



Sexual Violence Prevention and Response Procedures

Associated Policy: Sexual Violence Prevention and Response

Contact Officers: AVP Students and Director, Campus Safety

Approval Authority: Board of Governors

Date approved June 24, 2022

1. Purpose

This procedure describes the sexual violence disclosure and reporting process as well as supports, resources and options available to the person who has experienced sexual violence.

2. Principles

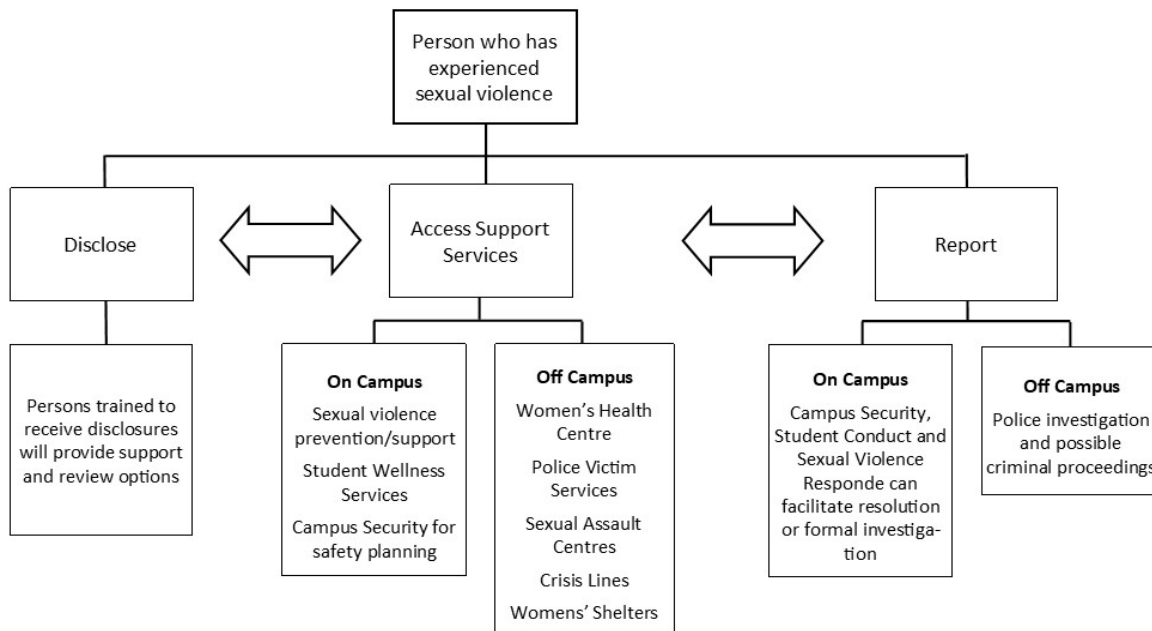
Sexual violence is never the fault of the person who has experienced it. In responding to a disclosure or report of sexual violence, Trent is committed to ensuring that the person who has experienced sexual violence has the right to:

- Be treated with dignity and respect
- Be treated with sensitivity and compassion, and not to be asked irrelevant questions, when disclosing, accessing support, reporting, or participating in an investigation, from the University's staff or investigators, such as those relating to past sexual history or sexual expression.
- Be accompanied by a supportive person of their choice throughout this process
- Be informed about and obtain on- and off-campus sexual violence services and supports, regardless of whether or not they report an incident of sexual violence.
- Be indemnified from any University disciplinary consequences related to drug or alcohol use at the time the sexual violence took place.
- Have their needs appropriately accommodated by contacting the office of Student Affairs.
- Decide whether or not to access available services and to choose those services they feel will be most beneficial
- Decide whether or not to report to Student Affairs/Trent Campus Security and/or local police
- An immediate safety plan that will include reasonable and necessary actions to protect the safety and security of the person who has experienced sexual violence that preserve the rights of the respondent to natural justice.

- If requested, a prompt and thorough on-campus investigation in accordance with the appropriate Trent University policy and procedures.

Confidentiality: Any disclosure or report and information contained within it will be considered confidential except when there is reasonable cause to believe that anyone, including the respondent, is at risk of imminent physical harm, including self-harm, or if there is a concern about the safety or welfare of a child. In accordance with applicable laws, the university will not publicly disclose the identity of persons involved in an incident of sexual violence. However, information may be shared internally as necessary to ensure that the University can take appropriate action to safeguard and protect the interests of the Trent community, ensuring that protecting the confidentiality of the person who has experienced sexual violence is the top priority.

The following chart depicts the options available to persons who have experienced sexual violence:



Person who has experienced sexual violence:

An individual who has recently experienced sexual violence is encouraged to go to a place where they can find physical safety and emotional support. This may be with a friend, or family member, or the office of a member of the Housing staff, a colleague or a supervisor. If there is an immediate personal safety concern, contact Campus Security 705-748-1333 (Peterborough campus), 905-435-5111 (Durham campus) or local Police by dialing 911 (off campus).

A student who has experienced sexual violence has the following options which may be accessed in any order or simultaneously:

Option 1 – Accessing external resources such as a Sexual Assault Nurse Examiner at the Peterborough Regional Health Centre or the Durham Region Domestic Violence/Sexual Assault Care Center at Lakeridge Health, Oshawa if the person is concerned about Sexually Transmitted Infections (STI), Human Immunodeficiency Virus (HIV) prophylaxis, Hepatitis B test and vaccine, emergency contraception or

may wish to file criminal charges at some point. Further information on available resources is included in the Guideline to this policy and on the [Trent Sexual Violence Prevention and Response website](#).

Option 2 – Disclosure to a person listed on the [Trent Sexual Violence Prevention and Response website](#) to access Trent supports, services and accommodations. The person receiving the disclosure does not need to know all the details of the incident and will assist the person experiencing sexual violence in obtaining supports and services. A disclosure is not a report; the University will not investigate or take disciplinary action against the respondent unless there is clear evidence that there is an imminent risk of physical harm to someone. The person experiencing sexual violence does not need to participate in any investigation and their confidentiality will be maintained unless it is necessary for the purpose of protecting members of the Trent community. The person receiving the disclosure will:

1. Advise the student of all internal and external support services and processes available to them and facilitate access, including provision of a taxi chit if necessary;
2. Facilitate contact with Campus Security to assist if there is an imminent safety threat, including interim measures such as relocating or trespassing the respondent and development of a safety plan;
3. At the request of the person who has experienced sexual violence, refer the student to the Sexual Violence Prevention Manager (SVPM) who will facilitate housing, academic, counselling, employment and community supports and accommodations.
4. Maintain confidentiality unless there is a threat of physical harm to any person.
5. Document the circumstances of the incident, omitting any personal information, and forward the circumstances to the SVPM.

Option 3 – File a Report with Campus Security. In Durham, reports are filed with persons trained to receive disclosures, not the contract security guards. Durham students may contact Peterborough Campus Security by phone at 705-748-1333 if they wish to file a report after regular working hours. This option formally notifies the University of an incident of sexual violence in order to initiate the investigation and resolution process. If the respondent is a Trent employee, the Workplace Violence and Harassment Policy will be used. In the event the respondent is both an employee and a student, the Workplace Violence and Harassment Policy will be used if the incident was related to the job duties of the respondent. Campus Security will:

1. Take the person's contact information and any details of the incident they wish to share at this point. In addition to providing the information and support listed in Option 2, Security will explain the investigative and adjudication process (see next section).
2. Explain that non-judicial resolution such as shuttle mediation or negotiation is available if both the person who experienced sexual violence and the respondent agree. If the person wishes to access this type of resolution, Campus Security will refer them to the Sexual Violence Prevention Coordinator. If the process is not successful, they still may proceed with the investigation and adjudication process.
3. Advise the Security Manager or Director, who will investigate the complaint, and arrange a meeting.
4. If there is an imminent threat to someone's safety, trespass the respondent for up to 72 hours so that the Threat Assessment Team can be expeditiously convened to determine appropriate safety measures during the investigation and adjudication process.

5. Arrange a safety plan and access to supports as necessary.

Option 4 – File a report with local Police. The person experiencing sexual violence may file directly or ask Peterborough Campus Security or Durham persons trained to receive disclosures and reports to facilitate the report. If the University is made aware of a police investigation, Campus Security or persons trained to receive disclosures can still assist them with access to supports and services. They may consider also filing a report with Campus Security in the event the Police decline to pursue charges. Campus Security will provide any necessary interim safety measures if the case proceeds, or initiate the internal investigation and adjudication process should charges not proceed or be successful.

3. Formal Investigation Process

- a) If a complainant* requests a formal investigation, a trained internal investigator (e.g. Director of Campus Safety or designate), or a trained external investigator, will conduct the investigation. The complainant may request an investigator of a preferred gender, on the understanding the investigator of their choice may not be immediately available. To ensure fairness of process, the investigator should not have a bias or conflict of interest towards either party to the complaint. Following each interview in this process, the investigator will prepare a written summary and provide the interviewee with an opportunity to provide comments on the accuracy of the summary. The investigator may redact information (such as witness names) solely to protect the privacy of individuals involved.
- b) The investigation will be conducted using trauma-informed interviewing techniques. During this process, students who share their experience of sexual violence will not be asked irrelevant questions such as those relating to past sexual history or sexual expression.
- c) Both the complainant and respondent are entitled to have supportive people with them throughout the process, with the understanding that they will be speaking for themselves during any interviews.
- d) The investigation process will involve collection of evidence and interviews with the complainant, the respondent, and any witnesses the investigator deems necessary. Due to the sensitive nature of a sexual violence allegation, the investigator will only interview witnesses if necessary to corroborate facts or to establish a pattern of behaviour to help assess probability.
- e) If the complainant has already made a report of sexual violence, the investigator will review the details of the report and determine if further information is needed in order to prepare a full complaint.
- f) If the complainant has not already made a report, or if further information is needed, the investigator will work with the complainant to obtain any necessary additional or clarifying information, to ensure that the full complaint includes the following:
 - Name(s) of the person(s) who has experienced sexual violence(s) and contact information
 - Name(s) of the respondent(s), position and contact information (if known)
 - Name(s) of the witness(es) (if any) or other person(s) with relevant information to provide information about the incident (if any) and contact information (if known)
 - Details of what happened including date(s) and location(s) of the alleged incident(s)

- Any supporting evidence or documents that may be relevant to the complaint.
- g) The investigator will assess if the respondent poses a threat to anyone's personal safety. If so, the investigator will assess the effectiveness of any safety plan that has been put in place and, in consultation with the complainant, initiate any further action necessary to mitigate the threat for the duration of the investigation and outcomes determination. This can include the establishment or extension of interim measures.
- h) Witnesses will be advised that their names will not be released to the person who has experienced sexual violence or respondent, unless necessary to provide the context needed for the respondent to fairly answer a question, or as required by legal proceedings. The content of witness statements will be protected to the extent required by, or permitted by, freedom of information and privacy legislation. Detailed notes, quoting the witnesses where possible, will be taken. Witnesses will be advised to maintain confidentiality regarding the allegation.
- i) Once the investigator has collected all available evidence, the investigator will advise the person who has experienced sexual violence of the date and time they will notify the respondent that an investigation has been initiated. Notification will include a copy of the complaint and a copy of this policy.
- j) The investigator will advise the respondent that they have the right not to participate in the investigation process but that if so, a decision may be made without their input. If they choose to participate, they may bring a supportive person. The investigator will explain the process and timelines to the respondent. The investigator will explain that the respondent is expected to maintain confidentiality other than with supportive people, adhere to any interim safety plan requirements, and may not retaliate against the complainant or any witnesses, and that any such reprisals will result in disciplinary action.
- k) The respondent may choose to reply in writing to the complaint, or to schedule an interview with the investigator, within 10 business days of the receipt of the complaint.
- l) If the respondent chooses to be interviewed, the investigator will ask questions pertaining to the allegations, witness statements and any other documentation or other evidence gathered. The respondent may provide information during or after the interview, including any additional evidence, witnesses, or documents that may be relevant to the complaint. The investigator will take detailed notes and/or record all interviews. The investigator will write a report on the respondent's interview and evidence.
- m) If the respondent chooses not to address the complaint, then the investigator will make a finding on the basis of existing evidence.
- n) Following the written reply or interview of the respondent, the investigator will provide the written response or interview report to the complainant, and give them the opportunity to provide any additional information they feel is relevant. If new information is received from the complainant, the investigator will next provide it to the respondent for any further comment.
- o) At the conclusion of the investigation, the investigator will prepare a draft written report that includes relevant information and a finding if, on a balance of probabilities based on the evidence

collected, the respondent is found to have committed an act of sexual violence against the complainant.

- p) A copy of the draft report will be provided to the complainant and respondent on a confidential basis. The parties have the right to comment in writing on the draft report before a final report is issued. The parties must submit their comments to the investigator within five (5) University working days.
- q) In the case of a finding that an act of sexual violence was committed, these comments can include feedback from the complainant and respondent about what they consider appropriate outcomes. On receipt of any comments, the investigator will include them.
- r) The investigator will provide the final report to the AVP Students, the complainant, and the respondent. The report will be kept as a record by the office of the AVP Students for as long as any of the parties are enrolled at Trent University, or for seven years, whichever is greater.
- s) Normally the investigative process should be concluded within 40 University working days of the complaint being received.
- t) If the finding is that on balance of probabilities the respondent did commit the act of sexual violence, the respondent may appeal this finding. If no appeal is received then the case will be referred to the Associate Vice President Students for determination of outcomes.
- u) If the finding is that on balance of probabilities the respondent did not commit the act of sexual violence, the complainant may appeal this finding.
- v) An appeal can be on the basis of the following:
 - a. A significant error in following the Formal Investigation Process
 - b. Clear evidence of a significant conflict of interest involving the investigator
 - c. Significant new evidence, that was not available at the time of the investigation, that has the potential to change the investigative finding
- w) Appeals must be submitted in writing to the Associate Vice President Students within five (5) University working days of the receipt of the final report. The appeal must inform the AVP Students of the desire to appeal, the grounds of the appeal, and any evidence that supports the grounds for the appeal.
- x) Results of the appeal may include a finding of error, conflict of interest or validation of new evidence. If any of these are considered to be likely to have affected the investigative finding, the AVP Students may designate another investigator to review the case, or may overturn the investigative finding. Otherwise the investigative finding will be upheld. All Formal Investigation appeal decisions are considered final.

* Note that in this section the terms “complainant” and “respondent” are used as this is a formal investigative process.

4. Determination of Outcomes

This process will take place with an investigator's finding that on balance of probabilities the respondent committed the act of sexual violence against the complainant.* The investigator's report will be forwarded to the Associate Vice President (AVP) Students or designate for determination of outcomes.

- a) The AVP Students or designate will review the report and any comments regarding what the complainant and respondent consider appropriate outcomes.
- b) The AVP Students or designate may contact the complainant and respondent to seek clarification of desired outcomes and potential reparative actions, and offer the opportunity for each of them to be interviewed regarding these. Both the complainant and respondent will be informed if the other chooses to be interviewed, and will be given the opportunity to respond to any new comments about appropriate outcomes or reparative actions.
- c) The AVP Students or designate will determine appropriate outcomes based on the following:
 - a. Input from the complainant about their needs, and interest in the respondent's taking responsibility and engaging in reparative actions;
 - b. Input from the respondent about their desired outcomes, and willingness to take responsibility and to engage in reparative actions;
 - c. The safety, needs and impact on the complainant and on other members of the university community;
 - d. Prevention of further acts of sexual violence;
 - e. Safety and impact on the respondent;
 - f. Any mitigating or aggravating circumstances.
- d) Examples of outcomes include those listed in the Student Charter of Rights and Responsibilities, Section 7, pp. 19-22.
- e) If the outcome is a recommendation that the respondent be suspended or expelled, the AVP Students or designate will provide a summary of the case with names redacted to the Charter Adjudication Panel, who will review the recommendation and determine if this is an appropriate outcome.
- f) The AVP Students or designate will communicate the outcomes decision in a letter to both the complainant and respondent. This will include the reasons for the outcomes decision, timelines for outcomes to take place, an explanation of the appeals process, an affirmation of University confidentiality, and information on record-keeping of the investigation and outcomes decision.
- g) If the respondent is also a Trent employee, a copy of the decision letter will be provided to the respondent's supervisor and Human Resources, who may impose employment-related outcomes under the appropriate disciplinary policy.
- h) The outcomes decision will be kept as a record by the office of the AVP Students for as long as any of the parties are enrolled at Trent University, or seven years, whichever is greater.
- i) Either the complainant or the respondent may appeal the decision of the AVP Students on the basis of the following:
 - a. A significant error in following the Determination of Outcomes process;
 - b. Clear evidence of a significant conflict of interest involving the AVP Students (or the Adjudication Panel if they were involved in the outcomes decision);

- c. The outcomes are disproportionate with the precipitating incident(s).
- j) Appeals must be submitted in writing to the Vice President Human Resources within five (5) University working days of the receipt of the outcomes decision. The appeal must inform the Vice President of Human Resources of the desire to appeal, the grounds of the appeal, and any evidence that supports the grounds for the appeal.
- k) Results of the appeal may include upholding the original outcomes decision, or modifying the outcomes decision by increasing or decreasing the outcomes. All Determination of Outcomes appeal decisions are considered final.
- l) In the event that the complainant or respondent is still dissatisfied after having exhausted the procedures in this policy, they have the option of filing a complaint with the Ontario Ombudsman. The Ombudsman is an independent officer of the Ontario Legislature who investigates complaints from the public about Ontario government services (including universities), recommending improvements for governance, and resolving individual issues. Information about the Ontario Ombudsman and the complaint procedures is here: <https://www.ombudsman.on.ca/>

* Note that in this section the terms “complainant” and “respondent” are used as this is a formal outcomes determination process.

Related Policies, Procedures and Guidelines:

- Discrimination and Harassment
- Workplace Violence and Harassment
- Student Charter of Rights and Responsibilities
- Housing Residence Standards
- Threat Assessment Policy

Date for Next Review:

May, 2024