

**Policy Title:** Sexualized Violence Prevention and Response  
**Policy Approver:** President’s Office  
**Policy Holder:** Human Resources;  
Student Infrastructure Support  
**Executive Lead:** Director Employee Relations and Organizational Development;  
Director Student and Infrastructure Support  
**Category:** Operational  
**Original Date:** October 2016  
**Last Revised:** June 2018  
**Next Review:** September 2019

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### **Policy Statement**

Yukon University recognizes that the University is an environment in which power imbalances are inherent. Yukon University recognizes that people’s experiences will be affected by factors such as access to power and privilege, sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, indigeneity, immigration status, socio-economic status, class and language. These factors, along with an individual’s personal history, impact individual experiences of sexualized violence, the ability to access supports and choices with regard to recourse. Yukon University will take this into account when carrying out its responsibilities under this policy.

Every member of the University Community is responsible for the prevention of sexualized violence, and for familiarizing themselves with, and upholding this policy.

### **Approval Statement**

With the consent of the Senior Executive Committee and approval of the President of Yukon College, this policy is hereby deemed in effect the 6<sup>th</sup> day of June, 2018.

Karen Barnes

June 6, 2018

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President, Yukon College

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Date

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## 1. Purpose of Policy

This policy articulates Yukon University's responsibility to support members of the Yukon University community who are impacted by sexualized violence, to provide a central site for information regarding the resources and options available to those affected by sexualized violence, to make available programs and resources to educate its community on the prevention of sexualized violence and to provide a process to respond to and to investigate allegations of sexualized violence.

Yukon University is committed to reducing barriers to disclosing and reporting and to taking a trauma informed approach when responding to and addressing disclosures and reports and conducting investigations. Yukon University is committed to respecting the rights of those who disclose and to empowering the self-agency of the individual who experienced the sexualized violence, to make their own decisions about accessing support services and accommodation, making a report or pursuing external processes.

Yukon University commits to the coordination of education and prevention efforts on campus in effort to raise awareness, promote a culture of consent and to reduce the risk of incidents of sexualized violence. Yukon University commits to responding to the needs of survivors in the University Community and to provide a coordinated response to all disclosed and reported incidents of sexualized violence.

Yukon University is committed to maintaining a respectful environment where members of the community can study, work and live free from sexualized violence. Yukon University has a responsibility to actively combat all forms of sexualized violence in our community.

Yukon University is committed to procedural fairness and these principles will inform and guide our processes.

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## 2. Governing Legislation and Relevant Documents

Yukon Human Rights Act  
Yukon University Code of Ethics  
POO 4.0: Conflict of Interest  
Harassment policy  
Collective Agreement

## 3. Scope

This policy applies to all members of the University Community where the individuals or activity can be related to Yukon University.

## 4. Definitions

- **Accommodations:** The response to a request for a specific adaptation to workplace, place of study or processes designed to maintain work or study.
- **Adjudication:** The process of making an official decision after a report or complaint of sexualized violence is made.
- **University Community:** University Community includes but is not limited to faculty, staff, board members, students, contractors, occupants, visitors and guests.
- **University Liaison(s):** Appointed individual to assist the complainant, respondent, survivor or witnesses with University procedure, provide access to support and accommodation.
- **Complainant:** The individual bringing forward a formal complaint or report under this policy.
- **Consent:** Consent is a mutual and voluntary agreement between people before and as they engage in any kind of sexual activity. Participants have to clearly and freely

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communicate agreement to participate and continue to participate throughout the sexual activity.

- Consent may be withdrawn at any time.
  - Consent must be active and ongoing.
  - Individuals under the age of consent cannot give consent. Age of consent varies by situation and circumstance. A link for additional information:  
<http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>
  - Consent cannot be obtained where an individual is incapable of consenting. An individual may be incapable of consenting if they are impaired, or if they are induced to engage in the activity by fraud, by someone exercising a position of trust, power or authority or through coercion or the threat of violence.
  - Consent cannot be given in situations where it cannot be freely withdrawn, such as where an individual is asleep, incapacitated or otherwise unable to provide consent.
- **Disclosure:** When an individual chooses to inform a University Community member about an incident where they were subjected to sexualized violence.
  - **Report:** When an individual chooses to report their experience for the purpose of initiating some form of investigation or adjudication.
  - **Procedural Fairness:** Provides parties with a fair process in resolving disputes. The concept requires transparency, equal communication and fairness.
  - **Respondent:** The individual accused of a breach under this policy and against whom the complaint is made.
  - **Sexualized Violence:** Any sexual act or act targeting an individual's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed or threatened or attempted against an individual without that individual's consent. The includes but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, distribution of intimate images,

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inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity, and other comparable conduct.

- **Trauma-Informed Care:** Trauma informed care is an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma.

## 5. Process

### 5.1. The Sexualized Violence Response Team (SVR Team)

The Sexualized Assault Response team (SVR Team) will be assembled by:

- Director of Student Infrastructure and Support (Co-Chair)
- One additional Senior Executive Committee (SEC) member, selected annually by SEC in August of each year (Co-Chair)

The team will assist in managing the response to any report or disclosure (if required). Members of the team will be determined by the Co-Chairs on a case by case basis and will be chosen based on their relevance to the case. Roles and responsibilities of SVR team members will be assigned by the Co-Chairs.

### 5.2. Education

Yukon University is committed to supporting ongoing education and awareness about sexualized violence, prevention, response initiatives and promoting a culture of consent. The University will achieve these initiatives through a dedicated sexualized violence education and awareness webpage and through annual awareness and education strategies. Through these initiatives, Yukon University is committed to countering rape culture, a term that describes broader social attitudes about gender, sex and sexuality that normalize sexualized violence and undermines equality. Student and Infrastructure Support, Office of the Registrar, Human Resources, VP Academic and Student Support, and University Relations are responsible for collaborating and coordinating annual awareness and education activities.

### 5.3. Support

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Yukon University will provide support services and accommodations to members of the Yukon University community who disclose, or report sexualized violence. Yukon University will also provide support services to members of the Yukon University community who have had reports of sexualized violence against them.

A member of the University Community is not required to formally report an incident of sexualized violence in order to obtain support. Support services are available to Survivors, witnesses of sexualized violence, support persons, and Respondents.

For an extensive list of Yukon wide supports please see appendix 8.1

#### **5.4. Disclosures of Sexualized Violence**

A disclosure is the sharing of information by a Victim/Survivor with a member of the University Community concerning an incident of sexualized violence. A disclosure may or may not be for the purpose of accessing supports, services, and/or accommodations.

A disclosure can be made to any University Community member. A disclosure may relate to a respondent who is or is not a University community member or an incident that may have taken place in the past.

#### **5.5. Responding to a Disclosure of Sexualized Violence**

Upon receiving a disclosure of sexualized violence, all University members have a responsibility to ensure that an individual affected by sexualized violence, is informed of this policy, aware of their reporting options, support services and potential accommodations available to them.

The University will maintain a webpage to support those affected by sexualized violence with links to on-campus and community supports and resources that those impacted by sexualized violence may be referred to.

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For students affected by sexualized violence, the University will provide reasonable academic accommodations if requested and will, if requested and in consultation with a University Liaison, create a safety plan.

For staff affected by sexualized violence, the University will provide reasonable accommodations if requested.

The SVR Team can support members of the University Community who have received a disclosure or a report with communication and information.

### **5.6. Report of Sexualized Violence**

Individuals who experience sexualized violence have the right to determine whether or when to report their experience. A report is made for the purpose of initiating some form of investigation or adjudication. Reporting options include:

- a) Judicial option: a report can be made to the RCMP in an effort to pursue criminal charges under the Criminal Code of Canada;
- b) Non-judicial on-campus option: a report can be made to the University under this policy to pursue an investigation or adjudication. On-campus supports with individuals trained to appropriately respond to a report are:
  - Safety and Security – 867-334-6042 (24 hours per day)
  - Campus Housing – Monday – Friday 8:30am – 4:30pm
  - Human Resources – Monday – Friday 8:30am – 4:30pm;
- c) Non-judicial off-campus option: a report can be made to Kaushee’s Place under the Third-Party reporting process.

### **5.7. Responding to a Report of Sexualized Violence**

The complainant will be contacted when the report is received by SVR team to discuss the appropriate formal process, assignment of a University Liaison as well as any need for interim measures and/or safety planning.

In responding to a disclosure or report of sexualized violence the University will be guided by the reporting individual’s needs and requests and will seek to empower the self-agency of the

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individual who experienced the sexualized violence. The complainant will not be required to share their experience with each person they have contact with.

### **5.8. Circumstances where the University may proceed without a complaint**

In some cases, the University may be required to or choose to investigate an incident of sexualized violence even though the survivor has chosen not to file a report or complaint.

Examples of such circumstances could include but are not limited to:

- a) Where there is risk to the safety of the individuals and or the broader community, for example where repeated allegations have been made about the conduct of the same individual;
- b) Where it is required by law;
- c) Where there is evidence of sexualized violence in the public realm (such as a video posted on social media).

### **5.9. Investigations**

An investigation is a formal process undertaken in response to a report of an incident of sexualized violence. The nature of the investigation will depend on the nature of the allegations and the wishes of the complainant.

The University will investigate all reports of Sexualized Violence where the complainant requests an investigation or where the allegations give rise to a reasonable concern for the health and safety of members of the University community.

Further details related to the investigation process are outlined within Appendix 8.2

### **5.10. Outcomes of Reported Sexualized Violence**

Those individuals reasoned to have violated this policy may be subject to any of the following measures up to and including employee dismissal and student expulsion. Outcomes may include but not limited to:

- Written warning or letter of reprimand
- Change of job or class assignment
- Ban from being in same classroom as reporting individual

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- Direction of “no contact” with the reporting individual
- A campus wide or selected ban from campus related activities
- Letter of behavioral expectations
- Issuance of notices under the Yukon Protection of Property Act restricting individuals from entering on campus and / or other relevant legal actions
- Restriction of student participation in non-academic programs
- Restrictions / relocation and / or removal from Student Housing
- Suspension, probation, expulsion or termination in conjunction with existing disciplinary procedures and / or collective agreements.

### **5.11. Maintaining Statistics**

- a) The Director of Student and Infrastructure Support will maintain annual statistics on reported incidents of sexualized violence on campus. This data will not include any information that would identify any University Community member. This report will be submitted to the President and Board of Directors for information purposes and assist in informing ongoing policies, procedures and initiatives related to sexualized violence.
- b) The Director of Student and Infrastructure Support is responsible for preparing an annual report that summarizes the University’s education and awareness activities. This report will be provided to the Senior Executive Committee.
- c) Yukon University acknowledges based on our current population that the sharing of these statistics within the media and community may potentially re-victimize the reporting individuals.

## **6. Problem Solving**

Any concerns, issues or disagreements with the implementation, administration or decisions made under the authority of this policy will be directed to the two Directors responsible for this policy in accordance with the Appeals and Grievance process.

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**7. Forms**

- 7.1. Reporting form
- 7.2. Statistical reporting form

**8. Appendices**

- 8.1. Support Information
- 8.2. Procedures

**9. Addendums**

Addendum A - Policy Communication Checklist

### ADDENDUM A - POLICY COMMUNICATION CHECKLIST

Submitted by:

The below individuals reviewed an earlier version of the policy and I believe that their feedback is captured in the current version. Additional feedback will be sought between April 25 and May 25<sup>th</sup>.

List those consulted with in preparation of this policy:

<b>Name</b>	<b>Department</b>	<b>Date</b>
Renée Claude Carrier	Kaushee's Place Crisis Line	April 1, 2016
Diane Pétrin	Victoria Faulkner Women's Centre	March 31, 2016
Hillary Aitken	Victoria Faulkner Women's Centre	March 31, 2016, June 30, 2016
Juliana Scramstad	Victoria Faulkner Women's Centre	
Reem Girgrah	Victoria Faulkner Women's Centre	
Julianna Scramstad	Government of Yukon, Women's Directorate	June 23, 2016
Rasheeda Slater	Yukon Status of Women Council	June 22, 2016
Sergeant Calista McLeod	RCMP	June 2016
Tosh Southwick	Yukon University	June 2016
Valerie Laurie	Council of Yukon First Nations	June 2016

The order for communication and / or consultation for a new or revised policy is as follows:

1. SEC – initial review and recommendations from SEC membership;
2. Identified stakeholders within Yukon University in order of priority – see below;

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3. SEC – to be briefed on any issues arising out of stakeholder consultations;
4. Staff – SEC members to bring policy to their staff for feedback (*SEC member introducing this policy is responsible for sending to SEC, requesting that it be circulated to their staff for feedback*);
5. SEC – final draft supported by SEC membership and approved by the President.

This checklist must be completed prior to the final draft of a policy being presented to SEC for presidential approval.

<b>Body</b>	<b>Communication Planned</b>	<b>Completed</b>	<b>Comments</b>
SEC			
SEC for Final Review			