office of Rights and Responsibilities to ensure support and options are given.

Any member of the Concordia community may make a report to Concordia security or to the Office of Rights and Responsibilities if they witness or become aware of an incident of sexual discrimination, intimidation, harassment and/or assault on campus.

10. Policy Responsibility and Review

The overall responsibility for the implementation and recommended amendments to this policy shall rest with the Special Advisor to the Provost on Campus Life. This policy will be reviewed by a committee including representatives from SARC, 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 Special Advisor to the Provost on Campus Life.