

SEXUAL VIOLENCE PREVENTION POLICY FOR LEARNERS

Approval Authority: Senate

Established On: 2024 02 15

Amendments: none

Category: Academic

1.0 Introduction

Sexual Violence will not be tolerated at NOSM University (“the University”) in any form. Sexual Violence is an abuse of power and impacts all University community members. Sexual Violence is rooted in and propped up by various forms of oppression, including inequality, rape culture, misogyny, colonialism, and racism, including anti-Indigenous and anti-Black racism, sexism, homophobia, transphobia and ableism. While Sexual Violence may be targeted toward people of all genders and gender identities, it is disproportionately committed against women - particularly young women and women who are also Indigenous, Black, racialized, newcomers to Canada, or queer; and people who are trans, gender non-conforming or gender diverse and who live with varying abilities. It is also important to note that there is no single way to respond to Sexual Violence, as Sexual Violence impacts people differently based on the intersection of their identities, social location, and personal and community history.

This Policy is to be read and interpreted in accordance with the University’s legal obligations under the *Ontario Human Rights Code*, R.S.O. 1990, c. H.19, the *Occupational Health and Safety Act*, R.S.O. 1990, c. 0.1, and the *Ministry of Training, Colleges and Universities Act*, R.S.O. 1990, c. M19. Moreover, this Policy and the Processes associated with it further the University’s aim of building a culture of equity, reconciliation and belonging for all learners.

This Policy incorporates and must be read together with:

Sexual Violence Prevention Process: Complaints, Disclosure and Reporting Process for Learners (“**Learner Process**”)

2.0 Purpose

Together with the Learner Process, the purpose of this policy is to:

- a) outline the University’s commitment to providing education to all on Consent, Sexual Violence, this Policy, and the applicable processes.
- b) prevent Sexual Violence and promote a culture of consent by establishing expectations.
- c) outline the process to Disclose, seek support, Report, and make a Complaint.
- d) provide clarity and transparency to the resolution processes set out in the Learner Process in a fair, equitable, transparent, and trauma-informed manner; and
- e) comply with the *Strengthening Post-secondary Institutions and Students Act, 2022* requirements.

3.0 Application and Scope

This policy applies to incidents of Sexual Violence that are:

- a) **On-campus** - where the Sexual Violence took place on the University's land and/or facilities either rented or owned or using University-owned or run property or equipment including, but not limited to, telephones, computers, and computer networks.
- b) **Off-campus** – the scope includes incidents of Sexual Violence that occur off campus and:
 - i. When the incident is part of a University course, placement, or clinical rotation; or
 - ii. When the incident is part of a University-sponsored event that has been defined as such, including all University-related activities (authorized and non-authorized) with a clear nexus to the working or learning environments.
- c) In virtual environments, if the activities are related to university affairs - for example, online learning or Learning Management Systems.

4.0 Definitions

TERM	DEFINITION
Complaint	In this Policy, “complaint” means raising an issue of Sexual Violence. Complaints may be in the form of Disclosures or Reports and, in accordance with the terms of this Policy, may be oral or written.
Complainant	In this Policy, Complainant means an individual who identifies their own experience as Sexual Violence through Disclosure or Report.
Community Member	Community members are those who are acting in a capacity relating to the University and/or engaging in University-related activities and include staff, faculty, professional staff, Board members, stipendiary faculty, all NOSM University registered and visiting learners (including dietetic interns, medical residents, postgraduate residents, undergraduate students, graduate studies students, P.A. students), volunteers, visitors, observers, and third-party contractors.
Consent	<p>Consent in the context of sexual activity is the voluntary agreement of an individual to engage in the sexual activity in question. It is the responsibility of the person initiating or engaging in sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.</p> <p>Consent requires that a person can freely choose between two options: yes and no. This means there must be an understandable exchange of affirmative words, indicating a willingness to participate in mutually agreed upon sexual activity. The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.</p> <p>It is also important to understand that silence or non-communication must never be interpreted as consent, and a person in a state of diminished judgment or capacity cannot consent. A person must be sober to give</p>

	<p>consent. In addition, a person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.</p> <p>A person who has been threatened or coerced (i.e., is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it. A person who is drugged is unable to consent.</p> <p>By way of non-exhaustive illustration, no consent is obtained or implied where:</p> <ul style="list-style-type: none"> • the agreement is expressed by the words or conduct of a person other than the individual; • a person who is incapacitated due to the consumption of drugs or alcohol or due to some other reason; • consent was given in the past to a sexual, dating or intimate partner (i.e., previous consent does not mean that Consent can be assumed to be given for any future sexual activity); • the person induces the individual to engage in the activity by abusing a position of trust, power, or authority; • the individual expresses, by words or conduct, a lack of agreement to engage in the activity; • an individual who had consented to engage in sexual activity, expresses by words or conduct a lack of agreement to continue to engage in the activity; • purported consent is obtained through an express or implicit threat of bodily harm; or • the individual is under the age of consent.
Disclosure	<p>In this Policy, “Disclosure” occurs when an individual tells a Community Member they have experienced or witnessed Sexual Violence involving a Community Member and “Disclose” has a corresponding meaning. Disclosure and Reporting (see definition below) are separate actions. Disclosure is generally made for the purpose of recording an incident of Sexual Violence and/or seeking support. Reporting is required to initiate an investigation or other processes under these Policies. See 8.0 of this Policy.</p>
Gender-based Harassment	<p>Gender-based Harassment includes but is not limited to engaging in the course of vexatious comments or conduct related to a person’s sex, gender, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome.</p>
Learner	<p>All individuals registered at NOSM University.</p>
Report	<p>In this Policy, “Reporting” occurs when an individual shares information regarding an incidence of Sexual Violence with Learner Support Services or Campus Safety with the intention of initiating an investigation or one of the other processes set out in this Policy and the Learner Process and “Report” has a corresponding meaning.</p>

Respondent	In this Policy, any person against whom a Disclosure or Report of Sexual Violence is made.
Sexual Assault	Any form of sexual contact without a person's consent, including the threat of sexual contact without consent. A Sexual Assault can range from unwanted sexual touching to forced sexual intercourse, and a Sexual Assault can involve situations where sexual activity is obtained by someone abusing a position of trust, power or authority.
Sexual Harassment	Includes but is not limited to engaging in the course of vexatious comments or conduct that is known or ought to be known to be unwelcome. For the purpose of this Policy, Sexual Harassment includes workplace sexual harassment. Sexual Harassment includes any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. Sexual harassment also includes a reprisal or a threat of reprisal for rejecting a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person. For the purpose of this Policy, Sexual Harassment includes Cyber Sexual Harassment. Cyber Sexual Harassment includes but is not limited to Sexual Harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour.
Sexual Violence	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 and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, gender-based harassment or violence, cyber sexual violence, and sexual exploitation. Cyber Sexual Violence includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity.
Supportive Actions	In this Policy, Supportive Actions are adjustments to individuals' academic, clinical, workplace, or residence arrangements made to support the individual 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 etc.).

5.0 Statement of Commitment

All NOSM University Learners should be able to study, work, and live in a campus environment free from Sexual Violence, including Sexual Assault and Sexual Harassment.

- 5.1 The University is committed to making available programs and resources to educate Learners on the prevention of and response to Sexual Violence.
- 5.2 The University is committed to responding to and addressing incidents and complaints of Sexual Violence involving its learners and ensuring that Learners who are affected by Sexual Violence receive support.
- 5.3 The University recognizes the intersection of Sexual Violence with discrimination and harassment, including but not limited to the grounds set out in the Ontario Human Rights Code. The University recognizes that individuals from historically marginalized communities may be disproportionately affected by Sexual Harassment and Sexual Violence.
- 5.4 The University recognizes that individuals who have experienced Sexual Violence experience various effects that can profoundly affect their lives.
- 5.5 The University is committed to making every reasonable effort to ensure the steps provided under this Policy are completed as expediently as possible. The University acknowledges, however, that time frames will vary depending on the circumstances involved.
- 5.6 The University is committed to information sharing with a Complainant and a Respondent to a Report, as set out in this Policy, the Learner Process.
- 5.7 The University recognizes that power dynamics are inherent in institutions of higher learning and is committed to appropriately account for these dynamics in the processes set out in this Policy and applicable Processes.
- 5.8 The University will not tolerate reprisals or retaliation against anyone who, without malice, makes a Disclosure or Report of an Incident of Sexual Violence or who participates in a University process that addresses allegations of Sexual Violence against a Community Member.

6.0 Education, Support and Resources

At any time, a Learner who has experienced sexual violence can Disclose or Report it through the confidential email: svpsinfo@nosm.ca.

- 6.1 The University provides Sexual Violence education and prevention education for all Learners, including training on this Policy and awareness programs about Sexual Violence and personal safety. The training for all NOSM University Learners is mandatory and will take place annually.
- 6.2 Learners

6.2.1 In the case of Learners, the University has established that Learner Support Services is mandated to conduct intake, accept Disclosure and Reporting of Sexual Violence, and provide support to individual Learners who have experienced Sexual Violence. Individuals who Disclose that they have experienced sexual violence will always be treated with dignity and respect. A person affected by sexual violence is not required to Report an incident of or make a complaint about sexual violence under the formal complaint process of this Policy to obtain support and services or to receive appropriate Supportive Action. Learner Support Services will also provide education and training to Community Members with respect to how to respond to Disclosures of Sexual Violence and how to support Complainants.

6.2.2 If an incident of sexual violence is disclosed to a Community Member, the person to whom it is reported has a duty to refer the person to the Director, Learner Support Services to get information about the availability of support and services.

6.3 Additional resources available outside of the University.

[Legal Aid Ontario](#)

Sudbury

- Greater/Grand Sudbury Police: For an emergency, call 9-1-1. For non-emergency, visit the sexual assault website.
- Voices for Women: Telephone: 1-705-671-5495 Email: VFW@hsnsudbury.ca
- 24/7 Helplines Sudbury Crisis Service: 705.675.4760 or Toll free 1.877.841.1101
- Talk 4 Healing: 1.855.554.HEAL
- Assaulted Women's Helpline: 1.866.863.0511
- Ligne Fem'aide: 1.877.336.2433 ATS: 1.866.860.7082

Thunder Bay

- Thunder Bay Police Service: For an emergency, call 9-1-1. For non-emergency, call 807.684.1200
- Healing Survivors of Sexual Abuse & Assault
- Faye Peterson House: 807.345-0450
- Catholic Family Development Centre: 807.345.7323
- Thunder Bay Counselling: 807.684.1880
- Alpha Court: 807.683.8200

7.0 General Principles Respecting Process

A person who has made a Disclosure and/or a Report of Sexual Violence has autonomy in decision-making, in particular with respect to whom to Disclose, whether to Report, whether to pursue recourse to the criminal or civil justice systems, whether to access support or request Supportive Action.

- 7.1 The University is committed to the provision of a fair process for all parties and one that respects due process and procedural fairness.
- 7.2 The University is committed to reducing barriers to the Disclosure and Reporting of incidents of Sexual Violence. In that regard, Complainants will not be asked to repeat their accounts more than necessary or be asked irrelevant questions during the investigation process by the investigators or any officials involved, including irrelevant questions relating to the person's sexual expression or past sexual history.
- 7.3 Complainants who make a Disclosure or Report about sexual violence will not be subject to discipline or sanctions for violations of University policies relating to drug or alcohol use at the time the alleged Sexual Violence occurred.
- 7.4 The University process will undertake appropriate action to support the needs of Learners who are affected by Sexual Violence.
- 7.5 The University will not tolerate any retaliation, through any means, including through social or other electronic media, against anyone who Discloses or Reports an Incident of Sexual Violence or participates in a University process addressing allegations of Sexual Violence against a Learner.
- 7.6 The University will take reasonable steps to protect Complainants and others who participate in a process under this Policy from reprisal, including advising individuals in writing of their duty to refrain from committing an act of reprisal and sanctioning individuals for a breach of that duty. The University may also address the potential for reprisals by providing Supportive Action, interim conditions, or interim measures appropriate to the circumstances. Threats of or acts of retaliation during a process under this Policy will be treated as new Incidents of Sexual Violence.
- 7.7 Confidential counselling and support will be made available as quickly as practicable to any Learner who experiences an incident of Sexual Violence.

8.0 Sexual Violence Processes

- 8.1 If you have experienced or are aware of an incident of sexual violence and you are a learner, please refer to the Learner process for guidance and support.
- 8.2 If you have experienced or are aware of an incident of sexual violence and you are not a learner, we are committed to providing you with the necessary support and resources. Please refer to the Violence in the Workplace policy for information on the steps to take, including reporting options, accessing support services, and seeking resolution.

9.0 Malicious and Vexatious Complaints

If, as a result of an investigation, it is determined by the investigator that an otherwise unfounded complaint was intended to be malicious and/or vexatious, it will be considered a form of harassment and will be dealt with in accordance with University Policy and Procedures.

10.0 Annual Report

The University will produce and post publicly an annual report that provides aggregate statistical information, without names or personal information, about Sexual Violence at the University.

11.0 Policy Review

11.1 The University recognizes that appropriately addressing Sexual Violence on campus is an evolving issue and that the University will revisit the SVP, *the applicable Processes* and their associated resources and other related and existing University policies regularly.

11.2 The University will review the SVP and the applicable Processes and amend the *Policy* as appropriate.

12.0 Legislative Context

- [Ontario Bill 132, Sexual Violence and Harassment Action Plan Act, 2016](#)
- [Ontario Regulation 131/16: Sexual Violence at Colleges and Universities \(rev. September 16, 2021\)](#)
- [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#)
- [Ontario Human Rights Code](#)
- [Criminal Code of Canada](#)
- [Strengthening Post-secondary Institutions and Students Act, Bill 36](#)

13.0 Supporting Documents

- [Sexual Violence Policy: Complaints, Disclosure and Reporting Process for Learners](#)
- [Human Rights Anti-Discrimination and Harassment Policy](#)
- [Workplace Violence Policy](#)
- [Occupational Health & Safety Act](#)
- [UME Code of Student Conduct](#)
- [NOSM University Code of Respect](#)
- [PARO Collective Agreement](#)

14.0 Acknowledgments / Source

The SVPP and related Processes are based in part on excerpts on various policies on Sexual Violence from the University of Toronto, McGill University, Carleton University, and the University of Guelph, and we extend our gratitude for their valuable contribution.

Review and Revision History

Review Period: 3 years or as required.

Date for Next Review: 2026 01 01