

INTERIM GUIDELINE FOR RESPONDING TO SEXUAL VIOLENCE

September 12, 2016

Preamble

Sexual violence is a serious and systemic issue that impacts the individual, the community and society. Sexual violence is a broad term that describes any sexual act or act targeting a person's sexuality, gender identity or gender expression that is committed, threatened or attempted against a person without the person's consent¹.

Sexual violence is physical, verbal and/or psychological in nature. This violence takes many forms including sexual assault, sexual harassment, stalking, cyber-harassment, indecent exposure, voyeurism and sexual exploitation.

Anyone can experience sexual violence. However, individuals may encounter increased vulnerabilities based on their identity or perceived identity including such factors as race, economic status, gender identity, gender expression, sexual orientation, language, physical or mental ability and/or immigration status. Every survivor² reacts differently to their experience. Survivors experience many barriers to disclosing, reporting and/or seeking support; barriers can differ based on the lived experience of the survivor.

York University affirms its ongoing commitment to foster a culture where sexual violence and its impacts are understood, survivors are supported and those who commit incidents of sexual violence are held accountable.

The following Guideline is in place while the University completes its new sexual violence policy, including the creation of new processes for education, response and support in compliance with Bill 132 and related regulations which come into effect on January 1, 2017. In the interim, this Guideline outlines existing practices and services that address sexual violence and introduces new measures based on consultations over the past several months. These include:

- The introduction of the Sexual Violence Response Office which will be supported in the interim by the Office of Student Community Relations. This Office is designated as the first point of contact for those who have experienced sexual violence and will support all members of the York Community – students, faculty and staff. Through the fall, the process to hire additional staff for the new Sexual Violence Response Office will begin.
- Notifying police services when a sexual assault is reported will now only occur with the consent of the survivor, unless there is an imminent risk assessed to the safety of an individual or the broader community.

¹ Consent refers to active, ongoing, informed and voluntary agreement to engage in sexual activity. It cannot be given by someone who is incapacitated, unconscious or otherwise incapable of consenting and it cannot be obtained through threats, coercion or other forms of control and intimidation.

² Survivor refers to someone who has disclosed or reported that they have experienced sexual violence.

Over the course of fall and winter, the Sexual Violence Awareness, Prevention and Response Policy Working Group will continue and broaden its consultative process to ensure effective constituent input with respect to the draft policy, which will replace the Sexual Assault Awareness, Prevention and Response Policy of February 2015.

Purpose and Scope

The purpose of this Guideline for Responding to Sexual Violence is to provide a consistent and supportive response to members of the York community who disclose experiences of sexual violence. The Guideline reinforces York's commitment to a survivor-centric and trauma-informed response. It also provides information clarifying existing processes, procedures, services and resources available on campus and off campus to support survivors as well as outlines the internal process for filing a complaint.

This Guideline applies to all members of the York University community, including but not limited to students, staff, faculty, administrators and volunteers. It applies regardless of where an incident takes place.

Principles for Supporting Those Who Have Experienced Sexual Violence

Sexual violence can have serious and wide-ranging impacts on a survivor's physical, mental, emotional, spiritual and social health and wellbeing. York University recognizes the traumatic effects of sexual violence and is committed to providing appropriate support and information about options available to survivors. The University strives for survivors to:

- Be treated with compassion, dignity and respect;
- Be provided with non-judgmental and empathetic support;
- Have confidentiality maintained and any limits to confidentiality explained;
- Be informed of the procedures in place to address sexual violence;
- Be provided with timely safety planning assistance;
- Be informed about available on- and off-campus support services and resources; and to receive survivor-centric information, supports and services appropriate to their social identities including race, sexual orientation, gender identity/expression, faith, disability and Indigeneity;
- Be provided with necessary academic, workplace, recreational and/or housing accommodations as appropriate;
- Decide whether to pursue criminal or non-criminal reporting options;
- Have reporting and/or complaint processes outlined clearly;
- Have reasonable and necessary actions taken to prevent further unwanted contact with the respondent;
- Wherever possible, retain control over the process and any decisions pertaining to their experience.

All survivors are encouraged to contact the Sexual Violence Response Office (W128 Bennett Centre for Student Services, 416-736-5211, svro@yorku.ca, yorku.ca/sexual-violence-response) to discuss the range of options available to them following an incident of sexual violence.

Confidentiality

Ensuring confidentiality is key when creating an environment and culture where survivors feel safe to disclose and seek support and accommodations. The importance of maintaining confidentiality in such circumstances of disclosures of sexual violence is a priority. The University is committed to ensuring such an environment and culture is fostered.

The University will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence. It will limit disclosure of information about individuals to those within the University who need to know for the purposes of providing support, investigating the incident or taking corrective action.

In cases where confidentiality cannot be maintained, information pertaining to the incident will only be shared with necessary services or officials (based on reporting requirements) and in no circumstance would the name of the survivor be released to the public by the University. Where possible, the survivor will be informed prior to sharing information. If this is not possible, the survivor will be informed as soon as practicable.

By way of example, the University may not be able to guarantee complete confidentiality if:

- a) An individual is assessed to be at imminent risk of self-harm;
- b) An individual is assessed to be at imminent risk of harming an identified individual;
- c) There is reason to believe that members of the University community or the broader community may be at imminent risk of harm;
- d) The University has an obligation to investigate; and/or
- e) Reporting or action is required by law.

Following a report of sexual violence to any University office, a safety risk assessment will be conducted under the auspices of the Sexual Violence Response Office. In the case of a disclosure of sexual violence, a safety risk assessment may also take place.

Except in the limited circumstances listed above, contact with Police Services should only occur with the explicit and informed consent of the survivor.

Disclosures of Sexual Violence

"Disclosure" occurs when an individual who has experienced sexual violence confides in someone about their experience. They are often not seeking a formal resolution but rather seeking support and an opportunity to discuss various options that may be available to assist them, including the option to make a formal report. For information about how to respond to a disclosure of sexual violence and support resources, refer to [Appendix A](#).

Report/Complaint Process

Anyone who has experienced or witnessed sexual violence has options for filing a report or complaint in response to the incident and may choose to pursue internal and/or external reporting options.

The Sexual Violence Response Office can provide information about available reporting options as they relate to the individual's affiliation (student, faculty, staff etc.) and connect the individual with appropriate resources and services.

Anyone who wishes to file a complaint is encouraged to contact the Sexual Violence Response Office to discuss options for reporting sexual violence and/or seeking support.

Interim Measures

Interim measures may be implemented while an incident or complaint is being investigated or a decision is being made regarding a complaint. Interim measures may include alternative academic, workplace and/or living arrangements.

Filing a Report/Complaint Process

A "complaint" is a term that refers to a formal report of an incidence of sexual violence being filed with a University office. "Complainant" refers to the role that may be taken by the individual directly impacted by an incident of sexual violence or a concerned University representative.

A "report" occurs when an individual who has experienced sexual violence informs someone about their experience through a formal process that involves an expectation that formal action be taken against the respondent. "Respondent" is the term used to refer to the individual against whom a complaint has been filed.

Anyone who experiences sexual violence may pursue any of the following reporting options:

External

a) Criminal Reporting Option:

Individuals may report sexual violence through the criminal justice system by contacting Police Services. If an individual chooses this route, the Sexual Violence Response Office can facilitate, through Security Services, making a report.

b) Non-Criminal External Options:

There are other external processes available to address sexual violence such as the Ontario Human Rights Tribunal, Criminal Injuries Compensation Board and civil action. The Sexual Violence Response Office can provide additional information about these processes.

Internal

c) Non-Criminal Internal Complaint Options:

Complaints of sexual violence are generally processed based on the affiliation (i.e. student, staff or faculty) of the individual accused of committing sexual violence. Regardless of the affiliation of the survivor or the accused, the Sexual Violence Response Office will obtain the information necessary to generate a complaint and the report will be directed to the relevant area to review the complaint. The Sexual Violence Response Office will continue to provide support throughout the complaint process.

- Complaints of sexual violence against a student can be made to the Office of Student Community Relations through the *Code of Student Rights and Responsibilities*.
- Complaints against staff and faculty members can be made to a supervisor or manager under the *Policy on Workplace Harassment*, *Policy on Workplace Violence*, or directly to the Centre for Human Rights under the *Policy on Sexual Harassment*.

Pursuing one reporting option does not prohibit the individual from simultaneously pursuing an alternate option. If, however, there is a criminal investigation in progress, the internal complaint process may be postponed pending the results. In these situations, appropriate interim measures will be put in place.

The decision to file a complaint of sexual violence is the choice of the survivor. The individual filing the complaint has the right to withdraw the complaint at any time. All reasonable efforts will be made to respect the survivor's wishes of any course of action.

If the University has been made aware of a reported incident or complaint, it reserves the right to act on its own accord to investigate in order to comply with its obligation under University policies and/or any law.

The survivor will be made aware of the University's intention prior to initiating an investigation.

The individual filing the complaint has the right not to participate in any University investigation.

Disclosure without Reporting

If an individual who has experienced sexual violence does not want to report the incident to the police, or use the University's complaint process, they have the option of disclosing their experience to a professional counsellor and/or the Sexual Violence Response Office to receive personal support and any accommodations that may be needed.

Investigation/Adjudication Process

The investigation and decision-making process to be undertaken varies depending on the context within which the sexual violence has taken place and the affiliation of the complainant and respondent (i.e. student, faculty or staff). For example, if the complainant and respondent are both students and the incident occurred in the context of student activities, the process undertaken follows the *Code of Student Rights and Responsibilities*. If the complainant is a student and the respondent is a staff or faculty member, the process for investigation and decision-making is established by University policies regarding conduct in the workplace and/or by collective agreement.

The Sexual Violence Response Office will assist with identifying the appropriate process to follow and will consult with other areas of the University when necessary to assist in pursuing the appropriate process.

Complaint Process (Students)

Complaints of sexual violence committed by a student are processed through the [Code of Student Rights and Responsibilities \(CSRR\)](#).

Complaints of sexual violence may be processed by Local Adjudication or by the University Tribunal. Informal Resolution may be employed at any point during the process. The decision about the process with which to proceed will be made in consultation with the complainant and the respondent and depend on the nature of the complaint and severity of the requested sanction.

As outlined in the *Code of Student Rights and Responsibilities*, decisions of Local Adjudicators and of the University Tribunal can be appealed.

Complaint Process (Faculty/Staff)

There are policies, procedures, and collective agreement provisions relevant to complaints by faculty or staff regarding sexual violence. Anyone wishing to pursue a complaint against a faculty or staff member is encouraged to speak with the Sexual Violence Response Office or, alternatively, their union, manager or the Centre for Human Rights. The following is an overview of processes:

Incidents of Sexual Harassment:

Complaints of sexual harassment are addressed under the *Policy on Workplace Harassment*. Incidents of sexual harassment will be referred to the Centre for Human Rights for investigation. The Centre will follow the *Procedures for Dealing with Complaints of Discrimination and Harassment* to investigate. The investigation report is provided to the respondent's Management Supervisor who determines what consequences or sanction, if any, should be imposed. In some instances, the relevant collective agreement may provide for a different process or a different investigator.

For details regarding the process, please see Section VII of the *Workplace Harassment Program Guide* and/or the Centre for Human Rights' *Procedures for Dealing with Complaints of Discrimination and Harassment* posted on [York's Sexual Violence Prevention and Response](#) website.

Incidents of Sexual Assault:

Sexual assault constitutes an act of violence and is addressed by the *Policy on Workplace Violence* when it occurs in the workplace. Employees are expected to report acts of sexual assault that have occurred in the workplace to their Management Supervisor or, if that person committed the violence, to the next level manager. It is the responsibility of the Management Supervisor to assess the situation and, when needed assign an investigator. Once the investigation has been completed, the Management Supervisor determines what, if any sanction should be imposed against the respondent.

For details regarding this process, please see Section VIII of the *Workplace Violence Program Guide* posted on [York's Sexual Violence Prevention and Response](#) website.

Other Incidents of Sexual Violence:

Other incidents of sexual violence such as voyeurism, stalking, sexual exploitation and indecent exposure may be covered under either the *Workplace Harassment* or *Workplace Violence* policies. In any event, it is expected that faculty and staff will report such incidents to their Management Supervisor. The Management Supervisor will decide the appropriate manner of investigating and addressing the incident in the circumstances.

Decisions of a Management Supervisor are subject to a grievance by a complainant-employee or by a respondent. However, there is no right of appeal from a Management Supervisor decision.

Sanctions

Those who have been found to have committed sexual violence shall be subject to related sanctions and discipline up to and including expulsion and/or termination where appropriate.

Reprisal

It is contrary to this Guideline and related policies for anyone to retaliate, engage in reprisals or threaten to retaliate against an individual reporting an incident of, or making a complaint about, sexual violence.

Reprisal is prohibited against the individual who has made a complaint or any other individual who has participated or co-operated in an investigation.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

Maintenance of Statistics

Statistics on incidents of sexual violence will be maintained by the University.

Communication

The University affirms its commitment to transparent communication with its community when there is an assessed ongoing security risk. Security Bulletins will continue to be the

manner in which such information is shared with the University community as outlined in the related [Security Bulletin protocol](#), which ensures the anonymity of survivors.

Education and Training

Training on sexual violence guidelines, policies and related processes is offered by the Department of Community Safety and the Centre for Human Rights.

APPENDIX A: RESPONDING TO A DISCLOSURE OF SEXUAL VIOLENCE

How to Respond to a Disclosure of Sexual Violence

If you receive a disclosure concerning sexual violence, it is important to inform the person making the disclosure of your commitment to keep confidential all information that is provided. It is also important to inform the person disclosing that there are limits to confidentiality (as outlined in the Confidentiality section).

Local 24/7 Services available are as follows:

Toronto Rape Crisis Centre/Multicultural Women Against Rape (TRCC/ MWAR): 416-597-8808.

Women's College Hospital Sexual Assault/Domestic Violence Care Centre (SA/DVCC): 416-323-6040

For additional resources, refer to Supports and Services section.

Sexual Violence Response Office

If someone discloses an experience of sexual violence, direct or offer to accompany them to the Sexual Violence Response Office (W128 Bennett Centre for Student Services, 416-736-5211, svro@yorku.ca, yorku.ca/sexual-violence-response). The Office has extensive expertise in responding to instances of sexual violence and is in the best position to provide referrals for support and to outline information about the complaint processes for students, staff and faculty. Wherever possible, this referral should be made **before** the person discloses the details of the incident(s) of sexual violence and/or any identifying information about involved parties.

To facilitate a connection with the Sexual Violence Response Office, ask the survivor if they would like more information about the role of the Sexual Violence Response Office. The Office can provide the following services as requested by the survivor:

- Assist with the coordination of safety planning.
- Facilitate referrals to community agencies and University resources.
- Coordinate academic/workplace accommodations through respective offices.
- Coordinate housing relocation for students on campus.
- Coordinate referral to medical services.

- Coordinate emergency financial assistance.
- Coordinate referrals to on- and off campus trauma-informed counselling services.
- Provide information about criminal and non-criminal reporting options.
- Assist with decision-making and navigating University processes or legal systems.
- Manage the flow of information among departments or offices, with explicit and informed consent from the survivor.

It is important that people supporting survivors and/or receiving disclosures have access to support for themselves. If you would like to speak with someone, you can contact the Sexual Violence Response Office and they will provide you with an appropriate referral.

If You Receive a Disclosure of Sexual Violence:

1. Assess Immediate Safety
2. Inform Survivor of Limitations to Confidentiality
3. Listen Without Judgment
4. Refer the Individual to the Sexual Violence Response Office

If at any point, you are unsure on how to proceed, contact the Sexual Violence Response Office (W128 Bennett Centre for Student Services, 416-736-5211, svro@yorku.ca).

1. Assess Immediate Safety

If possible, ensure that the disclosure takes place somewhere the survivor feels comfortable and where their privacy is heeded. Ask the survivor if their immediate safety is at risk.

- If the immediate safety of the survivor or any other member of the community is at risk, contact Security Services at 416-736-5333 or ext. 33333 and/or 911.
- If you are witnessing a current act of violence on campus, contact Security Services at 416-736-5333 or ext. 33333 and/or 911.
- If immediate safety is not at risk, ask the individual if they are somewhere they feel comfortable.

Please Note: Security Services will only contact Police Services with the consent of the survivor unless it is assessed that there is an imminent risk to the safety of an individual or the broader community.

2. Inform the Survivor of Limitations to Confidentiality

It is your responsibility to inform the person making the disclosure of any limits to confidentiality before they disclose identifying information. If you are unsure of any limitations to confidentiality, offer to refer the individual to the Sexual Violence Response Office (W128 Bennett Centre for Student Services, 416-736-5211, svro@yorku.ca).

3. Listen Without Judgment

A supportive and validating initial response to disclosures of sexual violence often makes a significant difference for survivors who may be apprehensive about sharing deeply personal or difficult information. Here are some ways to communicate support and concern:

- Let the survivor maintain as much control over the pace of the disclosure as possible. Allow them to finish without interrupting and offer breaks when needed.
- Listen carefully to what the survivor says and acknowledge the courage it took for them to come forward and share their experience.
- Do not make dismissive or victim-blaming comments. Questioning the survivor's behaviour or experience may result in the survivor feeling judged, disbelieved, blamed or a range of other negative emotions.
- Refrain from asking the survivor specific details about the incident. Intrusive questioning about the incident may cause the survivor to feel that they are being interrogated and that you are not listening to what they are sharing with you.
- Avoid initiating physical contact with the survivor without their consent. Some survivors may feel uncomfortable with physical contact following sexual violence.
- Create time and space for the individual to determine what decisions best suit their particular circumstances. Do not pressure them to make a decision or impose any decision on them.

4. Refer the Individual to the Sexual Violence Response Office

An important part of supporting a person who has experienced sexual violence is to provide them with information about their options and the resources that are available to them. Navigating University and community resources after experiencing sexual violence can be difficult. Your role is to help the survivor connect with the appropriate office.

Recommend that the survivor contact the Sexual Violence Response Office (W128 Bennett Centre for Student Services, 416-736-5211, svro@yorku.ca). If the survivor would like to call the Sexual Violence Response Office or a community agency, offer to sit with them as they place the call. If appropriate and feasible, offer to accompany the survivor to the Sexual Violence Response Office or community resources of their choice.

Respect the survivor's choice of whether to report the incident(s) to Security Services or to Police Services. Do not report the incident(s) yourself. Do not pressure the survivor to seek further assistance if they decline to do so.

Support and Services

The University will provide support and appropriately accommodate the needs of those who have experienced sexual violence or have been impacted by sexual violence.

The Sexual Violence Response Office will facilitate access to supports and services on campus, working in collaboration with other offices/departments in order to best meet the needs of survivors. The Sexual Violence Response Office may call together a Sexual Violence Response Team to help coordinate and facilitate support services and resources for survivors.

Supports and resources offered include but are not limited to:

- academic/workplace accommodation;
- counselling;
- critical incident coordination;
- case management;
- alternative housing;
- crisis funding;
- safety planning, and;
- peer support.

Support and services available are specific to the affiliation (student/staff/faculty) of the individual and their needs. Support, services and/or accommodations are available whether or not a survivor has filed a formal report/complaint of an incident.

Campus Supports and Services (Students/Staff/Faculty)

Sexual Violence Response Office

Telephone: 416-736-5211

Location: W128 Bennett Centre for Student Services

Email: svro@yorku.ca

Website: www.yorku.ca/sexual-violence-response

Centre for Human Rights

Telephone: 416-736-5682, Fax: 416-650-4823

Location: Room 2070, Victor Phillip Dahdaleh Building

Email: rights@yorku.ca

Website: www.yorku.ca/rights

Security Services

General Phone: 416-650-8000 or ext. 58000

Urgent Phone: 416-736-5333 or ext. 33333

Location: 228 William Small Centre

Email: scc@yorku.ca

Website: <http://security.info.yorku.ca/>

Supports and Services for Students

Office of Student Community Relations

Telephone: 416-736-5231, Fax: 416-736-5565
Location: W128 Bennett Centre for Student Services
Email: oscr@yorku.ca
Website: <http://www.yorku.ca/oscr/>

Personal Counselling Services

Telephone: 416-736-5297
Location: N110, Bennett Centre for Student Services
Website: <http://pcs.info.yorku.ca/>

Sexual Assault Survivor Support Line & Leadership (SASSL)

For 24-hour on-campus peer support and information you can contact SASSL.
Crisis Line: 416-650-8056, Office Line: 416-736-2100 ext. 40345
Location: 4th Floor of the Student Centre, Room B449
E-mail: sassl@yorku.ca
Website: <http://sassl.info.yorku.ca/#home>

Supports and Services for Staff/Faculty

Employee Assistance Program

Telephone: 1-800-268-5211, TTY: 1-800-363-6270
Website: <http://hr.info.yorku.ca/>

Employee Wellbeing Office (Human Resources)

Telephone: 416-736-5491
Location: Kinsmen Building, 8 Chimneystack Road
Email: ewb@yorku.ca
Website: <http://hr.info.yorku.ca/>

York University Psychology Clinic

Telephone: 416-650-8488
Location: Behavioral Sciences Building, Reception Room 104
Website: <http://www.yorku.ca/yupc/>

Staff and faculty who are members are bargaining units may wish to contact their unions.

External Support and Services

There are various supports and services available external to the York community.

Toronto Rape Crisis Centre/Multicultural Women Against Rape (TRCC/MWAR)

Crisis Line: 416- 597-8808
Email: crisis@trccmwar.ca
Website: <http://trccmwar.ca/>

Assaulted Women's Helpline

GTA: 416-863-0511

GTA TTY: 416-364-8762

Toll-Free: 1-866-863-0511

Toll-Free TTY: 1-866-863-7868

Good2Talk

Telephone: 1-866-925-5454

Email: info@good2talk.ca

Website: [HTTP://WWW.GOOD2TALK.CA/](http://www.GOOD2TALK.CA/)

Women's College Hospital Sexual Assault/Domestic Violence Care Centre (SA/DVCC)

Telephone: 416-323-6040, Fax: 416-323-6489

Location: 76 Grenville Street, Main floor, Toronto, ON M5S 1B2

The Women's College Hospital SA/DV centre is located in the [Acute Ambulatory Care Unit \(AACU\)](#) on the 1st floor in Room 1305.

Website: <http://www.womenscollegehospital.ca/programs-and-services/sexual-assault-domestic-violence-care-centre/>

Sunnybrook Hospital Bayview Campus

Telephone: 416-480-6100

Location: 2075 Bayview Avenue, Toronto, ON

York Central Hospital Domestic Abuse and Sexual Assault Care Centre (DASA)

Telephone: 905-883-1212 – Information | 905-832-1406 – DASA ext. 2

Location: 955 Major MacKenzie Dr, Richmond Hill, Ontario

Website: <http://www.yorkcentral.com/main/contact.htm>

York Region Police Services

Telephone: 1-866-876-5423

Website: <https://www.yrp.ca/en/index.asp>

Toronto Police Services

Telephone: 416-808-2222

Website: <http://www.torontopolice.on.ca/>

For additional information about supports and services available, contact the Sexual Violence Response Office.