

## **Guide to September 2023 University of King's College Sexualized Violence Awareness, Prevention and Response Policy edits**

The last edits to the University of King's College Sexualized Violence Awareness, Prevention and Response Policy were approved by the King's Board of Governors in June 2021. The following proposed edits are a result of needs identified by the King's Sexualized Violence Policy Implementation Advisory Committee (SVPIAC) alongside colleagues and community partners, as well as recommendations from Rubin Thomlinson given as part of their Independent Review into sexualized violence policy and culture at King's conducted in early 2022.

The following guide locates and highlights the edits in red text with a brief explanation. Attached as well is the full policy document with these edits highlighted in red.

### **From the Rubin Thomlinson Independent Review Interim Report;**

•Recommendation 7: We recommend that King's provide a forum for its professors to engage in deep reflection on their role as teachers and mentors in the context of a small, close-knit community, as well as on how they can maintain the highest standards of professionalism in their relationships with students. We suggest that the aim of this period of reflection should be a document that addresses appropriate boundaries between professors and students that supplements the Yellow Book, such as a Code of Conduct or a Statement of Principles.

This document, *Statement of Principles: Cultivating Healthy Boundaries & Guidelines for Healthy Relationships with Students* was drafted under the leadership of VP Sarah Clift. The document went through consultation with the SVPIAC, Alumni executive, and the KSU. The Faculty Committee voted in favour of moving this document forward to the Board of Governors for approval. A reference to this document has been added to the policy under the definition of Coercion;

**Coercion:** *In general terms, Coercion occurs when one person puts pressure on another to do something they might not want to do otherwise. When people are coerced, they are not saying "yes" on their own terms. This looks very different from consensual sexual activity (see definition for "Consent" below). Coercion can be explicit, as it is when verbal forms of pressure or intimidation are used. In the context of Sexualized Violence, explicit Coercion is using manipulation against someone until they give in to sexual advances or romantic encounters. Coercion often takes on less explicit forms as well. For instance, a substantial power imbalance between the involved people suggests Coercion is being used by the more powerful person or persons, regardless of their own intention or expressed claims.*

***Related to Coercion and Consent (defined below) is this note on Romantic or Sexual Relationships Among Members of the King's Community;***

*a) The purpose of the King's Sexualized Violence Policy is to ensure an environment where Sexualized Violence is not tolerated. To this end this policy will address sexual and romantic relationships amongst members of the University community. These include, but are not limited to, relations among Undergraduate Students and Dons, TAs, Instructors, Facilities/Hospitality/Cleaning Staff, and Staff employed in administrative capacities. As a*

*general proposition, the University believes sexual or romantic relationships that involve an asymmetrical power dynamic or an imbalance of authority, because of their inherently coercive (see definition of “Coercion” above) nature, are inconsistent with the Sexualized Violence Policy. They have the potential to cause harm to the educational, residential, and/or employment environment of the individuals involved and those who work and study with them. The University therefore strongly discourages sexual or romantic relationships where such a power dynamic presents itself.*

*b) In particular, the teaching and learning relationship between an Instructor and a Student must be protected from influences or activities that interfere with learning and personal development. Engaging in romantic or sexual relationships with students is a Conflict of Interest for Instructors and Instructors are to avoid such relationships.*

*c) Any member of the King’s community with a complaint or charge of Sexual Harassment, Sexual Assault or any other form of Sexualized Violence involving any other member of the King’s Community, which may or may not arise from a romantic or sexual relationship, may seek the support of the Sexual Health and Safety.*

*d) For further discussion and guidance please refer to the document [Statement of Principles: Cultivating Healthy Boundaries & Guidelines for Healthy Relationships with Students](#).*

•Recommendation 10: We suggest that King’s consider the following areas for clarification and/or enhancement of its Policy in what we understand is its scheduled review at the end of 2022:

•A process to address multiple disclosures about the same person. For instance, after a certain number of disclosures about the same person, those who made the disclosures could be asked to consider making a report.

This is covered in the “University Reporting” section below.

•A requirement that members of the Sexualized Violence Outcomes Panel be trained in topics related to sexualized violence, such as consent, rape culture, and intersectionality.

This has been a practice of the Sexualized Violence Policy Implementation Advisory Committee (SVPIAC), but not a consistent one. To cement this commitment in the coming year the definitions of the Sexualized Violence Outcomes Panel and SVPIAC will be edited to include the following;

***Sexualized Violence Outcomes Panel:*** *A three-member panel appointed by the Chair of the Sexualized Violence Policy Implementation Advisory Committee each time an investigation is conducted. The Panel receives and reviews the investigation Report submitted by the appointed Investigator in order to provide recommendations for outcomes and/or sanctions to the President or delegate if there is a finding Sexualized Violence occurred, and to ensure procedural fairness. [Members of the Sexualized Violence Outcomes Panel are chosen from the members of the Sexualized Violence Policy Implementation Advisory Committee.](#)*

***Sexualized Violence Policy Implementation Advisory Committee:*** A committee composed of King's Community members and the Sexual Health and Safety Officer and tasked with overseeing Sexualized Violence awareness and prevention programming. *The SHSO, alongside the co-chairs, will organize a minimum of one professional development session a year, determined by the skills and expertise present on the committee, to enhance capacity.*

•An explicit prohibition on investigators (or others involved in the disclosure and reporting processes) asking survivors/victims irrelevant questions about their past sexual history.

This has been a practice of the Sexual Health and Safety Officer and external Investigators utilized by King's. To cement this commitment the following language has been added to the policy section on Investigations;

*10. 9 Investigations*

[...]

*d. The Investigator will conduct the Investigation in a manner that is consistent with this procedure and the principles set out in section 3 of this Policy. This procedure requires the following:*

[...]

*(iii) The Investigator will not require the Survivor/Victim to participate in the investigation but may, however, request additional clarifying information or evidence to supplement the Report or names of any potential witnesses. **The Investigator is prohibited from asking the Survivor / Victim(s) irrelevant questions about their past sexual history.***

•An explicit timeline for appeals

This timeline mirrors the timeline for appeals outlined in the Code of Conduct / Yellow Book and has been added to the policy section on appeals;

*12. Appeals*

[...]

*12.2 Appeals by Respondent(s) or Survivor / Victim(s) must be submitted within 10 University business days of the receipt of the final Outcome Decision.*

•A review of the policy review timeline

The proposed edit is to make the consistent review period every five years instead of two. As of Fall 2023 the Sexualized Violence Policy will have been in place at King's for 5 years and will have gone to the Board of Governors for edit approval 3 times. The focus on evolving this policy has been valuable. Now that 2 national reviews and 2 internal reviews have enhanced the policy it is time to allow the same administrative, staff, student, and faculty resources that go into these edits to focus on other areas of policy (i.e. Code of Conduct, "Yellow Book", and Equity Policy) that deserve attention and contribute to the effectiveness and implementation of the Sexualized Violence Policy. This edit has been included in the policy section on mandated review;

### 3.8 Mandated Review

*In recognition of evolving knowledge, standards, resources, and legislation, the University is committed to reviewing this Sexualized Violence policy within the first year of its implementation, and at least every **five** years thereafter. The Sexualized Violence Policy Implementation Advisory Committee or Equity Committee shall constitute a review committee that includes representatives from all constituencies of the King's Community. In reviewing the policy members shall consult and obtain comments from the various constituencies.*

#### •SVPRO to SHSO

A few errant “SVPROs” from the previous title of the Sexual Health and Safety Officer were still included in the policy after being missed in a previous round of edits. These have been amended for consistency.

#### •Consistent Outcomes Panel Language

Both “Sexualized Violence Hearing Panel” and “Sexualized Violence Outcomes Panel” were used in the policy to describe the same body and work. Instances of “Hearing Panel” were changed to “Outcomes Panel” as this was the term used more frequently in discussion of the policy and Reports.

#### •University Reporting

##### **Current policy**

*8.2.4 Disclosures of Sexualized Violence may be made by a third party or anonymously by a Survivor/Victim. The University will assess the Disclosure to identify any significant threat to the health and safety of Community Members. The University will determine how best to proceed in accordance with its legal obligations, including any relevant Collective Agreements*

The proposed addition to policy outlines and defines what King's policy already has in place for Third Party and University Reporting. For consistency and clarity the term “University Reporting” will be used uniformly.

*8.2.4 University Reports are possible when a) a Disclosure of Sexualized Violence is made by a Third Party with direct information or b) a Survivor/Victim decides not to Disclose or Report formally. The University will assess the Disclosure to identify any significant threat to the health and safety of Community Members. The University will determine how best to proceed in accordance with its legal obligations, including any relevant Collective Agreements.*

*Responsibility for decision-making and response for a University Report is shared between:*

- i. The SHSO; and*
- ii. The Dean of Students, if any of the immediate survivor/victim(s) or respondent(s) is a student; and/or*
- iii. The Vice President, if any of the immediate the survivor/victim(s) or respondent(s) is a faculty or staff member.*

*In responding to information brought forward, King's will balance:*

- i. The privacy, confidentiality, and wishes of any identifiable Survivor/Victim; and*
- ii. King's legal duty to provide a safe learning, working, and living environment.*

*In rare cases where King's has reason to believe there is an imminent risk to any member of the King's community, the Dean of Students/Vice President may decide to take responsive action, even if the survivor/victim decides not to Disclose or Report. If it is determined that the risk and/or impact of the information brought forward to the University necessitates a Report and/or Investigation this can proceed under the Sexualized Violence Policy. A University Report will be processed and responded to by the University in a manner that is consistent with the University's core values and principles set out in sections 2 and 3 of the Policy (including support and resources for any reporting Third Party). It will also be conducted in the same manner as a Report and/or Investigation in accordance with the procedures set out in sections 8, 9, 10, 11, and 12 of this Policy, with the following key differences:*

- a. all references to Report shall be read as University Report;*
- b. the person bringing forward information (i.e. Survivor/Victim who decides not to Disclose or Report formally, or a Third Party with direct information) will not be required to participate in any way;*

*c. the person bringing forward information is entitled to support from the SHSO but will not have access to further Report documents (i.e. Respondent's response, Investigation Report, Outcomes Panel Report, final Presidential decision, etc.).*

In addition to the edit of section 8.2.4 two definitions have been added to the policy in regards to University Reporting:

***Third Party:*** *A member of the University Community or Visitor who has witnessed, has knowledge of, or has reasonable concerns about an incident of Sexualized Violence but is not the Survivor/Victim.*

***University Report:*** *In rare cases where King's has reason to believe there is an imminent risk to any member of the King's community, the Dean of Students/Vice President may decide to take responsive action, even if the survivor/victim decides not to Disclose or Report. If it is determined that the risk and/or impact of the information brought forward to the University necessitates a Report and/or Investigation this can proceed under the Sexualized Violence Policy. A University Report will be processed and responded to by the University in a manner that is consistent with the University's core values and principles set out in sections 2 and 3 of the Policy (including support and resources for any reporting Third Party). It will also be conducted in the same manner as a Report and/or Investigation in accordance with the procedures set out in sections 8, 9, 10, 11, and 12 of this Policy, with the following key differences:*

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*have access to further Report documents (i.e. Respondent's response, Investigation Report, Outcomes Panel Report, final Presidential decision, etc.).*