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**Sexual Violence Policy**

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Enquiries:

[University Secretariat](#)

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## SECTION I: INTRODUCTION

### PURPOSE

1. The purpose of this Policy is to:
  - a) articulate McMaster University's commitment to preventing and addressing Sexual Violence; and
  - b) explain the options, policies, supports, and services that are available to all members of the McMaster University Community ("University Community") who are affected by Sexual Violence.
2. Links to a summary overview and guide to the Policy may be found on the [Equity and Inclusion Office](#) website.

### MCMASTER'S COMMITMENT

3. All members of the University Community ("[Community Members](#)") have a right to study, work, and live in an environment that is free of [Sexual Violence](#).
4. The University is committed to creating an environment in which [Survivors](#) feel able to disclose incidents of Sexual Violence and access support, accommodations and information. The University recognizes that enabling Survivors to confidentially disclose incidents of Sexual Violence enhances individual and community safety.
5. The University recognizes that making a [Disclosure](#), filing a [Complaint](#), or being the focus of allegations of Sexual Violence is difficult. Survivors, [Complainants](#) and [Respondents](#) will be treated with dignity and respect and will have access to appropriate support and assistance throughout.
6. When incidents are identified for the University's investigation and adjudication, the University is committed to providing a complaint process that is trauma-informed, timely and fair to all parties.
7. The University's approach to addressing Sexual Violence is designed in keeping with its commitment to inclusion and its support of diversity, and with the following key elements of current scholarship and practice knowledge:
  - a) Sexual Violence can have negative and different effects on a Survivor's physical, mental, emotional, spiritual, and social health and wellbeing. The University recognizes the possible traumatic effects of Sexual Violence and is committed to providing appropriate and respectful emotional support, accommodations and information about the options available to Survivors;
  - b) Individuals face different risks of Sexual Violence related to, among other factors, race, disability, Indigeneity, sexual orientation, gender identity and gender expression, religion, spirituality, age, citizenship and socio-economic status. The University is committed to ensuring that its supports and services are attuned to these systemic differences in order that all Community Members can access them and be received with care. The University will support Survivors in their decision-making about how best to proceed and ensure their own safety and integrity;
  - c) Survivors of Sexual Violence may have different degrees of confidence in institutional services and remedies (e.g. courts, police, and official authorities) because of their associations of such institutions with sexism, colonialism, racism, and other forms of systemic oppression. For example, women from racially diverse and Indigenous communities may be reluctant to disclose Sexual Violence to institutional authorities due to concerns that racism may impact whether an institution will

take their disclosure or complaint seriously, or that their disclosure or complaint may reinforce racist beliefs about men from their communities. The University is committed to building confidence in its services, supports and remedies and responding to Sexual Violence in a manner that is fair and does not reproduce discriminatory dynamics.

## POLICY REVIEW

8. The Policy will be reviewed annually for compliance with the *Occupational Health & Safety Act*. For all other purposes, the Policy will receive an initial review within two years. Thereafter it will be reviewed every three years in accordance with the *Sexual Violence and Harassment Plan Act* in a process inclusive of input from students, key university constituencies, women's organizations and other community partners with expertise in Sexual Violence.
9. Student participation in the three-yearly policy review process will be coordinated by the [Equity and Inclusion Office](#) in partnership with the McMaster Student Union, and the McMaster Graduate Student Association, and will include the diverse working group charged in an ongoing way with advising on educational initiatives on Sexual Violence (see clause 11).

## PREVENTION, EDUCATION, AND TRAINING

10. Prevention through education is a fundamental aspect of the University's commitment to addressing Sexual Violence.
11. The Equity and Inclusion Office is responsible for convening a diverse working group comprised of on and off campus partners to coordinate regular and ongoing prevention, education, and training initiatives that include:
  - a) prevention, education and training initiatives that will be attuned to the broader social context in which Sexual Violence occurs and will include topics such as: addressing rape culture, creating a culture of [consent](#), receiving and providing trauma-informed [support](#), [options following Sexual Violence](#), University and external resources for Survivors, Complainants and Respondents and their family and friends; and
  - b) training to support those with particular responsibilities related to this Policy will be provided on an ongoing basis, integrating an anti-oppressive and trauma-informed analysis of Sexual Violence.
12. 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.

## SCOPE OF THE POLICY

13. Unless otherwise specified in this Policy, the Policy and its provisions apply to all acts of Sexual Violence where the University has the jurisdiction to pursue, adjudicate, or take steps to safeguard the University community. All such acts of Sexual Violence are considered a violation of this Policy. The Policy applies to:

### **All Members of the University Community ("Community Members")**

- a) Community Members include: students (graduate, undergraduate, and continuing education), staff, faculty, postdoctoral fellows, adjunct professors, visiting professors, sessional faculty, teaching

assistants, clinical faculty, medical residents, volunteers, visitors, and institutional administrators and officials representing McMaster University.

#### All University-related activities

- b) University-related activities are activities ([authorized](#) and [non-authorized](#)) that occur on University premises or on non-University premises where there is a clear nexus to the working or learning environment at the University; and

#### All instances of Sexual Violence

- c) all instances of Sexual Violence that have occurred or are occurring during University-related activities.

### DEFINITIONS

14. For the purpose of interpreting this document:
- words in the singular may include the plural and words in the plural may include the singular;
  - references to the role of an Associate Vice-President include the Assistant Vice-President and Chief Human Resources Officer where relevant.
15. All definitions in this Policy include, but are not limited to, the definitions articulated in the [Ontario Human Rights Code](#) and described in the [Occupational Health and Safety Act](#) and the [Ministry of Training, Colleges and Universities Act](#).
16. Explanations of the various terms used in this Policy are set out in [Appendix A: Definitions](#); a number of the key terms are also defined below:
- Sexual Violence** means any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.
  - Consent** is defined as approval, given freely, willingly, and knowingly by each participant to sexual activity. It must be given through ongoing communication by words or actions, or both. It occurs continuously and moment to moment. Consent cannot be assumed. Consent cannot be given if a person's ability to resist or consent is impaired. Consent may be compromised where individuals are in a position of power, trust and/or authority over the person whose consent is required.

#### CONSENT:

- should never be assumed or implied
- is not silence or the absence of "no"
- cannot be given if the person is impaired by alcohol or drugs, or unconscious
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority
- cannot be given by anyone other than the person participating in the sexual activity

Any type of sexual activity without consent is Sexual Violence. (Source: the Government of Ontario - [Let's stop sexual harassment and violence website](#)) This policy prohibits all forms of Sexual Violence.

- c) **Survivors** are individuals disclosing incidents of Sexual Violence.

- d) **Complainants** are individuals who file a Complaint alleging a violation of the Policy for the University's response.
- e) **Respondents** are those about whom allegations have been made in a complaint process.
- f) **Accommodations** under this Policy are adjustments to individuals' academic, workplace or residence arrangements made to support them and/ or enhance their safety (e.g. a change in assignment deadlines or tutorial group, a change in supervisory arrangements, a change in residence location).

## OPTIONS FOR DISCLOSING AND/OR REPORTING ALLEGATIONS OF SEXUAL VIOLENCE

17. Community Members who believe there has been a violation of this Policy have a number of options available to them. The [Sexual Violence Response Coordinator](#)'s services, as well as supports and accommodations, are available to them, at any point in time, regardless of how they decide to proceed ([Section II: Supports](#)). Individuals may pursue one or more of the following options:

### Disclosure

- a) a Disclosure is made when an individual informs someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options;

### Complaint

- b) a Complaint is made when an individual notifies an [Intake Coordinator](#) of an allegation of Sexual Violence, and seeks the University's response;

### Criminal Report

- c) a Criminal Report is made when an individual files a report of Sexual Violence with a police service or with McMaster [Security Services](#). Filing a report with McMaster Security Services will result in a report to the [Hamilton Police Service](#); and/or

### Other Options

- d) Individuals may exercise other options external to this Policy (e.g. the grievance provisions of applicable collective agreements, provisions of the Occupational Health & Safety Act) or other options external to the University (e.g. through civil litigation or Ontario Human Rights Code provisions).
18. Individuals who file a Complaint, a Criminal Report, or pursue other options as outlined above, may be required to attend/participate in a hearing, either internal to the University, or external through arbitration, or criminal court, etc.

## SECTION II: SUPPORTS (UNIVERSITY & COMMUNITY)

19. Survivors, Complainants, and Respondents are encouraged to make use of available supports (below) and resources ([Appendix B](#)).

### SUPPORTS

20. Individuals who wish to make a Disclosure are encouraged to contact the [Sexual Violence Response Coordinator](#).

#### Sexual Violence Response Coordinator

21. The Sexual Violence Response Coordinator will, as may be appropriate in the circumstances:
- respond to [Disclosures](#) of Sexual Violence by listening to the Survivor's needs and concerns;
  - explain the supports and services that are available to the Survivor;
  - explain the options available to the Survivor, and assist with navigating the option(s) they select;
  - explain the limits to confidentiality regarding Disclosures and [Complaints](#);
  - facilitate workplace, academic, and/or residence [Accommodations](#) for the Survivor;
  - refer the Survivor to University and/or community counselling, advocacy and/or medical [services](#);
  - activate the [Sexual Violence Assessment Team](#) to facilitate safety planning and to consider other University responses that may be necessary; and
  - if an individual chooses to file a Complaint, the Sexual Violence Response Coordinator may assist in transitioning the matter to an Intake Coordinator so as to minimize the need for the individual to retell information, and may accompany the individual during the intake process.
22. Any Community Member who is the subject of an allegation of Sexual Violence is also encouraged to contact any of the offices below to ensure that they are in receipt of relevant information and services:
- [Equity and Inclusion Office](#) (all community members)
  - [Employee/Labour Relations](#) (faculty and staff)
  - [Student Support & Case Management](#) (students)
  - [Faculty of Health Sciences Professionalism Office](#) (faculty, staff, and students in the Faculty of Health Sciences)



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## SECTION III: CONFIDENTIALITY

### CONFIDENTIALITY (LIMITATIONS)

23. The University and its employees and agents will protect personal information and handle records in accordance with the [Freedom of Information and Protection of Privacy Act](#) and the [Personal Health Information Protection Act](#), with the provisions of applicable collective agreements and, in the case of health care providers, in keeping with any professional obligations.
24. The University recognizes that confidentiality is a crucial consideration in creating an environment in which individuals feel able to [disclose](#) incidents of [Sexual Violence](#) and to access [support](#), [Accommodations](#), and information. The University will share identifying information only in circumstances where it is necessary in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where:
  - a) an individual is at risk of harm to self;
  - b) an individual is at risk of harming others;
  - c) there are reasonable grounds to be concerned with risk of future violence or the safety of the University and/or broader community;
  - d) disclosure is required by law; for instance, suspected abuse of someone under the age of 16; or, to comply with the [Occupational Health and Safety Act](#) or with human rights legislation;
  - e) evidence of the disclosed incident of Sexual Violence is available in the public realm (e.g. video shared publicly on social media); and/or
  - f) to comply with the reporting requirements of regulatory bodies.
25. Some offices and Community Members have additional limitations to confidentiality because of their particular reporting requirements or professional obligations. For example:
  - a) all regulated health professionals are obligated to report suspected sexual abuse of a patient by a regulated health professional to that professional's governing body if this information is acquired during the course of their practice; and
  - b) Special Constables in Security Services are required to investigate reports of domestic violence and to lay charges in all cases when there are reasonable grounds to believe an offence has been committed, regardless of whether the Survivor wishes to have further involvement with the legal process.
26. Procedural limits to confidentiality may also occur if the University is subject to legal proceedings that, in the opinion of the Provost and Vice-President (Academic) or the Vice-President (Administration), (in consultation with the President), require the disclosure of information.
27. The importance of preserving the confidentiality of Complaints and any related proceedings will be explained to all parties as a necessary measure to protect the integrity of the proceedings.

## SECTION IV: PROCEDURAL GUIDELINES

### ACCOMPANIMENT / REPRESENTATION

28. Survivors, Complainants, and Respondents may be accompanied by a [Support Person](#) or an [Advisor](#) at any stage of any of the procedures outlined in this Policy. Any costs of accompaniment or representation are to be borne by the individual.

### TIME LIMITATIONS FOR BRINGING FORWARD A COMPLAINT

29. There are no time limitations on bringing forward a [Complaint](#). However, individuals are encouraged to report a Complaint at the earliest opportunity, as the longer the time lapse between the incident and the Complaint, the more difficult it becomes to investigate effectively. Once a Complaint is received, it will be dealt with as expeditiously as possible.

### PROTECTION FROM REPRISAL

30. The University prohibits reprisal or threats of reprisal against any Community Member who, sincerely and in good faith, makes use of this Policy or participates in any process held under its jurisdiction. Any individual or body found to be making such reprisals or threats will be subject to sanctions under the appropriate policy (including this Policy, [Discrimination, Harassment & Sexual Harassment: Prevention and Response](#) policy, and the [Code of Student Rights and Responsibilities](#)) as circumstances dictate.

### COOPERATION AND SELF-INCRIMINATION

31. It is possible that individuals questioned as witnesses, informants or bystanders about an alleged incident of Sexual Violence may, by cooperating responsibly with the University's processes, reveal their own infraction of a University regulation or code (e.g. alcohol use, unsanctioned use of University facilities). In such instances, and given the University's commitment to addressing [Sexual Violence](#), every effort will be made to support individuals coming forward and, if appropriate and possible, take their cooperation into account if any sanction applies to their conduct.

### SAFETY, SUPPORT, AND INTERIM MEASURES

#### Ongoing Safety and Support of All Parties

32. The [Sexual Violence Assessment Team](#): considers, recommends, and/or coordinates Accommodations and/or [Interim Measures](#) as they relate to the parties involved in the matter; facilitates any safety planning; and considers other University responses that may be necessary.
33. At any stage in proceedings under this Policy it may be necessary to take Interim Measures in order to safeguard the environment of [Survivors](#), [Complainants](#), and/or [Respondents](#). Interim Measures shall not be construed as evidence of either guilt or a finding of violation of this Policy, or as an affirmation of innocence/finding of non-violation of this Policy.
34. Interim Measures will be reviewed on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances. Interim measures are temporary and do not extend beyond the final resolution of a Complaint.

35. The authority to approve Interim Measures will rest with the relevant decision-maker in line with the Respondent's reporting structure, or their delegate ([Clause 54](#)).
36. Interim Measures may include, but are not limited to, the rearrangement of academic/employment responsibilities or oversight, the rearrangement of residence location (where possible), adjustments in University activities (e.g. attendance at guest lectures, social events), implementation of a [No Contact Order](#), or implementation of a [Persona Non Grata](#) designation.
37. In the event an [employee](#) is directed to take an administrative leave as an Interim Measure, the conditions of the administrative leave shall accord with the terms of any applicable collective agreement. In the absence of an applicable collective agreement, the leave shall be without loss of pay or benefits. It is understood that an administrative leave as an interim measure is non-disciplinary and is designed to separate a person from a situation or another person until the matter has been resolved. During such period, the person can continue to access relevant University [support services](#).

#### DATA GATHERING & RECORD KEEPING

38. The [Equity and Inclusion Office](#) is responsible for providing an annual anonymized, aggregate report on Disclosures, Accommodations, Complaints, Investigations, and all Outcomes and Sanctions to the Senate and the Board of Governors. Data for the report are collected, kept and maintained by the Equity and Inclusion Office and includes data provided to that office by Employee/Labour Relations, the Student Support & Case Management Office, and the Faculty of Health Sciences Professionalism Office. The purpose of the report is to:
  - a) inform educational and preventive initiatives;
  - b) identify situations where a University Initiated Investigation may be warranted ([Section VI](#)); and
  - c) comply with government reporting requirements.
39. In fulfilling these requirements, utmost care will be taken to ensure that individuals' identities are not compromised and that data gathering does not discourage individuals who wish to disclose from coming forward.
40. All notes, materials, investigation reports, and decisions, pertaining to Complaints will be kept by the relevant Intake Office for seven years. These records may be retained longer, subject to the discretion of the appropriate Director or decision-maker.

## SECTION V: ROLES AND RESPONSIBILITIES

### SEXUAL VIOLENCE RESPONSE COORDINATOR

41. The Sexual Violence Response Coordinator is responsible for:
- responding to Disclosures of Sexual Violence, providing Survivors with support, information about resources, and the options available to them;
  - consulting with all relevant University and community stakeholders to ensure a consistently respectful and supportive response to Disclosures of Sexual Violence, and working closely with them to implement campus-wide anti-violence programming integrating an anti-oppressive and trauma-informed analysis of Sexual Violence; and
  - when requested to do so by a Survivor, accompanying the Survivor to a meeting with the Intake Coordinator.

### FACULTY AND STAFF

42. Faculty members and staff, acting in their capacity as supervisors within a Faculty, Academic Department, or Residence, and/or Workplace Supervisors are responsible for cooperating with the Sexual Violence Response Coordinator and/or the Intake Offices in the implementation of Accommodations and Interim Measures.
43. Faculty and staff and others, who are health care providers, are required to maintain the confidentiality of patient information disclosed during a medical interaction (e.g. doctors, nurses in Student Wellness Centre) in accordance with their professional obligations.
44. Members of the faculty and staff (with the exception of those identified in clause 43 above) who receive Disclosures must:
- inform individuals coming forward of the reporting requirements and limits to confidentiality that apply to them;
  - contact the Sexual Violence Response Coordinator for guidance, **and** to report the Disclosure (without providing identifying information, unless the individual has given permission to do so); and
  - refer the individual to the [Sexual Violence Response Coordinator](#).

### STUDENT LEADERS

45. Students in designated positions of responsibility and/or leadership who receive Disclosures must:
- inform individuals coming forward of the reporting requirements and limits to confidentiality that apply to them;
  - contact the Sexual Violence Response Coordinator for guidance, **and** report the Disclosure (without providing identifying information unless the individual has given permission to do so); and
  - refer the individual to the Sexual Violence Response Coordinator.

### INTAKE COORDINATORS

46. The Intake Coordinators are responsible for the initial intake of Complaints, including ensuring the Complainant fully understands the procedures of the Policy and what may result from the decision to file a Complaint. The Intake Coordinators activate the Sexual Violence Assessment Team.
47. Intake Coordinators are located in the following offices:
  - a) [Equity and Inclusion Office](#) (available to all Community Members, students, staff and faculty)
  - b) [Student Support & Case Management](#) Office (available to students)
  - c) [Employee/Labour Relations](#) (available to staff and faculty)
  - d) [Faculty of Health Sciences Professionalism Office](#) (available to faculty, staff, and students in the Faculty of Health Sciences).

### SEXUAL VIOLENCE ASSESSMENT TEAM

48. The Sexual Violence Assessment Team (“Assessment Team”) is responsible for assessing every [Complaint](#) of Sexual Violence received by the University.
49. The Assessment Team will include: the Intake Coordinator, the [Director, Human Rights & Dispute Resolution](#) (or delegate), a Co-Chair of the [Violence Risk Assessment Team](#) (or delegate), and, as necessary in the circumstances, the [Director, Employee/Labour Relations](#) (or delegate), the [Director, Student Support & Case Management](#) (or delegate), and/or the [Faculty of Health Sciences Professionalism](#) Advisor (or delegate).
50. As necessary, and disclosing identities only on a need-to-know basis in order to appropriately respond to the matter, the Assessment Team may draw upon representatives of key services and/or departments (e.g. Director of Housing and Conference Services, Director of the Student Wellness Centre, Director of Security Services).

### INVESTIGATORS

51. All Investigators appointed under this Policy, whether internal or external to the University, will have training and expertise in the area of Sexual Violence and a trauma-informed, anti-oppressive approach to investigation processes.

### EQUITY & INCLUSION OFFICE

52. The Equity & Inclusion Office is responsible for: maintaining and reporting on data relating to Disclosures, accommodations and Complaints as set out in clauses [38-40](#); and coordinating the University’s preventive, educational and training initiatives and programs.

### DIRECTOR, HUMAN RIGHTS & DISPUTE RESOLUTION

53. The Director, Human Rights and Dispute Resolution is responsible for working in close partnership with individuals and offices involved in implementing this Policy, including but not limited to: the Sexual Violence Response Coordinator, the Sexual Violence Assessment Team, Investigators, Associate Vice-Presidents, Assistant Vice-Presidents, Senior Administration, and the University Secretariat.

**DECISION-MAKERS FOR INTAKE AND INVESTIGATIONS**

54. The decision-makers under the intake and investigations procedures include, as applicable, the: Assistant Vice President and Chief Human Resources Officer; Associate Vice-President (Students and Learning) & Dean of Students; Associate Vice-President, Academic, (Faculty of Health Sciences); Vice-President (Administration); and Provost and Vice-President (Academic).
55. When Respondents fall under their jurisdiction, decision-makers are responsible for reviewing and responding to investigation reports (see [Investigation Procedures](#)).
56. When the line of authority is unclear, the Provost and Vice-President (Academic) or the Vice-President (Administration), as appropriate, will determine the appropriate individual in the line of authority.
57. Should there be a conflict of interest with an Associate Vice-President, the appropriate Vice-President shall assume the responsibilities of the Associate Vice-President under this Policy. Similarly, if that Vice-President is in a conflict then another Vice-President or the President shall act.

**SENIOR ADMINISTRATION**

58. The Senior Administration has overarching responsibility for maintaining a University environment in which Sexual Violence is unacceptable, for providing the resources required to support such an environment, and for ensuring the timely development and review of relevant policies through Senate and Board of Governors procedures.
59. In addition, the Senior Administration is responsible for enabling Community Members to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the University's expectations and providing education to all Community Members on issues related to rape culture and Sexual Violence.

**ALL MEMBERS OF THE UNIVERSITY COMMUNITY**

60. All members of the University Community are responsible for contributing to an environment that is free of Sexual Violence, for participating in education and training programs when appropriate, and for referring individuals disclosing Sexual Violence to the Sexual Violence Response Coordinator.

## SECTION VI: INVESTIGATIONS

### INTAKE AND INITIATION OF COMPLAINTS

61. If an individual wishes to file a [Complaint](#) of Sexual Violence for the University to address, they must contact an Intake Coordinator in the [Equity and Inclusion Office](#), the [Student Support & Case Management Office](#), [Employee/Labour Relations](#), or [Faculty of Health Sciences Professionalism Office](#). The Sexual Violence Response Coordinator may assist an individual in transitioning the matter to an Intake Coordinator so as to minimize the need for the individual to retell information, and may accompany the individual during the intake process.
62. The Intake Coordinator is responsible for:
  - a) ensuring that [Complainants](#) are aware of the options available to them in seeking a response to the incident of Sexual Violence that they have experienced; and
  - b) assisting Complainants in understanding what may be involved in, and what may result from, each of the options; and
  - c) assisting the Complainant with completing a **Complaint Intake Form**, which includes a brief description of: what happened; who was involved in the incident; when it happened; where it happened; who (if anyone) saw or heard it happen, or saw or heard something of relevance prior to or after the alleged incident(s) of Sexual Violence.
63. The Intake Coordinator will activate the [Sexual Violence Assessment Team](#).
64. Members of the Sexual Violence Assessment Team will assess the Complaint on an immediate and priority basis. Identities of the Complainant and/or Respondent will only be shared with the relevant Sexual Violence Assessment Team members on a need-to-know basis. During this assessment, the Sexual Violence Assessment Team may determine it is necessary to disclose identities on a need-to-know basis in order to administer the Policy.
65. The Sexual Violence Assessment Team reviews the Complaint in order to:
  - a) confirm that it fits within the scope of the Policy;
  - b) consider requirements pursuant to the [Occupational Health and Safety Act](#);
  - c) determine an appropriate and respectful way to inform the [Respondent](#) of the Complaint, and ensure that written details of the Complaint are provided;
  - d) determine if an investigation is required, and, if so, set parameters accordingly, in consultation with the appropriate Associate Vice-President (including, for example, which University office to mobilize; internal or external investigator; timelines, mandate and scope for the investigation);
  - e) consider and coordinate appropriate Accommodations and/or Interim Measures as they relate to all parties involved in the matter; and
  - f) as necessary, draw upon representatives of relevant services or departments in order to appropriately respond to the matter.
66. The Sexual Violence Assessment Team will review any Interim Measures on an ongoing basis throughout the process to ensure they remain necessary and appropriate in the circumstances.

### Decision Not to Investigate

67. In some circumstances a decision may be made not to investigate. The decision will be communicated in writing, with reasons, to the parties by the appropriate Associate Vice-President. The Complainant will be informed of their right to make a written request for review of the decision to the Vice-President to whom the Associate Vice-President reports.

### UNIVERSITY INITIATED INVESTIGATION

68. Through data gathering on Disclosures and Complaints, the [Sexual Violence Response Coordinator](#) or [Director, Human Rights & Dispute Resolution](#) may become aware of situations where a University-initiated Investigation may be warranted, including, but not limited to circumstances where:
- repeated allegations are made about the conduct of the same individual and/or specific environment;
  - allegations are made about the conduct of a Community Member by an individual who is not, or is no longer, a Community Member;
  - the power differential in the alleged incident suggests the potential for a pattern of repeated Sexual Violence; and/or
  - the University has a duty to investigate pursuant to the [Occupational Health and Safety Act](#).
69. The Director, Human Rights & Dispute Resolution will consult with the [Sexual Violence Assessment Team](#) and the appropriate Associate Vice-President to determine whether an investigation is warranted.
70. Survivors may choose not to request an investigation by the University, and have the right not to participate in any investigation that may occur.

### INVESTIGATION PROCEDURES

71. Investigations conducted under this Policy will follow the principles of procedural fairness. Respondents have the right to know the case against them, and to produce evidence and witnesses to the Investigator in response to any allegations.
72. The Investigator will impartially collect evidence and interview witnesses in relation to the Complaint. In consultation with the appropriate Director (or delegate), the Investigator has discretion to adjust the scope and the manner in which the investigation will be conducted in compliance with this Policy and the principles of procedural fairness.
73. All Community Members are expected to meet with the Investigator if requested to do so. Notwithstanding this expectation, the following applies:
- Survivors retain the right to decline to participate in any Investigation initiated by the University, regardless of whether or not they have been identified as a potential witness during the course of an Investigation; and
  - health care providers and professionals will only be expected to provide information within the limits of their duty to patient confidentiality.
74. Complainants, Respondents and witnesses have the option of being accompanied by a Support Person or Advisor.



75. All those who meet with an Investigator are required to keep confidential the meeting and any information shared to ensure the integrity of the proceedings. Failure to do so could be considered a breach of privacy.
76. An individual who was not previously identified as a Respondent but who, during the course of an investigation, is identified as a potential Respondent will be notified and given an opportunity to meet the Investigator and to respond to any allegations.

#### **Voluntary Resolution**

77. In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution of a Complaint at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all matters. See [clause 97 Voluntary Resolution](#).

## SECTION VII: ADJUDICATION AND DECISIONS

78. At the conclusion of an Investigation, the following procedures apply for adjudication and decision-making, dependent upon the constituency of the Respondent.

### Student Respondent

79. The adjudication will be processed in accordance with the procedures in the [Code of Student Rights and Responsibilities](#) ("the Code"). If it is determined, on a balance of probabilities, that Sexual Violence occurred, sanctions will apply in accordance with the Code.
80. In matters where the sanctions do not include suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the decision and/or the sanction(s) to the Associate Vice-President (Students and Learning) & Dean of Students.
81. In matters where the sanctions include a suspension, expulsion, or withdrawal (voluntary or involuntary), the Respondent may appeal the decision made by the Associate Vice-President (Students and Learning) & Dean of Students to the [Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#). (See Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence).

### Faculty Respondent

82. The investigation report will be reviewed by the Provost and Vice-President (Academic) (or delegate) to determine, on a balance of probabilities, if Sexual Violence has occurred. If it is so determined, the Provost will make recommendations regarding sanctions and/or remedies, and initiate a disciplinary process.
83. If the Respondent accepts the sanction(s) and/or remedies recommended by the Provost, the recommendations will be implemented and the matter will be closed.

### Referral to Hearing

84. If the Respondent does not accept the recommendations, **or** the Provost believes that suspension from the University for a period of time is the appropriate sanction, the matter will be referred to a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence (DHSV Tribunal) for a hearing.
85. At the hearing the Provost has the burden of proof to present evidence, and on a balance of probabilities, to satisfy the DHSV Tribunal that the alleged incident of Sexual Violence has occurred.
86. If it is determined by the Provost that Removal Proceedings should be initiated, the matter will be referred directly to the Procedures for Removal under the [Tenure and Promotion Policy](#).

### Staff Respondent

87. The investigation report will be reviewed by the Assistant Vice-President and Chief Human Resources Officer (or delegate) to determine, on a balance of probabilities, if Sexual Violence has occurred. If it is so determined, the matter will be referred to the [Director, Employee/Labour Relations](#) to initiate a disciplinary process.

88. The disciplinary decision in matters relating to Sexual Violence will be approved by the appropriate Vice-President (in line with the Respondent's reporting structure) before being imposed.
89. In the case of a staff member who is a member of a union, the right to appeal the disciplinary decision is within the grievance and arbitration processes of the collective agreement.
90. In the case of a staff member who is not a member of a union (e.g., members of The Management Group, interim employees), and except in the case of termination, the staff member may submit a written appeal of the disciplinary decision to the Vice-President (Administration) (or delegate). In the case where the Respondent's reporting line is through to the Vice-President (Administration), the appeal will be made to another Vice-President.

#### **Community Member Respondent (not student, staff or faculty)**

91. When the Respondent is a Community Member but is not currently a student, staff, or faculty member, the investigation report will be reviewed by the Associate Vice-President related to the Respondent's area of activity at the University. The relevant Associate Vice-President will determine, on a balance of probabilities, if Sexual Violence has occurred. If it is so determined, the Associate Vice-President will decide on the appropriate sanctions/remedies.
92. The Respondent may submit a written appeal of the decision and/or sanctions to the Vice-President to whom the Associate Vice-President reports.

### **FINDINGS AND DECISIONS**

#### **No Finding of Violation of the Policy**

93. The Complainant and Respondent will receive a written decision from the relevant decision-maker, that will include:
  - a) the decision that there is No Finding of Violation of the Policy;
  - b) reasons for the decision; and
  - c) a summary outlining the findings.

#### **Finding of Violation of the Policy**

94. The Complainant and Respondent will receive a written decision from the relevant decision-maker, that will include:
  - a) the decision that there is a Finding of Violation of the Policy;
  - b) reasons for the decision;
  - c) a summary outlining the findings;
  - d) the **Respondent** will receive confirmation of any Interim Measures that will remain in place until sanctions are imposed;
  - e) the **Complainant** will receive information about any Interim Measures that have a direct impact on the Complainant, such as a no-contact order, that will remain in place until sanctions are imposed.

Impact Statement

- f) the Complainant will be provided the opportunity to submit a written **impact statement** to the decision maker, **within five business days of receipt of the written decision**, to be considered in determining the appropriate sanction(s).

**DETERMINATION OF SANCTIONS AND REMEDIES**

95. The decision-maker shall consider the Complainant's impact statement, and any mitigating and/or contextual factors in determining/implementing appropriate sanctions and remedies, and the reasons shall be clearly articulated in writing to the Respondent and the Complainant as follows:
  - a) the **Respondent** will be informed of all sanctions imposed;
  - b) the **Complainant** will receive 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.
96. Where required by a professional licensing body, the results of the investigation may also be communicated to that professional licensing body.

## SECTION VIII: OUTCOMES AND SANCTIONS

### OUTCOMES

#### Voluntary Resolution

97. In certain circumstances, a Complainant and Respondent may be willing to attempt a resolution of a Complaint at any time before the completion of an Investigation. Voluntary Resolution is not mandatory and may not be appropriate in all Sexual Violence complaints. The following conditions will apply when considering Voluntary Resolution as a viable option:
- a) there has been **no admission of guilt and no findings have been made** in the matter;
  - b) the Complainant and the Respondent both agree with:
    - i. attempting to reach a resolution;
    - ii. the method of achieving resolution;
    - iii. the terms of the final resolution; and
    - iv. accepting that the agreed upon resolution is not a finding of guilt or breach of the Policy;
  - c) a meeting between the Complainant and the Respondent will **not** be required; and
  - d) a Voluntary Resolution may be facilitated by the appropriate [Intake Office](#).

### SANCTIONS

98. 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.
99. 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.
100. 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 student Respondents, all sanctions in the [Code of Student Rights and Responsibilities](#) for findings of Sexual Violence. These include, but are not limited to: behavioural contract, behavioural bond,

suspension, expulsion, and for students in Residence: residence probation, room transfer, denial of readmission, eviction;

- g) for staff or faculty, **Suspension or Recommendation for Suspension**, as applicable;
- h) for staff or faculty, **Dismissal or Recommendation for Removal**, as applicable.

## REMEDIES

- 101. Remedies may include but are not limited to:
  - a) mandatory referral to counselling;
  - b) training or coaching; and/or
  - c) Restorative Justice processes.

## SYSTEMIC AND PREVENTIVE INTERVENTIONS

- 102. Investigations may reveal broader issues to be addressed whether or not a finding of Sexual Violence has been found. In such instances, appropriate educational and preventive intervention measures may be recommended by the Associate Vice-President.

## APPENDIX A: DEFINITIONS

### Accommodations

Accommodations under this Policy are adjustments to individuals' academic, workplace or residence arrangements made to support them and/ or enhance their safety (e.g. a change in assignment deadlines or tutorial group, a change in supervisory arrangements, a change in residence location).

### Advisor

A person of the individual's choice who acts in an advisory role during the complaint and investigation process (e.g. friend, family member, union representative, legal counsel). The Advisor may be present during Investigation interviews but may not participate as a representative. The Advisor may represent the individual at a Hearing before a Tribunal of the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence.

### Agent

Anyone hired by the University or working on behalf of the University such as an external investigator or a physician or other health care professional.

### 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 make a determination that Sexual Violence has occurred, have a greater likelihood of being true than not.

### Complainant

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

### Complaint

A Complaint is made when an individual notifies an Intake Coordinator of an allegation of Sexual Violence and seeks the University's response.

### Confidentiality

Refers to the obligation of an individual or organization to safeguard entrusted information. The practice of confidentiality includes obligations to protect information from unauthorized access, use, disclosure, modification, loss or theft. Confidentiality differs from anonymity in that the identity of the person making the Disclosure is known to the person receiving the Disclosure.

### Consent

Consent is defined as approval, given freely, willingly, and knowingly by each participant to sexual activity. It must be given through ongoing communication by words or actions, or both. It occurs continuously and moment to moment. Consent cannot be assumed. Consent cannot be given if a person's ability to resist or consent is impaired. Consent may be compromised where individuals are in a position of power, trust and/or authority over the person whose consent is required.

#### CONSENT:

- should never be assumed or implied
- is not silence or the absence of "no"
- cannot be given if the person is impaired by alcohol or drugs, or unconscious
- can never be obtained through threats or coercion
- can be withdrawn at any time
- cannot be given if the perpetrator abuses a position of trust, power or authority

- cannot be given by anyone other than the person participating in the sexual activity
- Any type of sexual activity without consent is Sexual Violence. (Source: the Government of Ontario - [Let's stop sexual harassment and violence website](#))

**Criminal Report**

Occurs when a person reports an experience of Sexual Violence to the police or to McMaster Security Services. Filing a report with [Security Services](#) will result in a report to the Hamilton Police Service.

**Disclosure**

When a Survivor informs someone in the University community that they have experienced Sexual Violence in order to access support, accommodations and/or information about their options.

**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.

**Employee**

Where applicable, employee is used to refer to staff (see below) and faculty (see below).

**Event (Authorized)**

Authorized events are University scheduled or University approved activities, occurring on or off University premises, e.g. public lectures, performances, placements (co-op or clinical), athletic events, work or study-related conferences/training sessions, etc. These events can include work or study-related travel. Events that are approved under the Student Event Risk Management Policy, or Field Trips and Electives Policy are also authorized events.

**Event (Non-authorized)**

Non-authorized events are events that are not scheduled or approved by the University and may occur on or off University premises e.g. group trips that have not been approved under the Student Event Risk Management Policy, drinking games in residence, house parties, etc.

**Expulsion**

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

**Faculty**

Faculty are defined as those academic teaching staff and senior academic librarians who are members of the McMaster University Faculty Association.

**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**

Those about whom allegations have been made in a Complaint process.

#### **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.

#### **Senior Administration**

The President, Provost and Vice-President (Academic), Vice-President (Administration).

#### **Sexual Assault**

Any non-consensual sexual activity, including but not limited to touching, grabbing, kissing, fondling, and oral, anal, or vaginal penetration.

#### **Sexual and/or Gender-Based Harassment**

Sexual and/or gender-based harassment is:

- a) Engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

#### **Sexual Violence**

Sexual Violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without a person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

**Staff**

Employees of the University including, but not limited to, The Management Group (TMG), Unionized Employees, Temporary/Casual, non-teaching staff, Sessional Faculty, Post-doctoral Fellows, and Clinical Faculty. Graduate students employed as Teaching Assistants may be treated as an employee, depending on circumstances (see the definition of “Worker” under the Occupational Health and Safety Act).

**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.

**Supervisor**

A person who has charge of a workplace or authority over a worker. See the Ministry of Labour guide “*Who is a Supervisor*” under the [Occupational Health and Safety Act](#).

**Support**

The provision of resources appropriate to the individual and the circumstances. This may include access to the Student Wellness Centre, Employee Family Assistance Program, and/or McMaster Students Union (MSU). Support resources does not include the provision of legal counsel.

**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).

**Survivor**

Survivors are individuals disclosing incidents of Sexual Violence.

**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.

**Violence Risk Assessment Team**

The Violence Risk Assessment Team is a sub-committee of the Crisis Management Group. This team takes a multi-disciplinary approach to assessment, investigation, and response to reports of behaviour that is of potential concern or threat to the University community. The team is made up a diverse population of the campus including representation from Human Resources, Health and Safety, Academics, Dean of Students and Student Affairs.

**Voluntary Resolution**

Steps taken (e.g. arrangement of academic, work or living environment / conditions) to resolve a Complaint, with which both the Complainant and Respondent have agreed.

## APPENDIX B: RESOURCES

The [Sexual Violence Response Protocol](#) is an information resource for Survivors and for all Community Members who have disclosed or may receive Disclosures of Sexual Violence. Additional resources include, but are not limited to:

### Support for the University Community

- [Equity and Inclusion Office](#)
- [Faculty of Health Sciences Professionalism Office](#)
- [Security Services](#)
- [Chaplaincy Centre](#)

### Additional Support for Students

- [Student Wellness Centre](#) (personal counselling and medical services)
- [Student Support & Case Management](#) (support and guidance about the Code of Student Rights and Responsibilities)
- [Women and Gender Equity Network, McMaster Student Union](#) (peer support and resources)
- [MSU Peer Support Line](#) (24 hour a day telephone support line, including legal advice and counselling)
- [Graduate Students Association Health & Dental Plans](#) (health benefits include access to psychological counselling in the community)

### Additional Support for Staff and Faculty

- Union or Association
- [Employee/Labour Relations](#)  
[Employee and Family Assistance Program](#) (access to professional counsellors, legal guidance and other supportive services available to staff and faculty)

### Support in the Broader Community

- [Good2Talk](#) (24/7 phone support for students offered by professional counsellors)
- [Sexual Assault Centre Hamilton & Area \(SACHA\)](#)
- [Sexual Assault/Domestic Violence Care Centre](#)
- [Hamilton Police Services – Victim Services Branch](#)
- [John Howard Society](#) (for individuals in conflict with the law)  
[Elizabeth Fry Society](#) (for individuals in conflict with the law)

### Guidance about a Policy and/or Procedures

- [Equity and Inclusion Office](#)
- [Employee/Labour Relations](#)
- [Student Support & Case Management](#)
- [University Secretariat](#)

### Independent Resource

- [Ombuds Office](#) (provides an independent, impartial, and confidential process through which members of the University community may pursue a just, fair and equitable resolution of a University related concern.)

Note: this resource list will be reviewed at least annually and updated as appropriate.

## APPENDIX C: JURISDICTION

### JURISDICTION

1. Nothing in this Policy is meant to supersede the terms and conditions of any collective agreement, or any other contractual agreement, entered into by the University and its employee groups. In the event that the provisions of this Policy contradict any such collective or contractual agreement, the collective or contractual agreement governs, to the extent of the contradiction.
2. To the extent that this Policy affects the terms and conditions of employment of faculty of the University, it may be subject to discussion and/or approval in accordance with the University policy entitled, *The Joint Administration/Faculty Association Committee to Consider University Financial Matters and to Discuss and Negotiate Matters Related to Terms and Conditions of Employment of Faculty*, revised by the Board of Governors on October 20, 1988 (the 'Joint Administration/Faculty Association' policy).
3. This Policy is not intended to supersede or interfere with the criminal justice system; all persons have the right to pursue legal avenues.
4. Should a Complainant, with respect to the subject matter of a Complaint dealt with under this Policy, seek redress under the [Ontario Human Rights Code](#), the [Criminal Code](#), the [Occupational Health and Safety Act](#), the provisions of an applicable collective agreement, or through civil litigation, or any other forum external to the University, the appropriate Associate Vice-President, in consultation with the [Director, Human Rights & Dispute Resolution](#), will determine in the circumstances whether proceedings under this Policy will be initiated. If proceedings under this Policy have already been initiated, the appropriate Associate Vice-President, in consultation with the [Director, Human Rights & Dispute Resolution](#), will determine in the circumstances whether or not the proceedings under this Policy will:
  - a) be permanently discontinued;
  - b) be disallowed; or
  - c) be suspended until proceedings in the external or other forum are concluded, although Interim Measures may be put in place to safeguard the environments of the parties involved.
5. Respondents in a Complaint procedure must be Community Members. If a person alleged to have committed Sexual Violence is not currently a Community Member, the University has no jurisdiction to pursue or adjudicate the incident. However, the University reserves the right to take whatever steps it considers appropriate to safeguard the University Community.

## APPENDIX D: 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 Accommodation of Students with Disabilities](#)
- [Academic Freedom, Statement on](#)
- [Accessibility Policy](#)
- [Bill 132, Sexual Violence and Harassment Action Plan Act \(Supporting Survivors and Challenging Sexual Violence and Harassment\), 2016](#)
- [Code of Conduct for Faculty](#)
- [Code of Student Rights and Responsibilities](#)
- [Complaint Resolution Procedure for TMG](#)
- [Conflict of Interest Guidelines: Undergraduate and Graduate Studies](#)
- [Discrimination, Harassment & Sexual Harassment: Prevention and Response](#)
- [Employment Accommodation, Policy and Procedures on](#)
- [Employee/Labour Relations – Collective Agreements](#)
- [Faculty General Grievance Procedure](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Hearing Procedures for the Board-Senate Hearing Panel for Discrimination, Harassment, and Sexual Violence](#)
- [Ministry of Training, Colleges and Universities Act](#)
- [Ontario Human Rights Code](#)
- [Occupational Health and Safety Act](#)
- [Personal Health Information Protection Act](#)
- [Professional Behaviour Code for Graduate Learners, Health Sciences](#)
- [Professional Behaviour Code for Undergraduate Learners, Health Sciences](#)
- [Senate Resolutions re Group Conflict](#)
- [Senate Mediation Procedures](#)
- [Sexual Violence Response Protocol](#)
- [Statement on Building an Inclusive Community with a Shared Purpose](#)
- [Statement and Guidelines on Inclusive Communications](#)
- [Student Event Risk Management Policy](#)
- [Tenure and Promotion Policy](#)
- [Violence in the Workplace, Policy on](#)

## APPENDIX E: FLOWCHARTS

Community Members disclosing Sexual Violence have a number of options.

The [Sexual Violence Response Coordinator](#)'s services are available to them regardless of how they decide to proceed.

Individuals may pursue one or more of these options, which are not mutually exclusive.

### DISCLOSURE

A Disclosure is made when an individual informs someone in the University community about an experience of Sexual Violence because they wish to access support, accommodations and/or information about their options

### COMPLAINT

A Complaint is when an individual notifies an Intake Coordinator of an allegation of Sexual Violence and seeks the University's response. Intake Coordinators are in the [Equity and Inclusion Office](#), the [Student Support & Case Management Office](#), [Employee/Labour Relations](#), or [Faculty of Health Sciences Professionalism Office](#).

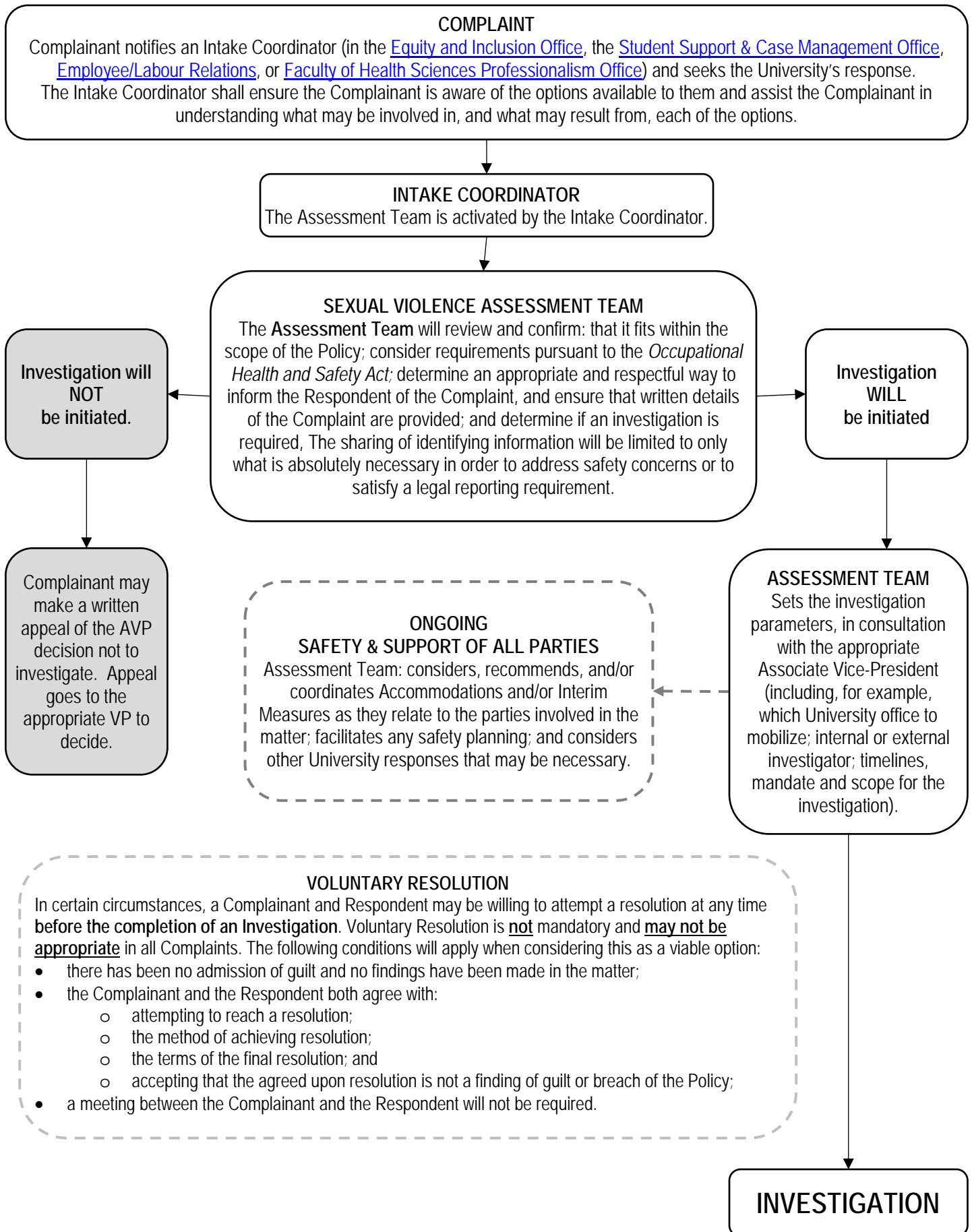
### CRIMINAL REPORT

A Criminal Report is when an individual files a report of Sexual Violence with a police service or with McMaster [Security Services](#). Filing a report with McMaster Security Services will result in a report to the [Hamilton Police Service](#).

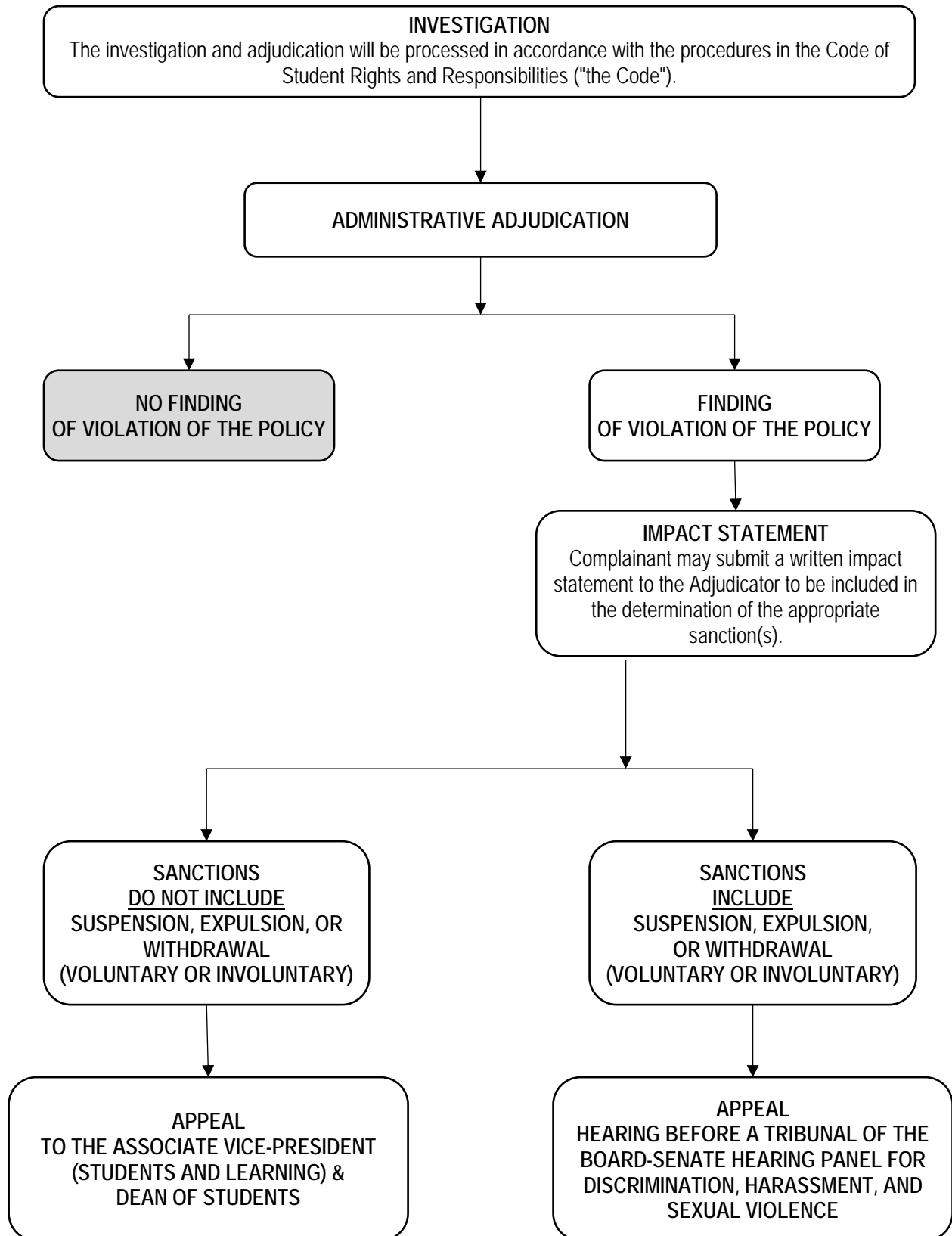
### OTHER OPTIONS

Options external to the University (e.g. civil litigation or Ontario Human Rights Code provisions) or other options external to this Policy (e.g. grievance provisions of applicable collective agreements, provisions of the Occupational Health & Safety Act)

The University recognizes that confidentiality is a crucial consideration in creating an environment in which individuals feel able to [disclose](#) incidents of [Sexual Violence](#) and to access [support](#), [Accommodations](#), and information. The University will share identifying information only in circumstances where it is necessary in order to address safety concerns or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or to meet such requirements, will be disclosed. Such circumstances include those where: an individual is at risk of harm to self; an individual is at risk of harming others; there are reasonable grounds to be concerned with risk of future violence or the safety of the University and/or broader community; disclosure is required by law; for instance, suspected abuse of someone under the age of 16; or, to comply with the [Occupational Health and Safety Act](#) or with human rights legislation; evidence of the disclosed incident of Sexual Violence is available in the public realm (e.g. video shared publicly on social media); and/or to comply with the reporting requirements of regulatory bodies.

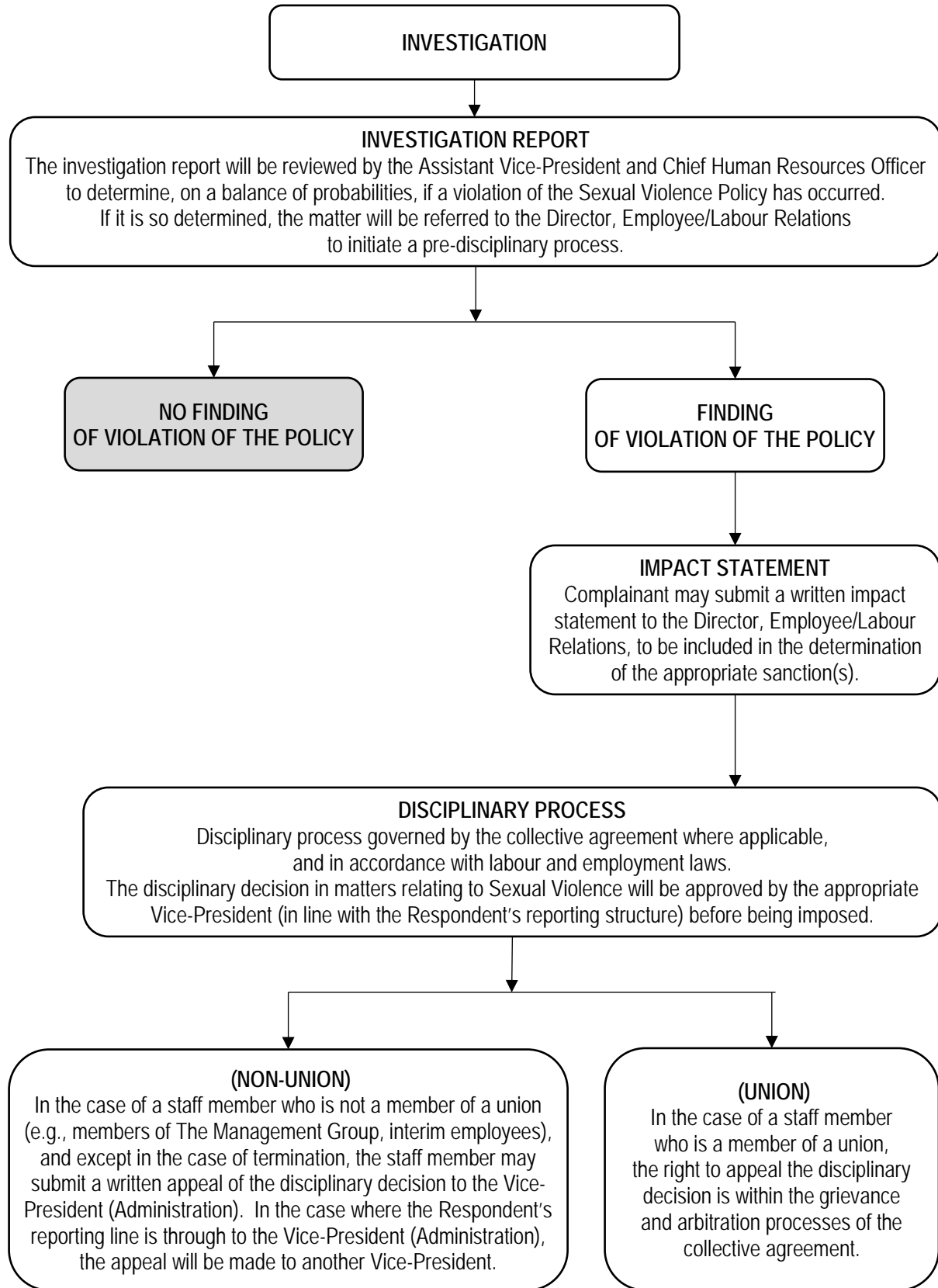


# STUDENT RESPONDENT





# STAFF RESPONDENT



# FACULTY RESPONDENT

