

Policy Name:	Student Sexual Violence Response Policy		
Policy No:	6.1.2015.B	Approval Authority:	Board of Governors
Volume:		Responsible Executive:	VPA & Provost and VP Finance & Administration
Chapter:		Responsible Office:	Student Development and Services & Human Resources
Originally issued:	December 13, 2016	Revisions:	February 2026

Policy Statement

Sexual violence and sexual misconduct will not be tolerated, and the University is committed to a prompt and supportive response to students who report an act of sexual violence or sexual misconduct under this Student Sexual Violence Response Policy (the “Policy”). Additionally, the University is committed to procedural fairness for all parties involved in the formal complaint process.

Reason for Policy

Nipissing University is committed to creating and maintaining a safe educational and working environment for its students. The University is not only dedicated to ensuring a safe and respectful environment, but also to providing prevention, education, and response efforts to address acts of sexual violence and sexual misconduct.

Policy Applies to

All students and employees of the University.

Contacts

This Policy is administered by the Office of the Assistant Vice-President, Students and Human Resources on behalf of the University.

Any questions from students regarding this Policy should be directed to avpstudents@nipissingu.ca or extension 4100.

Any questions from Employees regarding this Policy should be directed to jennym@nipissingu.ca or extension 4668.

Definitions

Definitions of terms found in this Policy are available in Appendix 7.

The Policy

1. Introduction

- 1.1. Nipissing University is aware that sexual violence and sexual misconduct can be experienced by people of all ages, genders, and sexualities. The University recognizes the intersection of sexual violence and sexual misconduct with both discrimination and harassment, on grounds including but not limited to the protected grounds set out in the Ontario Human Rights Code.
- 1.2. Nipissing University recognizes that individuals who have experienced sexual violence and sexual misconduct may also experience emotional, academic, social and environmental challenges and can experience barriers to disclosing, reporting and seeking support and healing. The University will ensure that all incidents of sexual violence and sexual misconduct that are the subject of a formal report under this Policy are responded to in a fair and impartial manner, and that the appropriate supportive services are put in place to help students who have experienced sexual violence or sexual misconduct, whether a formal complaint has been made or not.

2. Purpose

- 2.1. The purpose of this Policy is to outline the University's commitment to students in addressing sexual violence and sexual misconduct in its community through:
 - Awareness, education, and prevention programming;
 - Support for students who have experienced sexual violence or sexual misconduct;
 - Responsive, coordinated, and fair procedures in response to disclosures and formal reports of sexual violence.

3. Scope

- 3.1. This Policy pertains to acts of sexual violence that may have been perpetrated on a student by any member of the Nipissing University Community.
- 3.2. This Policy also pertains to acts of sexual misconduct that may have been perpetrated on a student of Nipissing University by an employee of Nipissing University. Reports of sexual misconduct, as defined by this Policy, against employees of the University will proceed pursuant to the processes outlined in Appendix 3 of this Policy.
- 3.3. This Policy outlines the formal reporting process for students, which includes interim measures that can be implemented at the request of students who have experienced sexual violence or sexual misconduct. In addition, the Policy outlines support options for reporting students and students who are named as respondents. A formal complaint can be filed under this Policy if the reporting student is a currently enrolled student and if the respondent is a part of the Nipissing University community.
- 3.4. This Policy does not supersede collective agreements, and the processes outlined in collective agreements will be adhered to.

- 3.5. This Policy and its associated procedures do not overrule or replace criminal proceedings or other relevant legislation. All persons have the right to pursue legal proceedings whether they choose to proceed with a formal report to the University under this Policy or not. This Policy does not prevent students who have experienced violence or sexual misconduct from seeking recourse via criminal or civil proceedings, and, in some cases, there may be compelling reasons to do so. Legal proceedings and findings about sexual violence or sexual misconduct do not limit or prohibit the ability of the University to act under this Policy, associated procedures, or related policies and procedures of the institution. However, if requested by law enforcement officials to suspend proceedings under this Policy pending the outcome of a criminal investigation, the University may be obliged to do so.
 - 3.6. This Policy acknowledges that all learning environments must be free from sexual violence and sexual misconduct, including student placements, practicums, internships, or other experiential learning opportunities.
4. Commitments
 - 4.1. The University is committed to creating an environment where it is understood by all that sexual violence and sexual misconduct are unacceptable and will not be tolerated in any form.
 - 4.2. Nipissing University is a diverse educational community that recognizes the importance of ensuring that efforts focused towards eliminating sexual violence and sexual misconduct need to be grounded in an acknowledgement that a student's experience is influenced by a multitude of factors.
 - 4.3. Nipissing University will ensure, to the best of its ability, that appropriate procedures are in place to respond to disclosures and University formal reports of sexual violence or sexual misconduct.
 - 4.4. Those who have been affected by sexual violence or sexual misconduct will be treated with dignity and respect. Support will be offered and made available as quickly as possible to any student who experiences an incident of sexual violence or sexual misconduct.
 - 4.5. Nipissing University is committed to the provision of a process that provides procedural fairness to all parties. Any member of the University Community who is found to have committed an act of sexual violence, or sexual misconduct, will be held accountable, and will be subject to outcomes, up to and including expulsion from academic enrollment and/or termination of employment.
 - 4.6. Students who report an incident of or make a complaint about sexual violence will not be subject to discipline or sanctions for violations of the University's policies relating to drug or alcohol use at the time the alleged sexual violence occurred.
 5. Education & Prevention
 - 5.1. The University provides sexual violence and sexual misconduct education and prevention initiatives for all members of the University community.
 - 5.2. Members of the University's governing board or council, and other senior administrators will complete awareness and prevention education.

- 5.3. Awareness, education and prevention programming and initiatives will be offered to students to foster the creation of an environment where sexual violence and sexual misconduct are recognized as unacceptable and are not tolerated.
 - 5.3.1. Sexual violence and sexual misconduct education and awareness programming will be embedded in all university orientation programming for incoming students.
 - 5.3.2. Specific education and awareness programming will be offered to student leaders to enhance their capacity to act as community stewards.
- 5.4. The University, through Human Resources, will provide training on this Policy to all staff and faculty members during employee onboarding and will disseminate the Policy to all faculty and staff for review.
- 5.5. The University will offer training to members of the University community who are likely to receive a disclosure or report. This training is provided in order that these members offer support with dignity and compassion, grounded in an understanding that a student's experience of sexual violence or sexual misconduct is influenced by multiple factors.
- 5.6. The University will make training on this Policy available to all incoming students. Training is provided to raise awareness of the student community of their obligations under this Policy, as well as the available resources and support.
6. Disclosures & Support
 - 6.1. Disclosure is the sharing of a survivor's experience for the purpose of accessing support. Disclosing an experience of sexual violence or sexual misconduct does not necessitate the initiation of a formal university report.
 - 6.2. Disclosure processes can be found in Appendix 1 of this Policy.
 - 6.3. All student survivors who disclose an experience of sexual violence or sexual misconduct are entitled to support regardless of whether the survivor can, or chooses to, pursue a formal report.
 - 6.4. Supports available to all survivors can include but are not limited to:
 - Risk assessment and safety planning;
 - Residence re-location;
 - Guidance on available reporting options;
 - Academic consideration;
 - Counselling services;
 - Connection to community resources.
 - 6.5. Support available upon disclosure is focused on the safety and well-being of the survivor. Supportive measures cannot unreasonably infringe on the rights of another University community member. Sanctions against another University community member are managed under the Reporting & Investigation (section 7) and Outcomes & Sanctions (section 8) sections of this

Policy.

- 6.6. All University students, staff, and faculty who are recipients of a disclosure of sexual violence or sexual misconduct are entitled to guidance and connection to appropriate support facilitated by the Sexual Violence Prevention and Education office.

7. Reporting & Investigations

7.1. Types of Reports

7.1.1. Reporting is a deliberate action taken by a survivor to initiate an investigation of incidents of sexual violence or sexual misconduct. There are three types of reporting options available:

- University Formal Report: The lodging of a complaint with the University for the purpose of initiating an investigation and/or formal resolution process against another member of the University community for allegedly perpetrating sexual violence or sexual misconduct.
- Police Report: The lodging of a formal complaint with police officials against another person for allegedly perpetrating sexual violence. All members of the University community can file a Police Report.
- Civil Litigation: Students who have experienced sexual violence may choose to file a civil proceeding. To find information on civil proceedings for sexual violence, please visit www.sexassault.ca.

7.2. Student Autonomy to Report

7.2.1. Students who have experienced sexual violence have the right to choose whether they file a report including those with Campus Security, North Bay Police Services, Ontario Provincial Police, Anishinabek Police Services, a formal report under this Policy, and other options as applicable.

7.2.2. The University will respect the student survivor's choice not to proceed with a formal report or to request that the University not investigate a disclosure, and a survivor who has filed a formal report may withdraw that report in writing to the Assistant Vice-President, Students at any time prior to completion of the process outlined in Appendix 2 or Appendix 3.

7.3. University Formal Report Process

7.3.1. The University formal report and investigation process outlined in Appendix 2 and Appendix 3 is applicable only when:

- The reporting party is a current student (as defined in Appendix 7); and
- The respondent is a member of the University community; and
- The incident(s) occurred while the respondent was a member of the University Community.

7.3.2. If a report of sexual violence or sexual misconduct is brought forward but does not meet these criteria, the Student Development and Services department can assist reporting parties in identifying next steps and alternative complaint processes such as reporting to police.

7.3.3. Only staff with a listed role in Appendix 6 should provide support with the University formal

report process or conduct investigations into incidents of sexual violence. All other faculty and staff will refer to the Sexual Violence Prevention and Education Coordinator or the Assistant Vice-President, Students.

7.4. Interim Measures

- 7.4.1. Interim measures are temporary measures put in place to protect the parties, the community, and the integrity of the process during the investigation and decision-making process.
- 7.4.2. When utilized, interim measures will be put in place by the Assistant Vice-President, Students or Human Resources and can apply to students, alumni, faculty, contractors, suppliers of services, volunteers, visitors, and other third parties affiliated with the University.
- 7.4.3. A written copy of the interim measures will be provided to the respondent, and the reporting student will be advised accordingly. Both the respondent and the reporting student may request modifications to interim measures and may make a written submission in support of their request. Concerns and requests for modifications will be forwarded in a timely manner to the Assistant Vice-President, Students or Human Resources for consideration. Interim measures may include, but are not limited to:
 - Separation of the reporting student and the respondent: as related to academics, living situations, and/or office location;
 - No-Contact orders: A University document that requires involved parties to refrain from contacting one another in person, online, or through a third party;
 - Writ of Trespass: A document that restricts one party from entering or using a space on campus;
 - Restriction of privileges;
 - Loan of emergency equipment.
- 7.4.4. Such measures are without prejudice to the ultimate outcome of the investigation. All measures would cease if the investigation were withdrawn or concluded.

7.5. Alternative Resolution

- 7.5.1. In appropriate circumstances, a reporting student may be seeking to resolve the situation before an investigation has started, finished, or before a decision is made.
- 7.5.2. Both parties must consent to this process voluntarily and are free from reprisal. At any stage during the process, either party may indicate that they would like to end the alternative resolution process or resume the investigation. Information collected during this process is not to be used should the investigation continue unless all parties agree.
- 7.5.3. Access to alternative resolutions is subject to availability and feasibility as determined by the Assistant Vice-President, Students or Assistant Vice-President Human Resources & EDI. Examples of alternative resolutions include:
 - Mediation;

- Education;
- Restorative Justice;
- Or other similar methods.

7.5.4. Preference for an alternative resolution can be submitted with the University formal report, or before the investigation begins.

7.6. Reporting students and respondents have the right to be accompanied by a support person during the investigation and decision-making process.

8. Outcomes and Sanctions

8.1. The potential outcomes, disciplinary measures, or sanctions will depend on the community role of the respondent. Specifically, options will vary depending on whether the respondent is a student, faculty, staff or other member. See Appendix 2 for a list of potential outcomes for student respondents and Appendix 3 for a list of potential outcomes for non-student respondents.

8.2. As an educational institution, outcomes that use learning and skill development to enhance the respondent's awareness, knowledge, skills, and attitudes as a mechanism for prevention of future harm are preferred.

8.3. If findings of an investigation warrant concern that the continued safety of the University community is compromised, the University may consider suspension or expulsion of student respondents.

8.4. Students would not typically be denied conferral of their degree if they have completed all course requirements.

9. Confidentiality

9.1. Confidentiality is of paramount importance when responding to sexual violence and sexual misconduct.

9.2. The privacy of all individuals involved in a disclosure or report must be respected, and the University will endeavor to maintain the confidentiality of a student who has experienced sexual violence or sexual misconduct, of a respondent, and of any witnesses, subject to the limitations set out in this section.

9.3. If a student discloses an incident of sexual violence or sexual misconduct to a University employee, the employee should be aware of and comply with legal requirements with respect to information and privacy (e.g. under the Freedom of Information and Protection of Privacy Act (FIPPA) and Personal Health Information Protection Act (PHIPA) or those imposed by professional regulatory bodies.

9.4. Where a disclosure or formal report is made pursuant to this Policy, confidentiality will be respected and, where there are limits to confidentiality, these limits will be clearly communicated to the person seeking support.

9.5. University faculty and staff may share information as required by internal procedures to complete their roles, provide support, and facilitate this Policy. These instances may include, but are not

limited to:

- Communication on a need-to-know basis to arrange requested services, supports, and accommodations;
 - Communication between supports and services to ensure responsive, coordinated, and effective care;
 - Communication between supports and services to ensure contact between the respondent and reporting student can be avoided while they access these services;
 - Sharing information under supervisory circumstances;
 - Sharing of the University formal report and any additional responses with the appointed investigator, relevant University offices, reporting student, and respondent as outlined in Appendix 2 and Appendix 3.
- 9.6. In cases where information has been/will be shared with staff and faculty in the University, the student who has experienced sexual violence or sexual misconduct will be kept informed about which individuals have been notified and what information they have been given.
- 9.7. The following circumstances constitute situations wherein there are limits to confidentiality and the University may be required to provide some disclosure to internal/external parties of information provided by a student who has experienced sexual violence or sexual misconduct, by a respondent, or by a witness:
- An individual is at serious risk of harming themselves;
 - An individual is at serious risk of harming others;
 - There are reasonable grounds to believe that others at the University or wider community may be at risk of harm;
 - Reporting is required by law or professional practice (e.g., sexual violence or sexual misconduct towards a minor, sexual violence and/or sexual misconduct by a regulated health care professional);
 - In the case of a production order/court order.
- 9.8. To ensure procedural fairness while a University formal report process is underway, all those involved in the process must maintain confidentiality. The reporting student, respondent, witnesses and support people will all be informed of the requirement to maintain confidentiality at the time they become involved in the process.
- 9.8.1. In practice, this means all parties must refrain from sharing information with others who are not involved in the process (except those offering services or personal support), and refrain from making public statements (including on social media) pending the allegations of sexual violence or sexual misconduct.
- 9.8.2. The confidentiality requirements outlined in the formal complaint process do not prevent the reporting student, respondent, or support person from seeking counselling, treatment, and

support services.

- 9.9. If a breach of confidentiality occurs, the Assistant Vice-President, Students and/or Human Resources will notify the reporting student and respondent. Information will be provided about what information was disclosed and to whom.
- 9.10. The circumstances of the breach and its impact will be considered in handling the matter and in processing the formal report. Additionally, a breach of confidentiality could result in sanctions under the Code of Student Rights and Responsibilities.
- 9.11. Documents and information related to a formal complaint, including written formal report, written responses, witness statements, investigation notes and reports, and documents related to the formal report and its investigation will be securely maintained by the Office of the Assistant-Vice President, Students or by Human Resources as appropriate.

10. Appeals

- 10.1. Student respondents will have the ability to submit an appeal in accordance with the Non-Academic Student Conduct Appeals Committee (NASAC).
- 10.2. In cases where the respondent is a faculty or staff member, appeals will follow the process outlined in the relevant Collective Agreement or Human Resources Policy.

11. Maintenance of Statistics

- 11.1. Statistics will be maintained as per the regulations outlined in Bill 132 and subsequent legislation. Anonymous statistics will be collected from the Assistant Vice-President, Students, Access & Belonging, Sexual Violence Prevention & Education, Mental Health & Wellbeing, Residence Life, and Campus Security.
- 11.2. The Board of Governors will receive and review an annual report on sexual violence from the Sexual Violence Prevention and Education office. This annual report will include the following:
 - The number of times support, services and accommodations relating to sexual violence have been requested by students, as well as information about the types of support, service and accommodation requested.
 - The education and prevention programming that has been implemented to promote the awareness of supports and services that are available to students.
 - The number of incidents and formal reports of sexual violence made to Campus Security, Human Resources, and Student Development and Services. Because of the nature of response for incidents of sexual violence combined with the need for confidentiality, it is possible that the number of times support services and accommodations are requested may represent multiple support requests from a single Student.
 - A summary of anonymized and aggregate feedback from students who have engaged with this Policy (if any has been provided).

12. Policy Administration and Review

- 12.1. This Policy falls under the jurisdiction of the Provost and Vice President, Academic, and the Vice President, Finance and Administration. The interpretation and application of this Policy is the responsibility of the Assistant Vice-President, Students and the Assistant Vice-President, Human Resources Equity Diversity and Inclusion.
- 12.2. To prevent delay, when positions authorized to exercise responsibility under this Policy are vacant or during the unavailability of persons holding these positions, or in the event of a conflict of interest, a designate may be appointed to exercise their authority under this Policy.
- 12.3. The University recognizes that appropriately addressing sexual violence and sexual misconduct on campus is an evolving issue and that the University will revisit this Policy and its associated resources, and other related and existing University policies, on a regular basis.
- 12.4. The Office of the Assistant Vice-President, Students is responsible for the review and implementation of this Policy. This review will be done with consultation from the Action Against Gender Based Violence Committee. This Policy will be reviewed at least once every three years.
- 12.5. Updates to the associated Appendices of this Policy can be altered and updated as needed by the Office of the Assistant Vice-President, Students and the Human Resources Department, with consultation from the Action Against Gender Based Violence Committee, and approval by the University Executive Committee.

13. Related Legislation

- Ontario Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016
- O. Reg. 131/16: Sexual Violence at Colleges and Universities
- Ontario Human Rights Code
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Ontario Bill 26, Ministry of training, colleges, and Universities Act (Strengthening Post-secondary Institutions and Students Act), 2022

14. Related Policies and Procedures of Nipissing University

- Anti-Racism/Anti-Hate Guidelines
- Code of Student Rights and Responsibilities
- Emergency Management Plans
- Non-Academic Student Conduct Appeals Committee Terms of Reference
- Respectful Workplace & Learning Environment Policy
- Workplace Violence Prevention Policy

Nipissing University would like to acknowledge the work of the following institutions and groups for informing the content of this Policy. Acknowledgment and thanks to:

Brock University
Canadore College
Carleton University
Concordia University of Edmonton
McMaster University
Nipissing University Action Against Gender Based Violence Committee
Ontario Coalition of Rape Crisis Centers
Queen's University
Ryerson University
University of Toronto
Wilfrid Laurier University

Original Policy approved by the Executive Committee of the Board of Governors on December 13, 2016:
Resolution #2016-12-01.

Revisions approved by the Board of Governors: Resolution #2019-09-04.

Revisions approved by the Board of Governors: Resolution #2022-06-03.

Revisions approved by the Board of Governors: Resolution #2022-11.2-04.

Appendix 1 – Disclosure Options

1. In an emergency on campus, (i.e., imminent threat of sexual violence or sexual violence occurring), a report can be made 24 hours a day, 7 days a week and 365 days a year in the following ways:
 - Call 911;
 - Call Campus Security 705-498-7244, or through the mobile blue light on the Campus Safe App;
 - Emergency phones are located inside the Education Centre near the elevators of the H and A wings. These phones are connected directly to Campus Security. All payphones have free access to 911;
 - Emergency phones are located outside the Education Centre, the NUSU Student Center, and Residence buildings. These phones can be identified by the blue light and link a caller to an emergency service attendant. Simultaneously a call from these phones notifies Campus Security of the call and caller's location;

- In person: Campus Security office, Education Centre B203.
- 1.1 When a person discloses an incident of sexual violence to Campus Security, Campus Security will inform the Assistant Vice-President, Students or designate that an incident has occurred.
- 2. Disclosure in a non-emergency situation
 - 2.1. Recipients of non-emergency disclosures have an obligation to:
 - 2.1.1. Inform the student about this Policy and the support services available to them. Information about support resources available can be found on the Sexual Violence Prevention and Education website.
 - 2.1.2. Explain the limits of confidentiality to the student, as outlined in Section 8 of this Policy.
 - 2.1.3. Emphasize that help is available, and part of that help means connecting them with support through a Student Support Request. Through a Student Support Request, the Student Development and Services department can provide support and advice on options moving forward. It is the student's choice if their identifying information, such as their name and contact information, is shared with the Student Development and Services department.
 - 2.2. For situations where there is an urgent personal safety concern or immediate risk/threat to the student or members of the University Community, the disclosure recipient shall contact Campus Security or 911.
 - 2.3. If the student has provided their name and contact information, the relevant service provider from Student Development and Services will contact the student to offer support. The purpose of the response is to provide information regarding the administration of this Policy as well as available support and resources. It is the student's choice whether to access support services or resources or file a report.
- 3. Online and Anonymous Disclosures
 - 3.1. Staff and faculty may wish to flag concerns related to an incident(s) of sexual violence to which they were either a witness or know about using the University's online early alert program, Student Support Request, found on Webadvisor.
 - 3.2. An incident of sexual violence may be disclosed by someone other than the survivor, but the survivor's personal information should only be provided with their consent, except in limited situations outlined in Section 9 of this Policy (Confidentiality).
 - 3.3. The University will accept these anonymous online disclosures for the purposes of:
 - Determining whether there is evidence of a safety concern for the University community;
 - Identifying whether it is reasonable or required for the University to investigate; and/or
 - Compiling statistics related to sexual violence.
 - 3.4. Anonymous disclosures, while accepted for the above purposes, will generally limit the University's ability to investigate. In addition, anonymous disclosures cannot be used as the basis for disciplinary action in accordance with the University's principles of procedural fairness.

Appendix 2 – Reporting & Investigation: Student Respondent

1. Filing a Report

- 1.1. A University formal report can be filed if the respondent is a student of Nipissing University and was a member of the University community at the time of the incident(s) alleged in the formal complaint.
- 1.2. The office of the Assistant Vice-President, Students is responsible for receiving University formal reports of sexual violence or sexual misconduct related to students. Support in completing and filing University formal reports can be obtained from the service providers in Student Development and Services (contact listed in Appendix 6).
- 1.3. A University formal report can be typed or written and must include the following information:
 - The reporting student’s name and student number;
 - The name of the respondent (or information that can be used to identify the respondent if name is unknown);
 - Date of the incident;
 - Specific details of the incident;
 - Any potential witnesses.
- 1.4. Upon receiving the formal report, the Assistant Vice-President, Students will acknowledge receipt, review it if necessary and seek clarification from the reporting student on the information it contains.
- 1.5. All reports of sexual violence will be investigated. Should the investigation determine that the incident falls outside the scope of this Policy the Assistant Vice-President, Students will inform the reporting student in writing and advise on other options if applicable. Supports and Interim Measures
- 1.6. The Assistant Vice-President, Students will notify the parties in writing of a summary of allegations, any interim measures, a summary of the investigation process, a link to this Policy, and sources of support.
- 1.7. The Assistant Vice-President, Students will liaise with the Director, Student Wellness to ensure outreach occurs for all students impacted by the situation.
- 1.8. The Assistant Vice-President, Students and Director, Student Wellness will ensure appropriate interim measures are offered and adjusted as required throughout the process. All interim measures would expire at the withdrawal or conclusion of the investigation.

2. Explore Resolution Options

- 2.1. The Assistant Vice-President, Students will meet separately with each party to explore their desire to participate in alternative resolution options. Should the respondent acknowledge the alleged behaviours and harm caused to the reporting student, the Assistant Vice-President, Students may offer educational, restorative justice, mediation or other similar options. Should resolution not be possible/or available, the University would proceed with an investigation.

3. Investigation

- 3.1. The Assistant Vice-President, Students can appoint an investigator with competence in conducting investigations related to allegations of sexual violence or sexual misconduct, to investigate the allegations contained in the report. Investigators may include an individual internal or external to the university, but in no event will an investigator be in a reporting relationship to any of the parties or have a conflict of interest.
- 3.2. Once an investigator has been determined, the Assistant Vice-President, Students will send

- a written notice to the respondent and the reporting student which includes:
- The name and position of the appointed investigator;
 - A summary of the University Formal Report provided by the reporting student;
 - A reminder of support services available on campus.
- 3.3. The respondent will be requested to provide a written response to the reporting student's report to the investigator within 15 business days of notification. If the respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a written response.
- 3.4. The investigator will then send a summary of the respondent's written response to the reporting student's, who can submit a written reply within 15 business days to the investigator. If no written reply is provided within the time requested, the investigator will proceed in the absence of a written reply.
- 3.5. Survivors of sexual violence have the right not to participate in any investigation that may occur.
- 3.6. The respondent will receive a summary of the reply, if any.
- 3.7. The investigator will also endeavor to meet with the parties and any witnesses within 30 business days of acknowledgement of receiving the written responses of the respondent and reporting student.
- 3.8. The investigator will examine all the information submitted by the parties, as well as any other information gathered during the investigation, and conduct all interviews in a fair, impartial, and professional manner.
- 3.9. The investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the persons involved in the investigation, as noted in the confidentiality form signed at the beginning of the reporting process.
- 3.10. The investigator will keep the Assistant Vice-President, Students informed on the status of the investigation and all communications to the students involved.
- 3.11. During the investigative process, reporting students and respondents will not be asked irrelevant questions about past behaviours, preferences, and/or other details that speak to a person's personal sexual history, nor will these facts have an influence on the process, including the final decision of the University.
- 3.12. If there are any questions or concerns about the process, or violations of any interim sanctions during the investigative process, the reporting student or respondent can contact the Assistant Vice-President, Students. Questions regarding the status of the investigation from the reporting student or respondent can be clarified by contacting the investigator directly.
- 3.13. The reporting student or the respondent can be accompanied by a support person of their choice at any time during a formal complaint process outlined in this Policy. The support person may be a friend, family member, advisor, or other individual. The support person may provide encouragement or other emotional or moral support and may accompany the reporting student or respondent to meetings. The support person's role is not to act or speak on behalf of the reporting student or respondent. Oral and written submissions during an investigation must come directly from the reporting student and respondent. The support person must also agree in writing to maintain confidentiality in accordance with this Policy.
- 3.14. The reporting student may request that the University suspend the investigation at any point. A request to suspend the investigation must be made to the Assistant Vice-

President, Students in writing.

- 3.15. If the respondent's relationship with the University ends and they are no longer at or with the University during the investigation process, the formal report process in this Policy may continue. Should the respondent stop engaging the process will proceed in absentia.
 - 3.15.1. In this instance, a notation would be made on the respondent's student record with a requirement to meet with the Assistant Vice-President, Students before re-enrollment or re-admission to the University.
 - 3.15.2. All outcomes assigned as a result of the formal investigation process will apply which could include post-conferral notations on transcripts, or outcomes that would impact a respondent's ability to return to the University for future studies.
 - 3.16. Legal considerations may arise during an investigation where the formal complaint process as outlined in this Policy may be suspended following a discussion with the reporting student and respondent.
4. Communication of Investigation Outcomes
 - 4.1. Upon completion of the investigation, the investigator will provide to the Assistant Vice-President, Students a written confidential report containing the facts and information gathered during the investigation.
 - 4.2. Upon reviewing and considering the final investigation report the Assistant Vice-President, Students will:
 - Consider any procedural issues raised concerning the investigation.
 - Decide whether the respondent has engaged in any conduct contrary to this Policy on a balance of probabilities.
 - Decide what corrective or other action, if any, is appropriate to remedy the Policy violation, to prevent future Policy violations by the respondent or others, and to ensure the safety of all individuals.
 - 4.3. The decisions and any associated consequences of the Assistant Vice-President, Students and the reasons in support of it must be in writing and be delivered to the reporting student and to the respondent.
 - 4.4. Whenever appropriate, the reporting student will receive information in advance of the respondent.
 - 4.5. The Assistant Vice-President, Students will send a summary of the investigation findings to the reporting student and to the respondent. All parties will be reminded of confidentiality and protection from reprisal and the threat of reprisal.
 - 4.5.1. Parties do not receive copies of the full investigatory report to protect the confidentiality of all parties involved in the investigation process.
 5. Application of Sanctions
 - 5.1. If a respondent is found to have engaged in conduct contrary to this Policy, consideration will be given to imposing appropriate sanctions on the respondent, to taking steps to prevent the recurrence of similar incidents in the future, to addressing the negative impact of the incident on the reporting student, and to ensuring or enhancing the safety of all individuals. The following list provides examples of consequences and disciplinary measures and is not meant to be exhaustive nor necessarily representative of a progression of consequences or measures:
 - A letter of accountability;
 - Participation in educational sessions on the impact of sexual violence and/or sexual misconduct;

- No contact order;
 - Writ of trespass;
 - Restricted or prohibited access to University campuses and/or services;
 - For student employees discipline up to and including termination;
 - Suspension or expulsion from the University;
 - A transcript notation of 'Non-Academic Misconduct'.
- 5.2. Any interim measures that were in place prior to and during the investigation will be reviewed and communicated as part of the outcomes of the investigation.
- 5.3. Consequences, disciplinary and/or interim measures in response to sexual violence or sexual misconduct will depend on the circumstances, on the severity of the conduct, on any mitigating factors, and on applicable collective agreements or other University policies.

Appendix 3 – Reporting and Investigation: Non-Student Respondent

1. Filing a Report

- 1.1. A University formal report can be filed if the respondent is a current faculty, staff, volunteer subcontractor, or student employee of Nipissing University and was a member of the University community at the time of the incident(s) alleged in the formal complaint. Support in completing and filing University formal reports can be obtained from the Student Development and Services department (Appendix 6).
- 1.2. The Office of the Assistant Vice-President, Students is responsible for receiving University Formal Reports of sexual violence or sexual misconduct related to Students. When the report involves faculty, staff, student employees, volunteers, or subcontractors, these reports will be shared with Nipissing University Human Resources.
- 1.3. A University formal report can be typed or written and must include the following information:

- The reporting student’s name and Student number;
 - The name of the respondent (or information that can be used to identify the respondent if name is unknown);
 - Date of the incident;
 - Specific details of the incident;
 - Any potential witnesses.
- 1.4. Upon receiving the formal report, the Human Resources Department will acknowledge receipt, review it if necessary, and seek clarification from the reporting student on the information it contains.
- 1.5. All reports of sexual violence will be responded to. Should the investigation determine that the incident falls outside the scope of this Policy the Human Resources Department will inform the Assistant Vice-President, Students and communicate this finding to the reporting student in writing. The Assistant Vice-President, Students will advise the reporting student of other options if applicable.
2. Supports and Interim Measures
- 2.1. Human Resources will notify the respondent, in writing, of a summary of allegations, any interim measures, a summary of the investigation process, a link to this Policy, and sources of support. If the respondent is an employee of Nipissing University, they may be put on paid leave from their position for the duration of the investigation.
- 2.2. The Assistant Vice-President, Students will liaise with the Director, Student Wellness to ensure outreach occurs for all students impacted by the situation.
- 2.3. The respondent will be informed of what supports are available for them during the process. These support options will vary depending on the respondent’s relationship with the university (ie: Employee Assistance Program, Union, private service providers).
- 2.4. Interim support measures for student reports may include:
- Separation of the reporting student and the respondent: with regard to academics, living situations, and/or office location.
 - No-Contact orders: A university document which requires the parties to refrain from contacting one another in person, online, or through a third party.
 - Writ of Trespass: A document which restricts one party from entering or using a space on campus.
 - Restriction of privileges.
 - Loan of emergency equipment.
- 2.5. The Assistant Vice-President, Students and Director of Student Wellness will ensure appropriate interim measures are offered and adjusted as required throughout the process. All interim measures would expire at the conclusion of the investigation.
3. Explore Resolution Options
- 3.1. Human Resources will meet separately with each party to explore their desire to participate in alternative resolution options. Should the respondent acknowledge the alleged behaviours and harm caused to the reporting student, Human Resources may offer educational, restorative justice, mediation or other similar options. Should resolution not be possible, the University would proceed with an investigation.
4. Investigation
- 4.1. Human Resources will determine an investigator, with competence in conducting investigations related to allegations of sexual violence or sexual misconduct, to investigate the allegations contained in the report. The Investigator may include an individual internal

- or external to the university, but in no event will an investigator be in a reporting relationship to any of the parties or have a conflict of interest.
- 4.2. Once an investigator has been appointed, the Human Resources Department will send a written notice to the respondent and the reporting student which includes:
 - The name of the appointed investigator;
 - A summary of the University formal report provided by the reporting student;
 - A reminder of support services available on campus.
 - 4.3. The respondent will also be requested to provide a written response to the report to the investigator. If the respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a written response.
 - 4.4. The investigator will then send the respondent's written response to the reporting student, who can submit a written reply within the time requested by the investigator. If no written reply is provided within the time requested, the Investigator will proceed in the absence of a written reply.
 - 4.5. Survivors of sexual violence have the right not to participate in any investigation that may occur.

 - 4.6. The respondent will receive a summary of the reply, if any.
 - 4.7. The investigator will also endeavor to meet with the parties and any witnesses.
 - 4.8. The investigator will examine all the information submitted by the parties, as well as any other information gathered during the investigation, and conduct all interviews in a fair, impartial, and professional manner.
 - 4.9. The investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the persons involved in the investigation, as noted in the confidentiality form signed at the beginning of the reporting process.
 - 4.10. The investigator will keep the Human Resources Department informed on the status of the investigation and all communications to the parties involved.
 - 4.11. During the investigative process, reporting students and respondents will not be asked irrelevant questions about past behaviours, preferences, and/or other details that speak to a person's personal sexual history, nor will these facts have an influence on the process, including the final decision of the University.
 - 4.12. If there are any questions or concerns about the process, or violations of any interim sanctions during the investigative process, the reporting students or respondent can contact the Human Resources Department. Questions regarding the status of the investigation from the reporting students or respondent can be clarified by contacting the investigator directly.
 - 4.13. The reporting student or the respondent can be accompanied by a support person of their choice at any time during a formal complaint process outlined in this Policy. The support person may be a friend, family member, advisor or other individual, however, the support person cannot be a witness in the complaint process. The support person may provide encouragement or other emotional or moral support and may accompany the reporting student or respondent to meetings. The support person's role is not to act or speak on behalf of the reporting student or respondent. Oral and written submissions during an investigation must come directly from the reporting student and respondent. The support person must also agree in writing to maintain confidentiality in accordance with this Policy.
 - 4.14. The reporting student may request that the university suspend the investigation at any point. A request to suspend the investigation must be provided in writing to Human Resources.

- 4.15. If the respondent's relationship with the University ends and they are no longer at or with the University during the investigation process, the formal report process in this Policy may be suspended. If the respondent returns and once again becomes a member of the University community, the process may resume. If there is a change in the respondent's relationship with the University, the reporting student will be informed about the University's capacity to continue an investigation.
- 4.16. Legal considerations may arise during an investigation where the formal complaint process as outlined in this Policy may be suspended following a discussion with the reporting student and respondent.
5. Communication of Investigation Results
- 5.1. Upon completion of the investigation, the Investigator will provide the Human Resources Department with a written confidential report containing the facts and information gathered during the investigation.
- 5.2. Upon reviewing and considering the final investigation report Human Resources will:
- Consider any process issues raised concerning the investigation.
 - Decide whether the respondent has engaged in any conduct contrary to this Policy based on a balance of probabilities.
 - Decide what corrective or other action, if any, is appropriate to remedy the Policy violation, to prevent future Policy violations by the respondent or others, and to ensure the safety of all individuals.
- 5.3. The decisions and any associated consequences of the Human Resources Department and the reasons in support of it must be in writing and be delivered to the reporting student and to the respondent.
- 5.4. Whenever appropriate, the reporting student will receive information in advance of the respondent.
- 5.5. The Human Resources Department will send a summary of the investigation report to the reporting student and to the respondent. All parties will be reminded of confidentiality and protection from reprisal and the threat of reprisal.
- 5.5.1. Parties do not receive copies of the full investigatory report to protect the confidentiality of all parties involved in the investigation process.

Appendix 4 – Reporting and Investigation: Campus Guests or Visitors

1. In the case where the respondent is a campus guest or visitor of the University, the Assistant Vice-President, Students and Human Resources will jointly receive the report. The Assistant Vice-President Students and Human Resources will determine which department is most appropriate to oversee the investigation.
2. The reporting student will be notified as to the department overseeing the investigation. The process will then move forward as described in either Appendix 2 or Appendix 3 as appropriate.

Appendix 5 – Appeals Process for Student Respondents

1. An appeal can be submitted regarding the final decision of a formal investigation under this Policy.
2. This Appendix articulates the appeal procedure for student respondents. Any respondents processed through Appendix 3 with the Human Resources Department will have to follow the relevant procedures of University Policy and/or their respective Collective Agreement.
3. The appeal must be made in writing to the Chair of the Non-Academic Student Conduct Appeals Committee (NASCAC) within 15 business days after the date of the final decision that is the subject of the appeal.
 - 3.1. The written appeal must include the applicable grounds for the appeal, the reasons why the appeal should be granted, the arguments in support of the appeal, and the outcome sought.
 - 3.2. Grounds for appeals include:
 - 3.2.1. New information;
 - 3.2.2. Substantive procedural error.
4. The Chair of the Non-Academic Student Conduct Appeals Committee will be responsible for reviewing the appeal to determine if any of the grounds for appeal are present.
5. The following is a non-exhaustive list of the examples of situations where an appeal would not meet the requirements of this section:
 - The appeal asks for review of a consequence or measure;
 - The appeal repeats arguments made and does not provide any new information relevant to the final decision;
 - The appeal is based only on a disagreement with a finding of fact, including findings made about the credibility of witnesses;
 - The appeal raises new arguments that were not made, but could have been made;
 - The appeal amounts to a mere speculation, or a bold statement of a procedural error causing prejudice and does not provide detailed and convincing information to establish the error and to establish a link between the error and the actual prejudice or a reasonable expectation of prejudice to the person seeking the appeal.
6. The appeal process is conducted in writing.

Appendix 6 – Roles & Responsibilities

Action Against Gender Based Violence Committee

Responsibilities

- Provide a space to discuss emerging issues and initiatives related to sexual and gender-based violence;
- Suggest improvements to policies, services, and resources;
- Support the creation of a campus culture where sexual and gender-based violence is understood and well responded to; and
- Develop and implement campus-wide initiatives to support the prevention of, and response to sexual and gender-based violence.
- Chair: Manager, Access and Belonging

Contact Information: AAGBV@nipissingu.ca

Assistant Vice-President, Students

Responsibilities

- Responsible for administering this Policy;
- Responsible for overseeing updates to the Appendices;
- Receive security reports;
- Receive all University student formal reports;
- Arrange and oversee alternative resolution processes, where appropriate;
- Oversee the investigation and sanction process for students;
- May oversee the investigation and sanction process when an incident involves University guests/visitors;
- Support the application of interim measures during a formal report process.

Contact Information: AVPStudents@nipissingu.ca

Human Resources

Responsibilities

- Receive all University Formal Reports of sexual misconduct;
- Arrange and oversee alternative resolution processes, where appropriate;
- Oversee the investigation and sanction process when an incident involves faculty, staff, volunteers and contractors;
- Provide Policy training to all new employees;
- Annually disseminate the Policy to all employees;
- May oversee the investigation and sanction process when an incident involves university guests/visitors.

Contact Information: jennym@nipissingu.ca

Investigator

Responsibilities

- Receive the university formal reports of sexual violence and/or sexual misconduct;
- Gather appropriate information from the reporting student, respondent, and witnesses;
- Determine if the incident(s) can be substantiated and meets criteria outlined in this Policy;
- Provide a report to the Assistant Vice-President Students and/or Human Resources;
- Must have training in trauma informed investigation processes related to situations of sexual violence.
- The investigator may be internal or external to the University.

Student Development and Services

Responsibilities

- Provide direct services to impacted students including psychotherapy, case management, risk assessment & safety planning, policy navigation, advocacy, and referral.
- Deliver awareness and outreach programming for Nipissing University students;
- Deliver education and awareness training to the student community;
- Provide accommodation support (including academic accommodations) for impacted students.

Contact Information:

- General: sds@nipissingu.ca
- Mental Health and Wellbeing: mhwellbeing@nipissingu.ca
- Sexual Violence Prevention and Education Coordinator: svsupport@nipissingu.ca
- Student Support Navigator: nusuccess@nipissingu.ca
- Student Accessibility Services: sas@nipissingu.ca

Student Accessibility Services

Responsibilities

- Provide academic accommodation support for impacted students.

Contact Information: sas@nipissingu.ca

Non-Academic Student Conduct Appeals Committee (NASCAC) Responsibilities

- The determination of all student appeals.

Contact Information: nascac@nipissingu.ca

Residence Life Team

Responsibilities

- Provide direct support to impacted students who live in residence including check-ins, general support, safe living accommodations;
- Provide short term emergency living accommodations for students at risk of further violence.

Contact Information: residenc@nipissingu.ca

Community Supports

Responsibilities

- The following community-based agencies provide confidential support, crisis intervention, and

specialized services for individuals affected by sexual or gender-based violence. These organizations operate within the Nipissing District and surrounding areas and are available to support individuals seeking immediate assistance, ongoing counselling, advocacy, or medical care. Additional supports to those listed below can be found here: [Sexual Violence Prevention and Education | Nipissing University](#).

- **1. Amelia Rising Sexual Violence Support Centre**

Amelia Rising provides **free and confidential support** to individuals ages 12 and older who have experienced sexual or gender-based violence. Services include crisis intervention, counselling, advocacy, court accompaniment, and a 24/7 sexual violence helpline. All services are survivor-centered and offered in a trauma-informed, gender-inclusive environment.

Contact Information

Office Phone: 705-840-2403

24/7 Crisis Line: 705-476-3355

Email: info@ameliarising.ca

Address: 101 Worthington St E, Suite 215, North Bay, ON P1B 1G5

Website: <https://www.ameliarising.ca/>

- **2. Sexual Assault / Domestic Violence Treatment Centre – North Bay Regional Health Centre 2. (NBRHC)**

The NBRHC Sexual Assault/Domestic Violence Treatment Centre provides **24/7 emergency medical care**, including assessment and treatment of injuries, STI testing and prevention, emergency contraception, forensic evidence collection, emotional support, and referrals. Care is delivered by specially trained Sexual Assault Nurse Examiners (SANEs) and is patient-centered, confidential, and based entirely on informed consent.

Contact Information

Program Office: 705-474-8600 ext. 4478

After-Hours / Emergency Department: 705-474-8600 ext. 4500

Crisis Lines: 705-495-8148 / 705-495-8198

Email: SADV@nbrhc.on.ca

Address: 50 College Drive, North Bay, ON P1B 5A4

Website: <https://nbrhc.on.ca/programs-services/medical-services-2/sexual-assault-treatment-centre/>

- **3. Victim Services of Nipissing District (VSND)**

Victim Services of Nipissing District provides **immediate crisis and trauma support**, safety planning, advocacy, and referrals for individuals affected by crime or traumatic events. Crisis response is available 24/7 through police or emergency services activation, with follow-up support provided as needed. Services are confidential and offered in partnership with local emergency responders and community agencies.

Contact Information

Phone: 705-472-2649

Email: info@vsnd.ca (not monitored 24/7)

Address: 135 Princess Street West, P.O. Box 1532, North Bay, ON P1B 8K6

Website: <https://vsnd.ca/>

Hours: Administrative office open Monday–Friday; crisis support available 24/7 via police or emergency services.

Witness or Recipient of Disclosure

Responsibilities

- Upon becoming aware of incidents or complaints of sexual violence, members of the University community including senior administrators, students, faculty, other employees, contractors and witnesses, should direct the reporting individual to Student Development and Services for support, through the Sexual Violence Education and Prevention Office, the Student Intervention Specialist, or the office of the Assistant Vice-President, Students.

Contact Information:

- General: sds@nipissingu.ca
- Student Intervention Specialist: sis@nipissingu.ca
- Sexual Violence Prevention and Education Coordinator: svsupport@nipissingu.ca

Appendix 7 – Definitions

The following definitions are applicable to the interpretation of this Policy to develop an understanding of

sexual violence and sexual misconduct.

Reporting Student: Refers to a student who is making a formal complaint of sexual violence or sexual misconduct to the University under this Policy.

Respondent: Refers to the person, or persons, against whom a formal complaint has been filed with the University under this Policy.

Coercion: The use of emotional manipulation, blackmail, threats, harassment, threats to a student or a student's family or friends, or the promise of rewards or special treatment in order to persuade someone to do something that they do not wish to do. This includes but is not limited to being forced to watch a sexual act or perform sexual acts. Coercion can happen in personal and professional relationships.

Consent: The active, direct, expressed, voluntary and conscious agreement between adults to engage in sexual activity. These elements of consent must be present, even if alcohol or drugs have been consumed. Furthermore, consent is not implied and cannot be assumed. The following points are important when understanding consent:

- Someone who is incapacitated in any way (i.e., due to use of drugs or alcohol, being asleep or unconscious, or a disability that prevents an individual from giving consent) cannot consent.
- Past consent does not imply future consent.
- Being in a relationship with an individual does not constitute consent.
- Silence or absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent cannot be assumed or implied.
- Consent is voluntary and can be withdrawn at any time.
- Consent cannot be obtained through coercion and threats.
- Consent cannot be obtained if the perpetrator abuses a position of trust, power, or authority.

Corrective Rape: A rape committed to control the victim's social or sexual behavior in which one or more people are raped because of their perceived sexual orientation or gender identity. The common intended consequence of the rape, as seen by the perpetrator, is to turn the person heterosexual or to enforce conformity with gender stereotypes.

Employee: an Employee of the University, including faculty members, instructors and other employees responsible for teaching, evaluation, academic supervision and/or related activities for credit and non-credit courses, research, tutorials, and workshops.

Force: Includes coercion, psychological or physical force, or the use of manipulation to coerce a person into non-consensual sexual acts. This includes the use of threats to force a person to comply, such as threatening to hurt the person or their family or loved ones (i.e. pets) through the use of other intimidation tactics.

Incapacitation: A state in which an individual lacks the ability to give consent. Sexual activity with a person who one knows to be, or, based on circumstances, should reasonably have been known to be, mentally or physically incapacitated (by drugs or alcohol, sleep, unconsciousness or a blackout, or disability) constitutes sexual assault. The initiator of sexual activity must always err on the side of assuming an individual to be incapacitated, rather than risk committing sexual assault.

Intimate and Relationship Violence: Act(s) of violence or abusive behavior in an intimate relationship, such as marriage, domestic partnership, casual or long-term dating relationships, sexual relationships or former relationships. The act(s) or violence are used by one partner to gain or maintain control over another partner. Intimate and Relationship violence can include, but is not limited to physical violence, sexual violence, emotional violence, psychological violence, spiritual violence, economic violence, and/or controlling of movements and social contacts.

Nipissing University Community: also referred to as the University Community, means all students, employees, faculty, contractors, suppliers of services, volunteers, and any other third parties affiliated with the University related to initiatives, research, or other contractual agreements. Under this Policy, any member of the University Community can be named as a respondent in the reporting process. Only currently enrolled Nipissing University students can engage in the reporting process outlined in this Policy, all other members of the University Community are to use the appropriate Human Resource Policy, as outlined in Section 3.2.

Rape Culture: A culture in which dominant ideas, social practices, media images and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing sexual violence and by blaming survivors for the abuse they have experienced.

Sexual Assault: Any type of unwanted act committed in circumstances of a sexual nature, such that the sexual integrity of a person is violated. This can include any physical contact or behavior that occurs without explicit consent. Sexual assault is characterized by a broad range of behaviours that can include unwanted kissing, touching, fondling, oral or anal sex, intercourse, forms of penetration or any other unwanted contact of a sexual nature.

Sexual Harassment: A form of sexual violence that is described by the Ontario Human Rights Commission as engaging in a course of vexatious comment or conduct against another person where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. This definition also includes making a sexual solicitation or advance where the person making the solicitation or advance is able to confer, grant or deny a benefit or advancement to the student and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual harassment may include but is not limited to:

- Sexual solicitation and advances (for example, demanding hugs, invading personal space, unnecessary physical contact);
- Implied or expressed promise of reward after complying with a sexually oriented task;
- Implied or expressed threat of repercussions or consequences for refusing to comply with a sexually oriented task;
- A poisoned environment (for example, pornographic images in a public, social or workspace or exposure to a learning or working environment involving periodic or frequent sexualized comments or conduct);
- Gender-based harassment (for example, targeting someone based on their gender or for not adhering to binary or stereotypical gender roles).

Sexual Misconduct means, in relation to a student of Nipissing University (*Strengthening Post-secondary Institutions and Students Act, 2022*):

- Physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the University where:
 - The act constitutes an offence under the Criminal Code (Canada);
 - The act infringes the right of a student under clause 7(3)(a) of the Human Rights Code to be

free from a sexual solicitation or advance by a person in a position to confer, grant or deny a benefit or advancement to the student; or

- The act constitutes Sexual Violence as defined in the Policy, or any other rule or requirement of the University respecting sexual relations between employees and students.
- Any conduct by an employee of the University that infringes the right of the student under clause 7(3)(b) of the Human Rights Code to be free from reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.
- Recognizing that a student cannot give consent to those in a position of authority over them, Employees who are in a position of authority or who have power over a student are prohibited from engaging in sexual relations with students.

Sexual Violence: is any sexual act or act targeting a person's sexuality, gender or gender identity, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent. This includes, but is not limited to: sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, stealthing, distribution of sexual images or video without consent and cyber harassment or cyberstalking of a sexual nature.

Student: means any person taking one or more courses at the University, either full-time or part-time, in any program of study, including special students. For clarity, a student is a person who is registered in a University course of study and/or engaged in any academic work that leads to the assigning of a mark, grade or statement of performance by the appropriate authority within the University and/or entitled to a valid Student ID card who is between sessions.

Survivor: Refers to a student who has been harmed by sexual violence or sexual misconduct. For the context of this Policy, this includes students who may be harmed directly or indirectly by sexual violence or sexual misconduct.

Technology-Facilitated Sexual Harassment: Harassment that 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. For this Policy, Sexual Harassment includes Technology-Facilitated Sexual Harassment.

Technology-Facilitated Sexual Violence: Sexual violence that 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 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. For this Policy, Sexual Violence includes Technology-Facilitated Sexual Violence.