

## Policy ACAD 07: Sexual Harassment and Violence Involving Students

### 1.0 Preamble

SKG recognizes that the prevention of and response to incidents of sexual harassment and violence is of particular importance in the university environment. Sexual harassment and violence are not acceptable at SKG. Any and all reported acts of sexual harassment and violence will be addressed in a thorough and timely manner in accordance with the wishes of the person who has experienced sexual harassment and violence, with the exception that SKG may choose to investigate and take action to safeguard members of the SKG community if there is a risk of imminent physical harm, even if the person who has experienced sexual harassment and violence does not want an investigation or wish to participate in the investigation.

SKG will ensure that appropriate procedures are in place to respond to reported incidents of sexual harassment and violence and to provide supports, services and academic and other considerations for students who have been affected by sexual harassment and violence. Students who have committed an act of sexual harassment and violence against another student will be held accountable by SKG, regardless of any criminal or other legal action relating to the incident.

SKG recognizes the possible traumatic effects of sexual harassment and violence and will support the efforts of individuals to seek supports and to recover.

### 2.0 Purpose

The purpose of this policy is to set out how SKG will respond to and address sexual harassment and violence involving students at SKG.

All SKG students found responsible for committing acts of sexual harassment or violence will be held accountable and may be subject to sanctions under this policy and its associated procedure.

### 3.0 Definitions

*Please note: Definitions of sexual harassment and sexual violence set out in a separate section below.*

“Academic Advisory Circle” means the group of individuals appointed by SKG’s board to provide guidance and advice to the board concerning SKG’s academic mission and its services and supports to students.

“Complainant” means a person who has experienced sexual harassment and violence and is seeking supports or remedies from SKG. See also “survivor.”

“Director of Academics” means the President of SKG, or an individual designated by the President, who is responsible to administer SKG’s academic mission, regardless of the title of that position.

“Employee” means a person who performs work for wages in any capacity for SKG.

"SKG" means Shingwauk Kinoomaage Gamig.

“Student” means an individual registered in a course or program of study at SKG, whether full-time or part-time.

“Survivor” means a person who has experienced sexual harassment or violence. See also “complainant”.

## 4.0 Application

### 4.1 Application of this policy

This policy and its associated procedure apply to all students.

The sections of this policy concerning *complaints and response* to complaints applies to students where the person who has (allegedly) experienced sexual harassment or violence and the person who (allegedly) has perpetrated sexual harassment or violence are both students at SKG.

The sections of this policy concerning *disclosures and supports* for students who have experienced sexual harassment or violence applies to all SKG students (regardless of the status of the person who [allegedly] has perpetrated sexual harassment or violence).

- This policy applies regardless of the time or place (on SKG property or off-campus) of an incident of sexual harassment or violence.

This policy does not prevent survivors from making a police report and/or seeking alternative or additional recourse through criminal or civil proceedings.

### 4.2 Application of other SKG policies addressing sexual misconduct and harassment

For clarity concerning the application of this policy, this table explains the application of different SKG policies concerning sexual misconduct.

Complainant / Respondent	Student	Employee, volunteer, or other member of SKG community
Student	<b>ACAD 07 Sexual Harassment and Violence Involving Students</b>	HR 05 Prevention of Harassment and Discrimination
Employee	HR 06 Conflict of Interest and Sexual Misconduct in Employee-Student Relations	HR 05 Prevention of Harassment and Discrimination

*Other harassment and discrimination*

Discrimination and harassment based on the prohibited grounds under the Ontario Human Rights Code, including sex, sexual orientation, gender identity and gender expression, are outside the scope of this policy and are addressed by SKG's policy HR 05 Prevention of Harassment and Discrimination.

## **5.0 Definitions of sexual harassment and sexual violence**

Sexual harassment means:

- Engaging in a course of vexatious comment or conduct against a person 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
- 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

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 the person's consent.
- Sexual violence includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

SKG recognizes that sexual harassment and violence can occur between individuals regardless of sex, sexual orientation, gender, gender identity, or gender expression, and relationship status.

## **6.0 Responsibilities and rights**

All individuals that are part of SKG are expected to uphold the Seven Grandfather Teachings of on Zaadigwin (Love), Nbwaakaawin (Wisdom), Mnaadendmowin (Respect), Aakdehewin (Bravery), Gwekwadziwin (Honesty), Dbaadendizin (Humility), and Debwewin (Truth).

SKG shall foster a culture where:

- Sexual harassment and violence are unacceptable and not tolerated;
- All students are treated with compassion, dignity, and respect;
- There are a range of supports available to survivors that are responsive to their identities, experiences, and healing needs;
- Individuals who commit acts of sexual harassment or violence are held accountable through SKG procedures that follow principles of fairness;
- Survivors/complainants will not be blamed for having experienced sexual harassment or violence.

All students impacted by sexual harassment or violence at SKG have the right to:

- Be provided with non-judgmental and compassionate support;
- Be treated with dignity and respect;
- Act as integral decision-makers in situations pertaining to themselves;
- Where applicable, not be subject to discipline or sanctions for violations of SKG's policies relating to drug or alcohol use at the time that the sexual violence occurred;
- Be informed about on- and off-campus services, resources, and complaint options;
- Choose whether or not to access support services and decide which services they feel would be most beneficial;
- Include a support person or representative of their choice in meetings or processes related to their case;
- Have reasonable actions taken to provide a safe and supportive learning environment including considerations related to academics, work, campus life, and recreation based on demonstrated need;
- Assistance in the creation of a personal safety plan; and
- Be kept informed, in a timely manner, about SKG processes that are undertaken as a result of information they have provided in a disclosure or following a complaint, including who is informed about a case, the status and outcome of an investigation, and whether interim measures have been taken.

All members of the SKG community have an obligation to create and maintain an environment free from sexual harassment and violence by not perpetrating sexual harassment and violence, and by conducting bystander interventions or getting help if it is not safe to intervene.

## **7.0 Disclosure, complaints, and response**

A student affected by sexual harassment or violence may choose to:

- Make a disclosure in order to access ongoing supports and/or academic considerations from SKG related to sexual harassment or violence experienced prior to or during their time at SKG; and/or
- Make a complaint that will engage SKG's procedures for response to complaints (as set out in the procedure associated with this policy).

These options are not mutually exclusive; a survivor may pursue either, both, or none of them.

SKG is committed to responding to complaints of sexual harassment or violence fairly and expeditiously and recognizes the difficulty of being involved in a complaint process. SKG's responses shall be guided by a commitment to the respectful treatment of all individuals involved and to procedural fairness.

SKG will not tolerate any retaliation or reprisal, through any means including through social or other electronic media, against anyone who discloses or reports an incident of sexual harassment or violence, or who participates in an SKG process that is addressing allegations of sexual harassment or violence. Retaliation or threat of retaliation or reprisal may result in further disciplinary action under this or other SKG policies.

## **8.0 Supports for students affected by sexual harassment or violence**

SKG shall ensure that survivors/complainants are provided with information about supports provided by SKG and supports available in the community that are culturally appropriate.

If a survivor/complainant requests it, SKG shall provide:

- Assistance in gaining access to supports and community resources,
- Assistance in creation of a personal safety plan, and
- Reasonable academic and other considerations to address barriers to success in their program or safety issues.

SKG is committed to collaborating with community agencies to fulfill the support commitments of this policy.

## **9.0 Awareness and campus climate**

The Director of Academics shall ensure that SKG's orientation of new students includes information about:

- Consent in sexual interactions;
- SKG's commitment to a learning environment free of sexual harassment or violence;
- Obligations of all members of the SKG community to create and maintain an environment free from sexual harassment and violence by not perpetrating sexual harassment and violence, and by conducting bystander interventions or getting help if it is not safe to intervene;
- SKG's policies concerning disclosure, complaints, and resolutions of complaints concerning sexual harassment and violence.

The Director of Academics shall ensure that SKG takes reasonable steps to:

- Create and maintain a culture of respectful student interactions consistent with the principles set out above in this policy,
- Address concerns raised about circumstances where students may be at risk of sexual harassment or violence, and
- Provide training to instructors and other appropriate SKG staff concerning bystander intervention and receiving disclosures from students.

## **10.0 Procedures**

The board shall approve a procedure for SKG's response to students' disclosures and complaints concerning sexual harassment and violence.

The Director of Academics shall ensure that SKG implements the procedure.

The procedure shall address:

- Disclosure,
- Supports for students,
- Complaints,
- A resolution process involving an Elder Advisor,
- Investigation,
- Outcomes of a resolution process or an investigation,
- Appeal, and
- Other matters as appropriate to implement this policy.

## **11.0 Periodic review of policy and procedure**

The Director of Academics shall ensure that SKG conducts a periodic review of this policy and its related procedure.

The review shall occur, at a minimum, within five years of the most recent review.

The Director of Academics may initiate a review earlier than within five years, if they determine that an earlier review is warranted by changed legal requirements, changes in government policy, or issues identified as this policy and its procedure are implemented in SKG.

SKG's review of this policy and its associated procedure shall seek and consider the perspectives and recommendations of SKG's students.

## **12.0 Related Policies, Procedures & Documents**

ACAD 07 Procedure for Sexual Harassment and Violence Involving students

HR 04 Safe and Healthy Workplace and its associated procedure

HR 05 Prevention of Harassment and Discrimination and its associated procedure

HR 06 Conflict of Interest and Sexual Misconduct in Employee-student Relations and its associated procedure

SKG's policies and procedures may be found on its website.

### **13.0 Responsible Officer**

Director of Academics

### **14.0 Version history**

Board's approval pending recommendation of Academic Advisory Circle: December 2023

Recommended by Academic Advisory Circle:       ADD DATE when completed

Approved by Board:               ADD DATE when approved

Original Approval Date:       ADD DATE of first approval

Current Approval Date:       ADD DATE when approved

Effective Date:               ADD DATE when approved

SKG gratefully acknowledges that parts of this policy are patterned on those of Wilfrid Laurier University, the University of Guelph, OCAD University, and Trent University.