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# TABLE OF CONTENTS

## SECTION I: BOARD-SENATE HEARING PANEL FOR DISCRIMINATION, HARASSMENT AND SEXUAL VIOLENCE

- ESTABLISHMENT OF TRIBUNAL

## SECTION II: INITIATION OF A HEARING

- APPLICABLE POLICIES
- **DISCRIMINATION, HARASSMENT & SEXUAL HARASSMENT: PREVENTION AND RESPONSE**
  - Parties to the Hearing
  - Burden of Proof
  - Submissions
  - Referral to Hearing by an Associate Vice-President
  - Formal Request for Hearing from a Complainant

- **SEXUAL VIOLENCE POLICY**
  - Parties to the Hearing
  - Burden of Proof
  - Submissions

- **CODE OF STUDENT RIGHTS AND RESPONSIBILITIES**
  - Parties to the Hearing
  - Burden of Proof
  - Submissions

## SECTION III: PROCEDURAL RULES FOR HEARINGS

- PROCEDURAL RULES
  - Parties to the Hearing
  - Burden of Proof and Basis of Decision
  - Administrative and Legal Support
  - Notice of Hearing
  - Closed Hearings
  - Other Parties
  - Recess or Adjournment
  - Evidence
  - Witnesses
  - Representation
  - Recording
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Similar Questions of Fact or Policy</td>
<td>9</td>
</tr>
<tr>
<td>Appropriate procedures</td>
<td>10</td>
</tr>
<tr>
<td>ORDER OF THE HEARING</td>
<td>10</td>
</tr>
<tr>
<td>DELIBERATIONS BY THE TRIBUNAL</td>
<td>11</td>
</tr>
<tr>
<td>TRIBUNAL DECISION</td>
<td>12</td>
</tr>
<tr>
<td>Recommendation of the Tribunal</td>
<td>12</td>
</tr>
<tr>
<td>APPENDIX A: SANCTIONS AND REMEDIES</td>
<td>13</td>
</tr>
<tr>
<td>SANCTIONS</td>
<td>13</td>
</tr>
<tr>
<td>REMEDIES</td>
<td>13</td>
</tr>
<tr>
<td>APPENDIX B: GLOSSARY OF TERMS</td>
<td>14</td>
</tr>
<tr>
<td>APPENDIX C: RELATED POLICIES AND LEGISLATION</td>
<td>16</td>
</tr>
</tbody>
</table>
SECTION I: BOARD-SENATE HEARING PANEL FOR DISCRIMINATION, HARASSMENT AND SEXUAL VIOLENCE

1. The Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence shall consist of six faculty members, three undergraduate students and three graduate students appointed by the Senate; and six staff members appointed by the Board of Governors. Student members shall serve for staggered two-year terms and faculty and staff members for staggered three-year terms. No member shall serve for more than two consecutive terms, but on the expiration of two years after having served the second of two consecutive terms, such person may again be eligible for membership on the Hearing Panel. In addition, the Chair of the Panel has the authority to appoint, on an ad hoc basis, faculty, staff and students who are not members of the Panel to serve on Tribunals as auxiliary Panel members (see Appendix B: Glossary of Terms).

2. The Chair and one Vice-Chair shall be appointed by the Senate from among the faculty members appointed by the Senate and one Vice-Chair shall be appointed by the Board of Governors from among the members appointed by the Board of Governors.

3. Members of the Hearing Panel will receive generic training provided by Human Rights and Equity Services in the particular sensitivities which surround discrimination and harassment, and Sexual Violence issues, in procedures which effect fair resolutions and in penalties and sanctions which are appropriate to the various breaches of Policy and which act as deterrents to further breaches of Policy.

4. The University Secretary, in consultation with the Director, Human Rights & Dispute Resolution (Equity and Inclusion Office), will ensure that the members of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence receive training in the particular sensitivities surrounding Sexual Violence.

5. Training will not deal with specific cases currently before any Tribunal established under this Policy and is in no way meant to fetter the independence of any Tribunal member to decide any case on the basis of the evidence presented in that case and according to his or her conscience. Once identified as a Tribunal member, the University Secretary will provide additional training regarding the hearing procedures.

ESTABLISHMENT OF TRIBUNAL

6. When the University Secretary receives the Referral to Hearing/Formal Request for Hearing, the University Secretary shall forward to the Respondent and University Officer/Complainant a list of the members of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence. The parties shall be given the opportunity to express, in writing, any objections they may have concerning any members of the Panel.
7. After careful consideration of any such objections, the Chair or a Vice-Chair of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence shall select the members of the Tribunal. The Chair or a Vice-Chair shall approve the Tribunal Chair and Tribunal members and, through the University Secretary, shall so inform the Tribunal members, and the parties to the Hearing. When either party has objected to the Chair, a Vice-Chair shall rule on the objection and shall select the members of the Tribunal.

8. The Tribunal shall consist of three members who are without any reasonable apprehension of bias. The Tribunal shall be appointed by the Panel Chair (or a Vice-Chair) and shall be chosen from among the relevant and/or appropriate association/constituency members of the Hearing Panel.

9. If deemed necessary for Hearings involving multiple parties, the Panel Chair, in consultation with the Vice-Chairs, may appoint a five-member Tribunal.

10. A Tribunal Chair external to the University with legal training, expertise and experience in university matters may be appointed by the Panel Chair, in consultation with the Vice-Chairs, when:
   a) the University has been named as a Respondent; or
   b) a University Initiated Investigation has been referred to a Hearing (under the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy).
SECTION II: INITIATION OF A HEARING

APPLICABLE POLICIES

11. The Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence is responsible for the adjudication of hearings under the following policies:
   a) Discrimination, Harassment & Sexual Harassment: Prevention and Response
   b) Sexual Violence Policy
   c) Code of Student Rights and Responsibilities

DISCRIMINATION, HARASSMENT & SEXUAL HARASSMENT: PREVENTION AND RESPONSE

12. Hearings may be initiated under the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy, by the Associate Vice-President referring the matter to a Hearing, or by the original Complainant submitting a Formal Request for a Hearing.

Parties to the Hearing

13. Parties to Hearings shall include the:
   a) Initiating Party: the University Officer (when Referred to a Hearing by an Associate Vice-President) or the Complainant (when a Formal Request for Hearing has been filed); and
   b) Respondent (the individual or entity about whom allegations have been made).

Burden of Proof

14. At the hearing the Initiating Party has the burden of proof to present evidence, and demonstrate on a balance of probabilities, to satisfy the Tribunal that the alleged violation of the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy has occurred.

SUBMISSIONS

Referral to Hearing by an Associate Vice-President

15. Within five business days of making the decision to refer a matter directly to a Hearing, or confirming that the conditions for initiating a Hearing have been met, the Initiating Party shall deliver to the University Secretary:
   a) a cover letter referring the matter to a Hearing, that shall include:
      i. preference for an open or closed Hearing;
      ii. the recommended sanctions and/or remedies;
      iii. the names of witnesses to be called; and
      iv. the name of the Initiating Party's counsel/advisor (if applicable).
   b) the Investigation Dossier;
   c) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.

16. If the University has been named as a Respondent at the complaint stage the University will be a Respondent at the Hearing.
17. The parties from the initial complaint stage may make a request to the Chair of the Tribunal (through the University Secretary) to be granted status at the Hearing (as a witness, party, or observer).

**Formal Request for Hearing from a Complainant**

18. When a Complainant does not accept the Investigation Outcome of No Violation of the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy, the Complainant shall *within fifteen business days of receipt* of the Associate Vice-President’s letter submit a Formal Request for Hearing Form to the University Secretary.

19. The Formal Request for Hearing Form shall include:
   a) preference for an open or closed Hearing
   b) the remedy/sanctions sought;
   c) the names of witnesses to be called;
   d) the name of the Initiating Party's counsel or advisor (if applicable); and
   e) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.

20. The University Secretary shall inform the Associate Vice-President that a Formal Request for Hearing has been filed. The Associate Vice-President shall provide a copy of the Investigation Dossier to the University Secretary and the University Secretary will forward a copy to the Complainant.

**SEXUAL VIOLENCE POLICY**

21. Hearings for faculty are initiated under the *Sexual Violence Policy* by the Provost and Vice-President (Academic) when the Respondent does not accept the recommendations of the Provost and Vice-President (Academic), or the Provost and Vice-President (Academic) believes that suspension from the University for a period of time is the appropriate sanction.

**Parties to the Hearing**

22. Parties to Hearings shall include the:
   a) Initiating Party (the Provost and Vice-President (Academic)); and
   b) Respondent (the individual or entity about whom allegations have been made).

**Burden of Proof**

23. At the hearing the Initiating Party has the burden of proof to present evidence, and demonstrate on a balance of probabilities, to satisfy the Tribunal, that the alleged violation of the *Sexual Violence Policy* has occurred.

**SUBMISSIONS**

24. Within *five business days* of making the decision to refer a matter directly to a Hearing, or confirming that the conditions for initiating a Hearing have been met, the Initiating Party shall deliver to the University Secretary:
   a) a cover letter referring the matter to a Hearing, that shall include:
      i. preference for an open or closed Hearing;
ii. the recommended sanctions and/or remedies;
iii. the names of witnesses to be called; and
iv. the name of the Initiating Party’s counsel/advisor (if applicable).

b) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

25. In matters related to Sexual Violence where the sanctions include a suspension, expulsion, or withdrawal (voluntary or involuntary), a student Respondent may appeal the decision made by the Associate Vice-President (Students and Learning) & Dean of Students (“Dean of Students”) to the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence.

26. The decision from a lower level stays in effect unless and until it is overturned on appeal. This means that submitting an appeal will not prevent the decision being appealed from being carried out.

Parties to the Hearing

27. Parties to Hearings shall include the:
a) Initiating Party (the Student Respondent, who is appealing the decision of the Dean of Students); and
b) Respondent (the Dean of Students, whose decision is being appealed).

Burden of Proof

28. At the hearing the Initiating Party has the burden of proof to present evidence, and demonstrate on a balance of probabilities, to satisfy the Tribunal, that the Dean of Students acted or decided the matter in an unfair, unreasonable or unjust way.

SUBMISSIONS

29. Within three weeks of receipt of the relevant decision the Initiating Party shall complete an Appeal Form and deliver it to the University Secretary. The application shall include the following information:
a) a copy of the decision being appealed;
b) a statement (description) of the appeal;
c) the precise grounds for the appeal;
d) the relief sought;
f) preference for an open or closed Hearing
g) the names of witnesses to be called;
h) the name of the Initiating Party’s counsel or advisor (if applicable); and
i) any materials the Initiating Party wishes to submit to the Tribunal as evidence in support of their position.
DISCLOSURE AND RESPONSE

30. Within ten business days of receipt of the Initiating Party's submission, the University Secretary shall forward a copy to the Respondent.

31. Within fifteen business days of receipt, the Respondent shall deliver to the University Secretary the following information:
   a) a written reply to the Initiating Party's submission;
   b) preference for open or closed Hearing;
   c) names of witnesses to be called;
   d) the name of Respondent's counsel or advisor, if applicable; and
   e) any materials the Respondent wishes to submit to the Tribunal as evidence in support of their position.

32. The University Secretary shall within five business days of receipt forward a copy of this reply to the Initiating Party as appropriate.

33. No matter shall be placed before the Tribunal unless the parties have completed, to the satisfaction of the University Secretary, the requisite submissions as outlined above. The University Secretary shall notify the party of any deficiencies in the submission.
SECTION III: PROCEDURAL RULES FOR HEARINGS

PROCEDURAL RULES

34. All Hearings convened under this Policy follow the procedures detailed below, subject to the Tribunal exercising its discretion to adhere to a variation of the procedures, in the interest of procedural fairness.

35. The Hearing shall be conducted in accordance with the principles of procedural fairness, namely the right to receive notice, to be heard and to know the case against one. The Hearing shall follow the applicable procedural rules specified in the Statutory Powers Procedure Act, and set out in this Section. The Tribunal shall have the right to control its own process, and, in this regard, if the Tribunal determines that variations to the procedures would lead to a fair, just and efficient resolution of the Hearing, it has the power to make any Order in furtherance of this objective.

36. A Hearing is the final step the parties may take within the University.

37. The Tribunal has sole jurisdiction to hear and to make a final adjudication for Hearings under this Policy. In some instances a Hearing may involve matters outside the Tribunal's jurisdiction and may require action by the President, such as decisions involving financial implications. In such instances, the Tribunal's decision may take the form of a recommendation to the President, with the President maintaining the discretion to accept or deny such a recommendation.

Parties to the Hearing

38. Parties to Hearings shall include:
   a) the Initiating Party; and
   b) the Respondent.

Burden of Proof and Basis of Decision

39. At the Hearing the Initiating Party has the burden of proof, as described in Section II.

Administrative and Legal Support

40. Administrative support for the Tribunal will be provided by the University Secretary.

41. The Tribunal shall have independent legal counsel arranged by the University Secretary.

42. The University Secretary shall ensure that all members of the Tribunal receive appropriate training to discharge their responsibilities, including with regard to the particularities of cases involving Sexual Violence.

Notice of Hearing

43. A Hearing shall be commenced as soon as possible following the appointment of the Tribunal.

44. An attempt shall be made to schedule the Hearing at a time and place convenient for the Tribunal and for the parties to the Hearing. However, any party whose reasons for absence are not considered valid by the Tribunal’s Chair, or whose absence may cause unreasonable delay, shall be notified that the Tribunal will proceed in that party's absence.
45. The parties shall be given reasonable, written notice of the Hearing.

46. Parties to the Hearing shall be given the opportunity to submit written or other documentary evidence prior to the Hearing and any such evidence shall be made available or be accessible to the members of the Tribunal and to all parties prior to the Hearing.

47. Prior to the Hearing, members of the Tribunal shall be provided with the Hearing Record that includes all materials submitted by the parties.

48. Members of the Tribunal must not hear evidence or receive representations regarding the substance of the case other than through the procedures described in this Policy.

Closed Hearings

49. Hearings are normally open to the public, but any party to the Hearing may request a closed (in camera) hearing. In the event of such a request, the Tribunal shall hear representations from all parties. In making its ruling, the Tribunal shall consider whether matters of an intimate financial or personal nature are to be raised, whether there is an issue of public safety involved, the desirability of holding an open hearing and other relevant circumstances. Due to the confidential nature of the issues, Hearings related to Sexual Violence shall be closed, unless the Tribunal rules otherwise on a request from a party.

50. The Tribunal shall make the decision on whether the Hearing shall be open or closed. If a request by one or both of the parties to close the Hearing is made prior to or during the Hearing of a case, the Chair of the Tribunal shall close the Hearing for the purpose of discussing the request. After listening to the arguments for closing, the Tribunal shall decide whether, in accordance with Section 9 (1) of the Statutory Powers Procedure Act, sufficient cause for closing exists. If not, the Hearing will be re-opened.

Other Parties

51. If other persons, in addition to the Initiating Party and the Respondent, have been specified or added as parties to the proceedings, the procedure described above shall be altered by the Tribunal to provide an opportunity for such additional parties to be heard in accordance with the principles of natural justice and procedural fairness.

Recess or Adjournment

52. The Tribunal may consider and grant a recess or an adjournment at the request of either party to allow them to review written or documentary evidence submitted at the Hearing.

53. The Tribunal may grant an adjournment at any time during the Hearing to ensure a fair hearing.

Evidence

54. Parties to the Hearing have the right to present evidence in support of their case to the Tribunal and to see any written or documentary evidence presented to the Tribunal.

55. The Tribunal has the power to require production of written or documentary evidence by the parties or by other sources.
56. The Tribunal has the power to rule on the admissibility of evidence.

**Witnesses**

57. Parties to the Hearing and the Tribunal have the right to call and question witnesses.

58. Any person appearing before the Tribunal as a witness shall be required to give evidence under affirmation or oath.

59. The Tribunal has discretion to limit the testimony and questioning of witnesses to those matters it considers relevant to the disposition of the case.

60. **Parties are responsible for contacting their own witnesses; for making all arrangements for witnesses to attend the Hearing;** for paying any costs associated with their appearance before the Tribunal; and for absorbing the costs of any legal counsel attending on their behalf.

61. The Tribunal Chair has the power to compel an unwilling witness to attend, and parties may contact the University Secretary to request the Chair’s assistance in this regard. The power to compel a witness is derived from the *Statutory Powers Procedure Act*. An unwilling witness may be compelled by the Chair under summons to testify where the written request by the party for the summons demonstrates the witness' testimony is relevant and related to the alleged facts of the case.

62. Other than parties, witnesses are present in the Hearing room only during the time they are testifying.

**Representation**

63. Parties to the Hearing have the right to represent themselves, or be advised/represented by, for example, a friend, colleague, union representative, or advisor, or legal counsel. The costs of any representation are to be borne by the party retaining such representation.

64. The Tribunal shall have independent legal counsel arranged through the University Secretary.

**Recording**

65. The Hearing shall be recorded for convenience purposes only. Any malfunction of the recording device or subsequent loss of the recording shall not invalidate, in any way, the related Hearing. The recording shall be held in confidence by the University Secretary for the duration of the Hearing, and will be disposed of in a secure manner after the release of the Tribunal's decision.

**Similar Questions of Fact or Policy**

66. If two or more proceedings before the Hearings Panel involve the same or similar questions of fact or Policy, the Chair of the Panel, after seeking written input from the parties, may decide:
   a) to consolidate the proceedings or any part of them; or
   b) to hear the proceedings at the same time; or
   c) to hear the proceedings one immediately after the other.
Appropriate procedures

67. The principles and procedures described in this Section shall apply to all proceedings before the Tribunal. Tribunals shall not be charged with investigative duties.

68. Where any procedural matter is not dealt with specifically in this Policy or the Procedural Rules for Hearings, the Tribunal may, after hearing submissions from the parties, establish an appropriate procedure.

69. Any procedural requirement contained in this Policy or in the Rules may be waived with the consent of the Tribunal and of all the parties.

ORDER OF THE HEARING

70. The first item of business for the Tribunal shall be to determine whether the Hearing shall be closed.

71. At the outset of the Hearing, the Chair shall:
   a) identify the nature of the case;
   b) review the order of the Hearing;
   c) note for the record the documentary information submitted by the parties to the Hearing, including any preliminary or procedural orders;
   d) note the names of the witnesses for each party;
   e) confirm the likely dates for sitting and the projected length of the Hearing;
   f) raise, or request the parties to raise, any and all preliminary issues concerning composition of the Tribunal and other unaddressed procedural matters; and
   g) proceed to deal with any matters raised in (f) above before the commencement of the substantive portion of the Hearing, by either proceeding directly to the Hearing or considering and rendering a decision on matters raised in (f) above.

72. The Initiating Party is the first party heard. The Initiating Party's opening statement shall contain a brief description of their case and the recommended sanctions and remedies or relief sought (as appropriate).

73. Following the completion of the Initiating Party's opening statement, the Respondent may present their opening statement at that time, or may defer until completion of the Initiating Party's case.

74. Following the Respondent's opening statement (if presented) the Initiating Party presents their case.
   a) The Initiating Party's case presents the evidence relating to their case, which may include any or all of the following:
      i) Initiating Party's oral testimony;
      ii) oral testimony of Initiating Party's witnesses; and
      iii) documents or other evidence in support of this testimony (if admissible).

   b) Questioning of the Initiating Party and their witnesses by the Respondent and/or by the Tribunal occurs at the close of each person's testimony.
75. Following the completion of the Initiating Party's case, the Respondent may present their opening statement if they elected to defer until the completion of the Initiating Party's case.

76. The Respondent's opening statement shall contain a brief reply to the Initiating Party's case, outlining the main points of their case.

a) The Respondent's case presents the evidence to support their defence, which may include any or all of the following:
   i. Respondent's oral testimony;
   ii. oral testimony of Respondent's witnesses; and
   iii. documents or other evidence in support of this testimony (if admissible).

b) Questioning of the Respondent and their witnesses by the University Officer /Complainant and/or by the Tribunal occurs at the close of each person's testimony.

77. The Initiating Party and their witnesses may have the right to offer testimony or other evidence in reply to the issues raised in the Respondent's case.

78. **After this point in the Hearing, no new evidence or witnesses may be introduced.**

79. The parties are entitled to make closing arguments, and to summarize briefly the main points of their cases, in the following order:
   a) Initiating Party
   b) Respondent
   c) Initiating Party

80. The Tribunal may alter the order described above in the interest of fairness to any or all of the parties.

81. While procedural fairness is essential, the Tribunal reserves its right to direct, curtail or encourage the organisation of witnesses, testimony and evidence in the interests of enhancing the clarity, relevance and efficiency of the proceedings.

**DELIBERATIONS BY THE TRIBUNAL**

82. Following the formal Hearing, the Tribunal shall deliberate in closed session and shall reach a decision. After deliberation and decision in closed session solely with members of the Tribunal is complete, the Tribunal may solicit the assistance of the University Secretary and the Tribunal's legal counsel regarding the precise form or wording of any order and reasons for judgement to support its decision.

83. For Hearings regarding violations of the *Sexual Violence Policy* and the *Code of Student Rights and Responsibilities*, the Tribunal shall consider the Complainant’s impact statement, and any mitigating and/or contextual factors in determining appropriate sanctions and remedies, and the reasons for the decision shall be clearly articulated in writing to the parties.
TRIBUNAL DECISION

84. The Tribunal’s decision shall be final and shall include:
   a) the membership of the Tribunal;
   b) the background of the file;
   c) a summary of the case of the Initiating Party and the Respondent;
   d) the Tribunal’s findings of fact;
   e) the Tribunal’s decision and the reasons for the decision; and
   f) any sanctions and/or remedies recommended by the Tribunal, as applicable.

85. The Tribunal shall supply a written report of its decision with reasons to the University Secretary, who, in turn, shall distribute a complete copy thereof to:
   a) the parties;
   b) the President;
   c) the Director, Human Rights and Dispute Resolution;
   d) to such other individuals as the Tribunal deems appropriate and/or necessary.

86. The Tribunal may order that the Complainant (as identified in the applicable policies – see Section II) may receive a redacted copy of the Tribunal's Decision, for the purpose of receiving information about any sanctions/remedies taken by the University, within the constraints of relevant legislation. In all cases, information about any sanctions/remedies that have a direct impact on the Complainant will be provided to them.

87. Where required by a professional licensing body, the results of the investigation may also be communicated to that professional licensing body.

88. At the discretion of a tribunal, public reports or statements may be issued identifying the Respondent: following a Hearing, when a Respondent is exonerated and wishes that fact to be known publicly.

89. Hearing files shall be retained by the University Secretary for seven years after the completion of the hearing, after which they will be disposed of in a secure manner. The Tribunal’s Decision shall be kept permanently.

RECOMMENDATION OF THE TRIBUNAL

90. Apart from its duty under these procedures to hear and decide the matters properly brought before it, any Tribunal may make recommendations or suggestions to University bodies or members. Such recommendations are offered for informational purposes and shall be distinct and separate from the decision.
APPENDIX A: SANCTIONS AND REMEDIES

SANCTIONS

1. Sanctions are decided based on the merits of the case and shall be proportional to the severity of the offence. If there are mitigating and/or contextual factors in determining/implementing the sanction, the reasons shall be clearly articulated by the decision-maker.

2. The existence of any previous findings of Sexual Violence will be taken into account when sanctions are determined, and the severity of sanctions may be greater as a result. Sanctions may be used independently or in combination for any single violation and may be varied.

3. Sanctions may include, but are not limited to:
   a) written reprimand;
   b) inclusion of the decision in a specified file(s) of the Respondent, for a specified period of time;
   c) the exclusion of the Respondent from, or oversight during, one or more designated University activities or duties;
   d) a No Contact Order, which may include restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
   e) a Persona Non Grata (PNG) designation, which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by Security Services under the Trespass to Property Act;
   f) for staff or faculty, Suspension or Recommendation for Suspension, as applicable;
   g) for staff or faculty, Dismissal or Recommendation for Removal, as applicable.

REMEDIES

4. Remedies may include but are not limited to:
   a) mandatory referral to counselling;
   b) training or coaching; and/or
   c) Restorative Justice processes.
APPENDIX B: GLOSSARY OF TERMS

Advisor
A person of the individual's choice who acts in a supportive or advisory role (e.g. union representative, friend). The Advisor may represent the individual at a Hearing before a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

Auxiliary Panel Members
The Chair of the Board-Senate Hearing Panel for Discrimination, Harassment and Sexual Violence has the authority to appoint, in exceptional circumstances and on an ad hoc basis, faculty, staff and students who are not members of the Board to serve on tribunals as supplementary Panel Members.

Balance of Probabilities
Balance of Probabilities is the test to be met to show, by the weight of the evidence presented, that all of the facts necessary to uphold the Initiating Party's case have a greater likelihood of being true than not.

Complainant
The individual who files a Complaint alleging a violation of a Policy for the University's response.

Dismissal
Dismissal/termination proceedings for staff Respondents shall be dealt with in accordance with the established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable.

Expulsion
Expulsion applies to student Respondents and is the loss of all academic privileges at the University for an indefinite period.

Hearing (Open/Closed)
An open hearing is where spectators and members of the public may be present. A closed hearing is closed to all but those who have a specific right to be present.

Initiating Party
The Initiating Party is the individual who is initiating the Hearing or Appeal. For Hearings under the Discrimination, Harassment & Sexual Harassment: Prevention and Response Policy, the Initiating Party is the University Officer (when Referred to a Hearing by an Associate Vice-President) or the Complainant (when a Formal Request for Hearing has been filed). For Hearings under Sexual Violence Policy, the Initiating Party is the Provost and Vice-President (Academic). For Appeal Hearings under the Code of Student Rights and Responsibilities the Initiating Party is the Student Respondent, who is appealing the decision of the Dean of Students.

Interim Measures
Steps that are taken in order to safeguard the environments of individuals disclosing Sexual Violence and of individuals whose conduct is being questioned. Interim measures shall not be construed as evidence of either guilt or a finding of Sexual Violence, or as an affirmation of innocence or finding that no Sexual Violence occurred.
No Contact Order
Includes restrictions on: registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events; direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals.

Persona Non Grata (PNG)
A designation which is given to an individual who is denied the privilege of entering designated portion(s) of the University's buildings or grounds. If PNG individuals are found or seen in the area they are denied, they will be subject to a charge by Security Services under the Trespass to Property Act;

Recommendation for Removal
A recommendation for removal of a faculty Respondent shall be dealt with in accordance with Section VI of the McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion and the common law where applicable.

Recommendation for Suspension
A recommendation for suspension of a faculty Respondent shall be dealt with in accordance with Section V of the McMaster University Revised Policy and Regulations with Respect to Academic Appointment, Tenure and Promotion and the common law where applicable. Suspension involves relieving the Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits as recommended by a Tribunal and determined by the President.

Respondent
The individual or entity who is responding to the Initiating Party's case.

Restorative Justice
Restorative Justice is an outcome following the determination of finding and focuses on restoring the losses suffered by Survivors, holding Respondents accountable for the harm they have caused, and building peace within communities. This process can be facilitated by the Equity and Inclusion Office.

Student
A student is any individual recorded by the University Registrar as enrolled in an educational course of study recognised by the Senate and for whom the University maintains education records.

Support Person
A person of the individual's choice who acts in a supportive role but is not an active participant in the process (e.g. friend, Elder, parent, religious advisor).

Suspension
Relieving the staff Respondent of their University duties and denying them access to University facilities and services for a stated period of time, and may be with or without pay and/or benefits. Suspensions shall be dealt with in accordance with established policies and procedures and by the terms of existing contracts of employment or collective agreements and the common law where applicable. For a student Respondent, suspension is the loss of all academic privileges at the University for a specified period of time and/or until imposed conditions are met. The student is eligible to return after this time but may be required to fulfill specified non-academic conditions upon return.
APPENDIX C: RELATED POLICIES AND LEGISLATION

This Policy is to be read in conjunction with the following policies, statements, and collective agreements. Any question of the application of this Policy or related policies shall be determined by the Provost and Vice President (Academic) or the Vice President (Administration) as appropriate, and in conjunction with the administrator of the other policy or policies. The University reserves the right to amend or add to the University's policies and statements from time to time (this is not a comprehensive list):

- Academic Freedom, Statement on
- Code of Conduct for Faculty
- Code of Student Rights and Responsibilities
- Conflict of Interest Guidelines: Undergraduate and Graduate Studies
- Discrimination, Harassment & Sexual Harassment: Prevention and Response
- Employment Accommodation, Policy and Procedures on
- Freedom of Information and Protection of Privacy Act
- Ministry of Training, Colleges and Universities Act
- Ontario Human Rights Code
- Occupational Health and Safety Act
- Personal Health Information Protection Act
- Senate Resolutions re Group Conflict
- Senate Mediation Procedures
- Sexual Violence Policy
- Sexual Violence Response Protocol
- Statement on Building an Inclusive Community with a Shared Purpose
- Statement and Guidelines on Inclusive Communications
- Tenure and Promotion Policy
- Violence in the Workplace, Policy on