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## 3.6 SEXUAL AND GENDER-BASED VIOLENCE AND MISCONDUCT POLICY

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### ENABLING LEGISLATION + LINKED POLICIES

- See also:
  - [3.6.1 Sexual and Gender-based Violence and Misconduct Procedures for Students](#)
  - [3.6.2 Sexual and Gender-based Violence and Misconduct Procedures for Employees and Non-Students](#)
  - [3.6.3 Sexual and Gender-based Violence and Misconduct Procedures for Members of the Board of Governors](#)
- Sexual Violence and Misconduct Policy Act
- University Act
- Criminal Code of Canada
- Canadian Charter of Rights and Freedoms
- Canadian Human Rights Act
- BC Victims of Crime Act and Canadian Victims Bill of Rights
- Freedom of Information and Protection of Privacy Act
- Provincial Privacy Laws, Labour Laws and Human Rights Legislation
- Collective agreements (all)
- Terms and Conditions for Administrators
- All related University Policies including:
  - 1.1 Board Bylaws
  - 4.6 Student Conduct
  - 6.10 Dealing with Threatening Behaviour
  - 8.6 Harassment, Bullying and Discrimination
  - 8.11 Conflict of Interest

- 8.12 Safe Disclosure
- 8.13 Confidentiality
- 9.3 Code of Conduct for Appropriate Use of Information Technology Facilities + Services

## **OBJECTIVE**

Emily Carr University of Art + Design (the “University”) is committed to providing a safe, respectful, and inclusive environment where members of our community are free from violence or threat of violence; including Sexual Violence or Misconduct, Sexual Assault, and Gender-Based Violence. The University recognizes that it has a responsibility to foster such an environment through the implementation of effective prevention, education programming, resources, and policy, as necessary to assist with the provision of appropriate systems to support Survivors/Victims, Witnesses and Bystanders and to ensure appropriate responses to reports of incidences of sexual and gender-based violence. The University will also provide support for safe Disclosure, Reporting, and Investigation while also ensuring that Respondents are offered access to key resources and information necessary to make informed decisions.

## **DEFINITIONS**

**Administrative Authority:** means the senior individual identified at the outset of the process to have administrative responsibility for the Respondent, or decision-making authority. Administrative Authorities may include but are not limited to Vice Provost, Deans, Directors, Executive Directors, or other senior positions at the University.

**Alternate Resolution Process:** means a voluntary process agreed to by the Complainant, Respondent and the University. The purpose of an alternate resolution process is to respond to a Disclosure or Report and does not result in an investigation or a determination of whether the policy has been breached.

**Anonymous Reports:** means information was received by the University in which the identity of the Complainant was not revealed; the disclosure or report lacked sufficient information to identify the source of the complaint.

**Appeal Process:** means a request by a Complainant or Respondent for the University to reconsider a decision that has been made regarding the outcome of an investigation.

**Bystander:** someone near or around an event that was not involved in the event.

**Complainant:** refers to an individual who has reported Sexual/Gender-based Violence and Misconduct to the University.

**Consent:** refers to the voluntary agreement to engage in sexual contact. An individual must actively, willingly, and continuously, give Consent to all sexual activity. Sexual activity without Consent is Sexual Assault. Consent is never assumed or implied; it is not silence or the absence of “no.” A person who is impaired by alcohol or drugs may be incapable of giving Consent. Consent can never be obtained through threats, fraud or coercion, and it can be revoked at any time. A person who is unconscious can never give Consent.

**Criminal Report:** an official report of Sexual/Gender-based Violence and Misconduct filed with a local law enforcement authority.

**Disclosure:** refers to the confidential sharing of an experience of observing or experiencing Sexual/Gender-based Violence and Misconduct for the purpose of accessing emotional or medical support. A Disclosure is not a Report.

**First Responders:** refers to any person who receives a Disclosure of Sexual/Gender-based Violence and Misconduct. The University understands that Survivors/Victims of Sexual/Gender-based Violence and Misconduct will most often tell someone they know. In this way, the University acknowledges that all Members of the University Community are potential First Responders. Any First Responder can contact Counselling Services who are trained to receive Disclosures and are a resource to First Responders for next steps, including help in receiving support and information regarding Reporting.

**Intersectional:** means the ways in which a person’s lived experiences are shaped by different social positions that can result in privilege and/or oppression (e.g., race, ethnicity, gender identity or expression, sex, sexual orientation, dis/ability, or religion).

**Gender-based Violence:** describes any unwanted act, physical, sexual, verbal or psychological, carried out by targeting an individual’s gender or perceived gender identity. This violence takes different forms, including willful and negligent/malicious dead-naming or incorrect gendering, revealing an individual’s gender identity without consent, sexual assault; sexual abuse; sexual harassment; stalking; indecent or sexualized exposure; degrading sexual imagery, as defined above; voyeurism; cyber harassment; trafficking; and sexual exploitation.

**Member of the University Community:** refers to all employees of the University, including administration, faculty and staff; students currently enrolled in any University course or program;

members of the University's Board of Governors; and persons providing services to the University under a contract for services or as a volunteer.

**Off-Campus Activity:** refers to University-related activity at any location where curricular activities occur. For example – course projects being done in an off-campus studio environment.

**Procedural Fairness:** refers to a fair process: (i) based on impartiality and absence of bias; (ii) where the Respondent is informed of the details of the allegations made against them; (iii) that includes a meaningful opportunity to defend against such allegations, including the right to be given sufficient notice of interviews or meetings where they are expected to present their perspective on the facts or on evidence gathered as part of the process; and (iv) leading to a decision that includes a clearly detailed explanation of the grounds on which it is based in such a way that the parties can understand the basis on which it is made.

**Report:** refers to a detailed, narrative alleging sexual or gender-based violence which is provided preferably in writing to the University for investigation. Reports require interviewing the Complainant, the Respondent and any Witnesses in a trauma-informed manner consistent with the principles of procedural fairness .

**Retaliation:** means any adverse action or threatened action, taken, or made through any means including through social or other electronic media, against a person who engages with this policy or against a person associated with anyone who engages with this policy. Retaliation includes but is not limited to threatening, intimidating or harassing conduct that could discourage a person from seeking support or other services, Disclosing or Reporting Sexual/Gender-based Violence and Misconduct, participating in an investigation or otherwise engaging with this policy.

**Respondent:** refers to someone who has been identified as an alleged perpetrator of Sexual/Gender-based Violence and Misconduct in a Report made to the University.

**Risk Assessment:** is a triage process initiated when there are reasonable grounds to believe that a risk exists due to identified concerns with regards to Sexual/Gender-based Violence and Misconduct. The process requires a review of available information and warning signs to determine actual or potential risk of harm to self or others and to identify appropriate management strategies to address harm/violence or potential harm/violence.

**Safety Modifications:** is a non-medical accommodation process or actions by which reasonable arrangements are made to support the academic, employment, health, well-being and safety needs of a member of the University community impacted by Sexual/Gender-based Violence and Misconduct.

**Sanctions:** refers to disciplinary measures that may be imposed as a result of a finding that Sexual/Gender-based Violence and Misconduct did occur.

**Sexual Assault:** is any type of unwanted act done by at least one person to another that violates the sexual integrity of the individual to whom it is directed. Sexual Assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, and/or threatened. It is carried out in circumstances in which the person has not freely agreed, consented, or is incapable of consenting to the act.

**Sexual Violence and Misconduct:** describes any unwanted act, physical, sexual, verbal or psychological, carried out by targeting an individual's sexuality, including acts both in person and/or in online environments. This definition includes the following:

sexual assault;

sexual exploitation;

sexual abuse;

sexual harassment;

stalking;

indecent or sexualized exposure;

voyeurism;

trafficking;

distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video; (or sharing of private sexual/intimate images without Consent; the attempt or threat to commit an act of sexual misconduct.

In addition, the University also regards the following as actionable under this policy: creating, displaying, presenting or circulating pictures or other degrading material of a sexual nature that are not part of the legitimate study, display, use or distribution of topics, material or art forms falling within appropriate academic, contemporary art/design/media discourse within the context of an art and design university.

**Survivor/Victim:** refers to someone who has experienced Sexual/Gender-based Violence and Misconduct. While not everyone may choose these terms to apply to their experience, these terms are broadly used within anti-violence movements to recognize the strength and resilience of those who live every day with the impact of having been sexually assaulted. Individuals have the right to self-identify as a Survivor/Victim or any other word that they feel identifies their experience. Use of the term "Survivor" or "Victim" in this Policy is not intended to suggest that the outcome of any investigation is predetermined.

Where a Survivor/Victim chooses to make a Report to the University, they will be identified throughout the investigation process as a “Complainant”.

**Third Party:** means, for the purpose of making a Third Party Statement under this policy, a person other than the person who experienced Sexual/Gender-based Violence and Misconduct, and other than the person alleged to have caused harm. A Third Party can be a witness, a friend, a colleague, a person who receives a Disclosure or any other person.

**Third Party Statement:** is when someone (e.g., friend, staff, faculty, colleague) shares information with the Threat Assessment Team (TAT) about Sexual/Gender-based Violence and Misconduct on behalf of, and with the consent of, the person who experienced Sexual/Gender-based Violence and Misconduct.

**Threat Assessment Team (TAT):** University group tasked with leading all threat assessments relating to abusive and threatening behaviour or violence with the purpose of recommending management strategies to provide for health and safety of the University’s community.

**Trauma-Informed Care:** provides a response framework grounded in an understanding of the impact of trauma that emphasizes physical, psychological and emotional safety for everyone, and that creates opportunities for survivors/victims to rebuild a sense of control and empowerment (Hopper et al., 2010).

**Trauma-Informed Investigation:** refers to a science-informed investigative framework which incorporates an understanding of the neurobiology of trauma, reflects preparation for the potential for trauma to surface while maintaining sufficient flexibility to adapt investigative techniques to minimize the potential for doing further harm. A Trauma-Informed investigator rejects myths and stereotypes about Sexual/Gender-based Violence and Misconduct and recognizes the impact that Sexual/Gender-based Violence and Misconduct may have on individuals and communities, as well as the disproportionate impact of sexual violence on women, Two Spirit, LGBTQ+, transgender, gender-variant persons and those who are racialized, Indigenous, and/or disabled.

**University-related Activity:** any activity at any location that is engaged in by the University or by persons acting under the University’s control. All activities on the University’s campuses are University-related unless they are conducted under the control of a person, organization, association or group that is separate from the University.

**Visitor:** means non-University community members who are visiting any University premises or engaging in a University-related activity. This includes alumni and donors.

**Witness:** refers to a person who is identified by the survivor or respondent as having additional relevant information regarding an incident of sexual violence. This can include a bystander.

## **POLICY PRINCIPLES**

1. The University is committed to fostering an environment of dignity and respect. This includes the expectation that all Members of the University Community are free from Sexual/Gender-based Violence and Misconduct or the threat thereof.
2. The University acknowledges that Sexual/Gender-based Violence and Misconduct is complex and underreported. Women, BIPOC women, LGBTQ+, Two Spirit, transgender, gender-variant, persons and individuals with disabilities suffer disproportionate incidents of violence compared to the rest of the University Community. We are committed to supporting individuals by raising awareness through education, prevention, and by providing proactive responses and support for Survivors/Victims that are considerate of the distinct differences within our Community and that encourage all individuals to come forward to disclose Sexual/Gender-based Violence and Misconduct. These supports are outlined in the associated procedures. Survivor/Victims do not need to prove that sexual violence occurred in order to access services or receive safety modifications.
3. The University recognizes the possible traumatic effects of Sexual/Gender-based Violence and Misconduct and will assist individuals seeking support and healing. Any individual experiencing (or who has experienced) Sexual/Gender-based Violence and Misconduct can expect to:
  - be provided with, procedural options to address the violence or misconduct;
  - be provided with respect for personal agency where ever possible;
  - be treated without racial or other bias, and with compassion, dignity and respect;
  - be provided with accessible, timely and confidential assistance;
  - be informed about on and off-campus support services, accommodations and resources available to them.
4. The University recognizes that all parties to a Report, as well as the University Community as a whole, benefit from a timely resolution. The University shall endeavour to complete any investigation it undertakes into a Report of Sexual/Gender-based Violence or Misconduct within a timely manner.
5. This Policy will be applied in conformity with the Principles of Procedural Fairness. Those responsible for interpreting, administering and applying this Policy will apply the Policy in an

unbiased, anti-racist, empathetic and non-arbitrary manner. Any and all evidence will be evaluated based on a balance of probabilities.

6. The University commits to taking an approach to sexual violence response, prevention and education that recognizes the complexity of harm, histories of institutional harm and the power dynamics within a University community that create barriers to disclosing and reporting. The University commits to providing resource personnel who are trained in anti-racist, trauma-informed care and trauma-informed investigations, by a recognized and certified program or subject area expert.
7. The University recognizes that Students who experience Sexual/Gender-Based Violence and Misconduct may be reluctant to come forward to Disclose or make a Report if drugs and/or alcohol was a factor when the Sexual/Gender-based Violence and Misconduct took place. Any Student who makes a Disclosure or makes a Report, stating that they were an individual who experienced or witnessed Sexual/Gender-based Violence and Misconduct while under the influence of drugs and/or alcohol will not be cited for violations under any University policies dealing with non-academic misconduct in relation to the use of drugs or alcohol.
8. The University will develop a Sexual/Gender-Based Violence and Misconduct Advisory Committee made up of members of the University community, including students. The Advisory Committee will meet quarterly to provide guidance on the implementation or and updating of this policy and will report annually to the President in alignment with the requirements of the BC Sexual Violence and Misconduct Policy Act. The advisory committee will not be involved in individual cases.

## **SCOPE + JURISDICTION**

This Policy applies to all Members of the University Community (all current ECUAD students, employees, contractors, members of the Board of Governors, volunteers, and guests).

Any member of the University community who has experienced Sexual/Gender-based Violence or Misconduct can access confidential assistance and support, referrals and information from Counselling + Wellness, Student Services or Human Resources regardless of time and place at which the Sexual/Gender-based Violence and Misconduct has occurred.

The University has the jurisdiction to address reports made against a member of the University community and can take action to the extent of its relationship to that member where the incident occurred:

- a) on any property that is controlled by the University and used for University purposes;

- b) when the alleged perpetrator is or was in a position of power or influence over the survivor's academic or employment status at the University;
- c) at a University-related event or activity;
- d) in the course of on campus and/or online learning environments, through university sanctioned online learning tools and other social media platforms;
- e) the alleged conduct has a real and substantial connection to the University and affects the working and learning environment of the University.

If a member of the University community is unsure about whether an incident meets the above criteria, then they are encouraged to reach out to Counselling + Wellness and/or Student Services (for students) or Human Resources (for employees).

The University does not have jurisdiction to investigate allegations against a person who is not a member of the University community or who is not currently affiliated with the University. However, under certain circumstances, the University can revoke visitors' access to the University property, and support can be provided to survivor/victim.

The University may accept Disclosures and Reports from visitors to the University community who are not members of the University community if the alleged perpetrator/Respondent is a member of the University community and the incident occurred on University property or in connection with a University activity.

This policy and its associated procedures are separate from any criminal or civil proceedings. The University is responsible for determining whether a University community member has violated this policy and is not responsible for determining violations of criminal or civil law.

Where an incident that comes within the scope of this Policy impacts the University environment, the University also reserves the right to enforce this Policy regardless of whether any legal proceedings are undertaken in any other forum or by any other party.

### **CONFIDENTIALITY - PRIVACY**

The University operates in accordance with British Columbia's Freedom of Information and Protection of Privacy Act (FIPPA).

The University recognizes the value of privacy and confidentiality to Victims/Survivors to Sexual/Gender-Base Violence and Misconduct and will take all reasonable steps to protect the privacy and confidentiality of anyone making a Disclosure or a Report.

The University will share identifying information only in situations where it is necessary in order to respond to safety concerns or to a legal reporting requirement, as authorized by the President. In these circumstances, the University will disclose to Survivors, Respondents or Witnesses that this identifying information is being shared, and do so within a timely manner in order to address any concerns and set up reasonable safety and support measures as needed. The University will also try to share the minimum amount of information to satisfy the safety concern or legal requirement. Circumstances may include:

- when a person is determined at risk of harm to self;
- when a person is determined at risk of harming others;
- when there are reasonable grounds to be concerned of future risk or violence to members of the University community and/or broader community;
- reliable information of the disclosed incident of Sexual/Gender-based Violence and Misconduct is available in the public domain (e.g., images or video on social media);
- to comply with reporting requirements of regulatory bodies;
- where the University has a legal obligation to act, where a member of the University is served with a subpoena;
- where a court makes an order for the production of documents;
- compliance with the Workers' Compensation Act, Human Rights Code or civil action.

The University acknowledges that the Respondent has the right to be informed of the pertinent details of the Report, including the identity of the person who made the Report (the Complainant). However, the identity of the Complainant will be withheld until a Risk Assessment has taken place to protect the health and safety of the Complainant. A Risk Assessment will be done by the Threat Assessment Team, promptly as to not delay the process.

The Complainant has the right to be informed of the outcome of the investigation, but not the details of any Sanctions that may have been applied to the Respondent unless sharing that information is necessary for the protection of the Complainant's health or safety.

## **EDUCATION AND TRAINING**

The University will work in collaboration with the Emily Carr Student's Union and other on and off campus community partners to develop and deliver Sexual/Gender-based Violence and Misconduct education that is based on evidence-informed approaches, research and subject matter expert advice.

Any education developed and offered to the University community will be guided by survivor-centered, trauma-informed and anti-racist principles.

The University is committed to providing access to coordinated education and training programs pertaining to preventing and responding to incidents of Sexual/Gender-based Violence and Misconduct to all University community members.

The education and training will:

- a) be proactive, sustained and prevention-focused with consent and respect as core elements;
- b) take into account intersectional identities and barriers, power relationships and other relevant factors;
- c) ensure a learning environment of cultural safety, which is safe for LGBTQ+, Two Spirit, transgender, gender-variant, persons, individuals with disabilities and BIPOC; where there is no assault, challenge or denial of their identity, of who they are and what they need; and that fosters an environment that is safe and respectful, free from racism and discrimination;
- d) be grounded in a trauma-informed approach;
- e) be specific, tailored and accessible to diverse campus populations;
- f) be regularly reviewed and updated;
- g) educational programs will be co-created with students whose involvement is key to the development, implementation and review of this work.

In addition, the University is committed to education, which may include but is not limited to:

- a) implementing a comprehensive extra-curricular education program for faculty, instructors, staff and students in a combination of policy orientation and onboarding;
- b) onsite orientation, ongoing education materials, workshops and online training;
- c) making information on trauma-informed responses to disclosure easily accessible and available to all faculty, instructors, staff and students; and
- d) addressing harmful attitudes and behaviours that reinforce beliefs about Sexual/Gender-based Violence and Misconduct and perpetuate an environment where violence is normalized.

## **DISCLOSURE + REPORTING**

### **Disclosure**

A Survivor/Victim may choose to tell someone they trust about their experience of Sexual/Gender-based Violence and Misconduct in order to receive emotional and or medical support, or to request safety modifications from the University. Victim/Survivors have the right to determine what and how much they choose to disclose about their experience, and to decide whether they would like to make a Report to the University and/or the police. The University will endeavour to provide appropriate support and safety modifications to persons who disclose Sexual/Gender-based Violence or Misconduct.

Members of the University Community who receive a Disclosure are not required to file a Report to the University, however they are required to share the disclosure with the Threat Assessment Team (TAT) when:

- a) the person is at risk of self-harm or harming others;
- b) there is risk of harm to the University Community and or the broader community;
- c) the person is under the age of 19;
- d) disclosure is otherwise required by law.

In these instances, the minimum amount of information needed to meet legal or other obligations should be shared with the TAT and reasonable efforts should be made to involve the survivor/victim in decision making. The TAT will review risk and determine necessary safety measures, assess the need to implement Interim Measures and consider appropriateness of alternative resolution processes. Any University community member who is unsure about their responsibility to share a Disclosure should seek advice from Counselling + Wellness.

### **Report to the University**

A report of Sexual/Gender-based Violence and Misconduct can be made under this policy. Complainants are encouraged to come forward when they feel able to do so. Survivors/victims will not be coerced into reporting and will be provided with all options and information to support them with making the decision to Report. A Report to the University may result in an investigation.

- All reports are provided to the Threat Assessment Team (TAT). The TAT will review and consult with the appropriate Administrative Authority to determine if an investigation is warranted. TAT will provide triage/risk assessment support and safety planning consultation.
- Administrative Authority for Reports involving student Respondents is VP Students, Student Services.
- Administrative Authority for Reports involving a Respondent who is an employee or other member of the University community is AVP, Human Resources.
- External investigators may be appointed by the University in appropriate circumstances.

A Complainant has the right to withdraw their participation at any stage of the process. However, the University may continue to act on the issue identified in the Report in order to comply with its obligation under this policy and/or its legal obligations.

Reports that are found to have been made in bad faith, are determined to be biased with an ulterior motive or with intention to unjustly harm the reputation of another may lead to remedial action for the Complainant.

### **Third Party and Anonymous Statements**

The University may be unable to proceed with an investigation involving an Anonymous or Third Party Statement due to lack of evidence, the inability to follow up with the person who experienced Sexual/Gender-based Violence and Misconduct and/or where proceeding would violate the rules of procedural fairness. If the University is unable to proceed with an investigation involving an Anonymous or Third Party Statement the information will be confidentially retained by the Threat Assessment Team (TAT) with restricted access.

The TAT will review anonymous or Third Party Statements for the purposes of:

- (a) determining whether there is evidence of a safety concern for the University Community;
- (b) identifying whether it is appropriate for the University to take action;
- (c) compiling Sexual/Gender-based Violence and Misconduct statistics wherever possible;
- (d) referral to and consultation with the Administrative Authority.

The Administrative Authority for Third Party Statements is the President, who can determine whether any steps can and should be taken. Where sufficient information exists, the President may decide to take action, including to proceed with an investigation. In such cases, the person who experienced the Sexual/Gender-based Violence and Misconduct has the right to choose not to participate in the investigation.

### **Criminal Report and Concurrent Investigations**

A report made to the police or a police investigation into a complaint of Sexual/Gender-based Violence and Misconduct will not necessarily halt University investigations. The steps taken by the University pursuant to this will be assessed on case-by-case basis. This policy and its associated procedures are separate from any criminal or civil proceedings. The University is responsible for determining whether a University Community Member has violated this policy. Investigative processes under this policy or its associated procedures may occur simultaneously with, prior to or following any criminal, employment or other proceeding.

## **Investigations Initiated by the University**

To the greatest extent possible, the University will respect an individual's choice to not make a Report; however, in exceptional circumstances, an Administrative Authority in consultation with the TAT may report an incident to police or initiate an investigation under this policy with the University acting as the Complainant, where the Administrative Authority:

- a) is aware of an alleged incident or series of incidences of Sexual/Gender Based Violence or Misconduct;
- b) is satisfied there is enough evidence to proceed;
- c) has a reasonable belief that the safety of any member(s) of the University Community is at risk;
- d) has determined that an investigation is in the best interests of the University or where an investigation is required by law.

## **INTERIM MEASURES**

The University commits to actions which address the safety of the University community when an allegation of Sexual/Gender-based Violence and Misconduct is disclosed or reported to the University. In the case of a Report, this may require the University to impose or facilitate Interim Measures as necessary for the safety of the individuals involved and the University community. Interim Measures are not intended to be punitive, but are intended to provide a safe(r) environment for all parties pending an investigation. Interim Measures are outlined in the associated procedures.

## **RETALIATION**

Protecting the safety and providing support to everyone involved is a required step in the implementation of this policy. Any retaliation, including acts that involve racism and bias, against any survivor/victim, complainant, respondent or individual who is involved in a complaint of Sexual/Gender-based Violence and Misconduct under this Policy will not be tolerated by the University and may result in disciplinary action.

## **CONSEQUENCES AND OUTCOMES**

A Respondent who is found to have committed an act of Sexual/Gender-based Violence or Misconduct can be held accountable by the University and may be subject to consequences that include disciplinary action up to including suspensions (students), termination (employees) or other Sanctions as outlined in associated procedures or the applicable collective agreement, employment contract or relevant policy for employees.

Failure to complete or abide by Sanctions is considered to be a further violation of the Policy. Breach of Sanctions may lead to the imposition of new or escalated Sanctions up to and including suspension, expulsion or termination according to University policy and/or the applicable Collective Agreement.

### **ALTERNATIVE RESOLUTION PROCESS**

Survivors/victims may request alternative methods of resolution, such as restorative justice or other transformative justice measures. The TAT will review requests and seek expert advice in determining if this alternative resolution is appropriate and in the interest of all impacted parties. Restorative or transformative justice processes will only be conducted by University staff trained in these methods, or by an external expert.

### **APPEAL PROCESS**

Respondents and Complainants have the right to appeal decisions and the outcome of a Sexual/Gender-Based Violence or Misconduct investigation.

Where the Respondent is a student, appeals pursuant to the policy are made to the President in writing within 30 days of receiving notice of the decision as outlined in associated procedures.

Where the respondent is an employee, any disciplinary action taken as a result of Sexual/Gender Based Violence or Misconduct may be subject to grievance under the relevant Collective Agreement or, where the employee is not covered by a collective agreement, appealed to the President. Appeals to the President must be filed within thirty (30) calendar days of the decision being communicated to the respondent in writing. Any decision by the President respecting an appeal under the policy and its associated procedures will be final, subject only to section 60 of the University Act.

### **RETENTION AND DISPOSAL OF RECORDS**

Information and records created or received as part of this Policy are considered material to the University's response to Sexual/Gender-based Violence and Misconduct. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University and applicable freedom of information and protection of privacy legislation.

## **POLICY REVIEW AND ANNUAL REPORT**

This Policy will be reviewed every three years. The Threat Assessment Team will provide an annual report to the Board of Governors on the implementation of this policy at the University in accordance with Section 6 (2) of the Sexual Violence and Misconduct Policy Act.

## **DESIGNATED POLICY OFFICER**

The President is responsible for the administration of this policy and the development and subsequent revisions of any associated procedures.