



Assessment & Review of the University of Guelph's Sexual Violence Policy

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Possibility Seeds



Land Acknowledgement

This work is taking place on and across the traditional territories of many Indigenous nations. We recognize that gender-based violence is one form of violence caused by colonization that is still used today to marginalize and dispossess Indigenous peoples from their lands and waters. Our work on campuses and in our communities must center on this truth as we strive to end gender-based violence. We commit to learning and taking an anti-colonial inclusive approach in all our work. We intend to honour this responsibility by actively incorporating into our work the [Calls for Justice within Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#).

About Possibility Seeds

Possibility Seeds grows equity with purpose, hope and impact.

We are a Canadian social change consultancy dedicated to gender justice, equity, human rights and inclusion. We believe safer and more equitable workplaces, organizations, and institutions are possible.

Learn more about our work at www.possibilityseeds.ca.



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INTRODUCTION

In November 2022, the University of Guelph hired Possibility Seeds to conduct a review of its Sexual Violence Policy. This report is the outcome of that review.

This report is organized into three parts. First, we offer a summary assessment of the critical issues identified in our review of the Sexual Violence Policy and accompanying procedures. Here we identify gaps and concerns and provide recommendations supported by resources and promising practices.


Next, we provide a more detailed document review of the Sexual Violence Policy and accompanying procedures. Here we identify minimum standards informed by the legal obligations under Ontario Regulation 131/16 and the foundational standards of procedural fairness, trauma-informed practice, and harm reduction that must inform all aspects of the institutional complaints process. For each minimum standard, we assess the specific policy provisions that meet or fail to meet the standard, accompanied by a recommendation and, where relevant, supportive resources.

Finally, the Appendix (“Bicycle Rack”) identifies areas for further thinking and suggestions for resources beyond the scope of this policy review based on common questions and areas that would benefit from additional attention.

We must acknowledge the limitations of institutional policies to address sexual and gender-based violence on campus. While a clear and accessible policy is essential and necessary, this is only one small piece of the work that needs to be done. Effective prevention and response to sexual violence on campus cannot be made in a silo – it requires collaboration within and between institutions, all levels of government, survivors, organizations and the broader community, as well as resistance and resiliency.

Beyond policy, there also needs to be procedurally fair, trauma-informed procedures that help to operationalize the policy and a strong prevention education action plan, all of which should be connected to and embedded in your academic plan.

The assessment and recommendations made in this report were written to understand that institutional policies must be accessible, nimble, and balance meeting minimum standards without being too prescriptive or limiting. A good institutional policy should offer a framework to address sexual violence and provide the foundation for the procedures that help to guide the policy into practice. It should be aspirational and attainable and must



attend to the complex regulatory and legal environment it operates in. While the recommendations made in this report are attentive to this environment, they do not constitute legal advice.



SUMMARY ASSESSMENT

SHIFT TITLE OF POLICY FROM SEXUAL VIOLENCE TO SEXUAL VIOLENCE AND GENDER-BASED VIOLENCE (GBV)

Concern: The current title of the policy limits the focus on sexual violence. The focus of much of the advocacy, policy, support and prevention on PSI campuses has been sexual violence. Three in ten (29%) women 15 to 24 years of age reported having been subjected to intimate partner violence in the past twelve months. Intimate partner violence is an issue for youth ([Government of Canada](#)). Through research and interviews with advocates and campus community members, we know that the current scope of sexual violence policies can fall short of supporting people affected by GBV.

For example, a student may be subjected to physical abuse from a partner and unable to access support services as this violence does not fall within the scope of current sexual violence policies.

Recommendation: Amend the title of the policy to Sexual Violence and Gender-Based Violence Policy.

POLICY & PROCEDURES DOCUMENTS

Concern: The Sexual Violence Policy is divided into three documents: *Policy 1.4 Sexual Violence Policy*; *Sexual Violence Procedures Document – Students*; and *Sexual Violence Procedures Document – Faculty & Staff*. This can cause confusion, especially for people who have been subjected to sexual violence and/or are going through a process under the policy. It also allows for inconsistencies (e.g., there is a reference to procedural fairness for the formal complaint process in the Sexual Violence Procedures Document – Faculty & Staff, but procedural fairness is only referenced in the context of interim measures and appeals in The Sexual Violence Procedures Document – Students).

Recommendation: All three documents should be combined into one policy on sexual violence, with related content grouped together to improve clarity, accessibility, and organization.



LANGUAGE & DEFINITIONS


Concern: The definition section should be more robust, including definitions of terms used throughout the policy document. Some terms should be replaced to make a more obvious distinction from criminal proceedings. It's also unclear why many terms are capitalized throughout the policy and procedures.

The policy and procedure documents use the “formal complaint”/“formal complaint process” to refer to a report of sexual violence and the institutional complaint process for sexual violence. Using the word “formal” implies that the complaints process is *the* resolution option for reports of sexual violence and diminishes the validity of alternative resolution or non-adjudicative options or not engaging with a resolution process at all. Institutional complaint processes, while important, are not always appropriate and can be harmful, even with robust trauma-informed practices in place. It also implies that alternative resolution or non-adjudicative options are informal processes when, in reality, they too must have clear processes throughout and, when done appropriately, are often just as structured and can be more involved than an institutional complaints process. We suggest saying that there is a “reporting process,” one being adjudication and the alternative resolution. This moves away from formal to informal.

The policy and procedure documents refer to the Director - Sexual Violence Support Centre. Yet, based on a review of the University of Guelph website, there doesn't appear to be a Director of Sexual Violence Support Centre and the link for the Director's contact information provided in section 2 of The Sexual Violence Procedures Document – Students does not give any information about, or reference to, the Director.

Recommendation: The following is a non-comprehensive list of terms that should be clearly defined in the policy or where a more robust definition would be beneficial. We are happy to work with the University of Guelph to provide definitions as needed.

1. Accountability
2. Employee
3. Interim Measures
4. Person Affected by Sexual Violence and Harassment
5. Gender-Based Violence

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6. Person Who Caused Harm
 7. Person Accused
 8. Complainant
 9. Respondent
 10. Trauma-Informed
 11. Procedural Fairness
 12. Limits of Confidentiality
 13. Sexual Misconduct

We recommend removing the word “formal” before “complaints processes” and replacing “formal complaint” with “report.”

The titles/roles referred to in the policy and procedures should be corrected and linked to the correct contact information on the website.

FOUNDATIONAL STANDARDS

Concern: The policy and procedures have no explicit commitment or reference to trauma-informed practices. Procedural fairness is included as a policy goal for all parties, which is a great start. However, there are some instances (cited in the review below) where procedural fairness appears to be misunderstood in the context of a post-secondary institution’s policies. Beyond the policy goals, there is no mention of procedural fairness as it applies to complainants.

Recommendation: Include a commitment to trauma-informed practice in both policy goals and throughout the policy and procedures when referring to specific processes and practices. Ensure that trauma-informed practice is considered as it applies to both parties. Additionally, more thought should be given to what procedural fairness and trauma-informed practice mean in the context of the University of Guelph’s policy and how it is applied.



EDUCATION

Concern: Section 18 Training and Section 19 Sexual Violence Awareness and Education Programs include some minimum standards for prevention education in sexual violence policies (see below). However, it can be strengthened significantly.

Recommendation: Include the following minimum standards related to prevention education:

- Detailed provision with clear guidelines related to prevention education;
- Explicit outline of roles, responsibilities, and expectations of all campus community members related to GBV prevention education;
- Commitment to providing all members of the community with trauma-informed, healing-centred prevention, accessible education and training;
- Commitment to designing a comprehensive, evidence-based holistic GBV prevention education plan;
- Provision embedding an education task force; and
- Commitment to reviewing and updating the education plan every three years to coincide with policy review timelines.


Resource: Education and Training Toolkit: Addressing and Preventing Gender-Based Violence at Post-Secondary Institutions by Dr. CJ Rowe and Jennifer Flood, available on the [Courage to Act Knowledge Centre](#).

Promising Practices:

- Simon Fraser University, [Sexual Violence and Misconduct Prevention, Education and Support](#), s. 6.0 Awareness, Education and Training
- Toronto Metropolitan University, [Sexual Violence Policy](#), Part One – Education and Support

SUPPORT & RESPONSE

Concern: While clause 7(i) outlines some principles for survivors' support, it solely focuses on students and does not include workplace accommodations. Additionally, clause 7(ii)



does not provide for support for persons during resolution processes; only information about support will be provided.

Recommendation: Include minimum standards for trauma-informed, healing-centred, violence-informed support and response to sexual violence on campus.

Specifically, clause 7(i) should include:

- People affected by sexual violence will be able to access support regardless of whether they report sexual violence to the university;
- People affected by sexual violence will be able to access support regardless of when, by whom, and where the sexual violence occurred;
- People affected by sexual violence will be provided with information regarding relevant policies, including limits to confidentiality;
- People affected by sexual violence have the right to academic considerations and workplace accommodations; and
- A recognition that sexual violence is a manifestation of systemic oppression, including but not limited to anti-Black racism, colonization, racism, misogyny, ableism, classism, homophobia, and transphobia. As a result, an individual's social location impacts how they are targeted for sexual violence, the support services they can access and how they are treated when accessing institutional support, including but not limited to the legal system and health care.

With a reorganization of the documents, clause 7(ii) should be organized with policy statements on the complaint process and speak to providing support and accommodations for parties to an institutional complaint or other resolution processes.

Promising Practices:

- Simon Fraser University, [Sexual Violence and Misconduct Prevention, Education and Support](#), s. 5.0 Sexual Violence Support and Prevention Office
- Toronto Metropolitan University, [Sexual Violence Policy](#), Part One – Education and Support

SEXUAL VIOLENCE POLICY REVIEW

The Sexual Violence Policy was reviewed and assessed based on a set of minimum standards. These minimum standards were identified according to the requirements laid out in [Ontario Regulation 131/16: Sexual Violence at Colleges and Universities](#), as well as recommendations from Courage to Act's [Comprehensive Guide to Campus GBV Complaints](#) and the [Ontario Undergraduate Student Alliance](#) to ensure that the foundational standards of procedural fairness, trauma-informed practice, and harm reduction are met. Legislated requirements are marked by an asterisk (*).

APPLICATION, SCOPE, & COMMITMENTS	
Minimum Standard	Assessment and Recommendations
Plain language, acronyms spelled out and clearly organized	<p>The Sexual Violence Policy, as it is currently written, could improve its accessibility and readability with some adjustments identified throughout this report. Currently, some important statements are buried throughout the document that should be highlighted.</p> <p>Having three separate documents for the policy and accompanying procedures for students and staff/faculty also raises questions for accessibility and clarity. It would be more clearly organized and easier for the reader if the policy and procedures were organized into one document, with related content grouped together (e.g., policy and procedures related to the complaint process should be organized together).</p> <p>Additionally, we recommend removing the use of “formal” when referring to complaints and replacing it with “report” instead, and ensuring that references to specific roles/titles (e.g., Director) are accurate and up-to-date.</p>

<p>Clear delineation of scope and application</p>	<p>While it is good to be broad in scope, there are some common “grey areas” that would be helpful to be explicit about whether or not they fall within the scope of the policy. Further, there is no definition of “University Community Member” or “student.” This can create additional confusion for the “grey areas.”</p> <p>We recommend providing specific criteria for who is considered a University Community Member, specifically where there may be confusion as to whether the policy applies, such as</p> <ul style="list-style-type: none"> • Alumni • Co-op or other experiential learning activities • Educational or work exchanges • Off-campus conferences • Business partners or enterprises • Vendors <p>We additionally recommend clearly defining who is considered a student, including providing clarity around whether the policy applies to students who are on a leave of absence or who have voluntarily withdrawn.</p> <p>Additionally, consider including a statement that speaks to the University’s commitment to institutional accountability and providing a safe working and learning environment in cases beyond the policy’s scope.</p> <p>An example of this is in the University of Victoria’s Sexualized Violence Prevention & Response Policy: “If an incident does meet one or more criteria in section 10.2 [scope/application], the university may still take steps to mitigate the impact of the incident on the learning, living, or working environment.”</p>
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	<p>It is unclear how the policy applies when a respondent is both a student and an employee. It should be clear who will determine the appropriate procedures to apply in these instances and how that determination will be made.</p> <p>We recommend including a statement indicating who will determine which procedures to follow when a respondent is a student and an employee and the factors that will be considered to make this determination for clarity and transparency.</p> <p>Finally, it is unclear how the policy applies if a student respondent voluntarily withdraws from the University. Given that voluntary withdrawals are time-limited, it is important to clarify how this informs the complaint procedures and what happens to the complaint when they return.</p> <p>We, therefore, recommend including a statement and accompanying procedures that apply to the complaint process when a respondent voluntarily withdraws from the University and upon their return.</p> <p>See A Comprehensive Guide to Campus GBV Complaints (Chapter 4). Strategy 4: Lay out the application and scope of your policy (Chapter 14). Historical Complaints</p>
A clear statement about when and how law enforcement will be involved.	This standard is met.
Explicit about foundational standards applied (procedural	One of the policy goals is to “ensure procedural fairness and due process for all parties in the Resolution Processes.”

<p>fairness, trauma-informed practice, harm reduction).</p>	<p>We recommend including a more explicit statement about the University's commitments to ensuring the procedures under the policy meet the standards of procedural fairness, trauma-informed practice and harm reduction and that these standards apply to all parties, as well as in both student and employee contexts.</p> <p>For additional guidance, see Webinar: Introduction to the Foundational Standards for Campus Gender-Based Violence Complaints</p>
<p>Statement(s) on accountability.</p>	<p>This policy's references to accountability are limited, referring only to holding respondents or individuals who have committed an act of sexual violence accountable. This is a narrow understanding of accountability.</p> <p>We recommend adding a commitment to addressing institutional gaps that enable harm and an action plan with benchmarks to remedy gaps and foster cultural change to avoid harm under the University's obligations. Making this explicit in policy supports institutional accountability.</p> <p>See A Comprehensive Guide to Campus GBV Complaints (Chapter 3) for additional guidance. Principle 2: Promote accountability (Chapter 4). Strategy 5: Build accountability to the complainant into your processes (Chapter 4). Strategy 6: Be explicit about institutional accountability.</p>
<p>Explicit about the institution's commitment to addressing systemic oppression (anti-oppression, anti-racist, anti-sexist, and anti-ableist statements).</p>	<p>No statements in the policy signal the institution's commitment to addressing systemic oppression.</p> <p>We recommend including a statement committing to addressing systemic oppression to recognize the systemic and intersecting factors that allow for and</p>

	<p>perpetuate gender-based violence, including anti-oppression, antiracist, anti-sexist, and anti-ableist statements).</p> <p>For additional guidance, see:</p> <ul style="list-style-type: none"> • A Comprehensive Guide to Campus GBV Complaints (Chapter 4) <p>Strategy 3: Articulate the underlying values, principles, and institutional goals of the complaints processes in institutional policy</p> <ul style="list-style-type: none"> • Webinar: Anti-Colonial Approaches to Addressing GBV with Indigenous Communities
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SUPPORTS, SERVICES AND ACCOMMODATIONS	
Minimum Standard	Assessment and Recommendations
Explicit that access to supports, services, accommodations is not dependent on making a complaint*	This standard is met in clause 7(i).
Provides information about the supports and services available at the college or university for students who are affected by sexual violence and identifies the specific official, office or department at the college or university that should be	<p>This standard is partially met.</p> <p>As noted in the summary above, <i>Sexual Violence Procedures Document – Students</i>, clause 2, refers to the Director Sexual Violence Support Centre. Yet, based on a review of the University of Guelph website, there doesn't appear to be a Director of Sexual Violence Support Centre. The link for the Director's contact information provided does not provide any information about, or reference to, the Director.</p>

contacted to obtain such supports and services*	
Provides information about the supports and services available in the community for students who are affected by sexual violence*	This standard is met.
Informs students that the college or university will appropriately accommodate the needs of students affected by sexual violence and identifies the specific office or department at the college or university that should be contacted to obtain such accommodations*	<p>This standard is partially met.</p> <p>Clause 7 states that survivors may “be provided with appropriate forms of academic consideration and other supports based on demonstrated need.” However, we recommend a broader statement regarding accommodations and explicit statements about accommodations available to those involved in a complaint or resolution process (see the section on the complaints process below).</p>

INTERIM MEASURES	
Minimum Standard	Assessment and Recommendations
Authority to use interim measures	This standard is met in clause 10.
Purpose of using interim measures	It is unclear what the purpose of using interim measures is in this policy.

	We recommend explicitly stating the purpose of interim measures is in the policy in order to support procedural fairness and transparency.
Goals of imposing interim measures	<p>It is unclear what the goals of applying interim measures are.</p> <p>We recommend explicitly stating the goals of applying interim measures to support procedural fairness and transparency.</p>
Factors to be considered when imposing interim measures	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 7(a) and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 6(a).
Respondent and complainant rights regarding interim measures	<p>This clause is partially met in <i>Sexual Violence Procedures Document – Students</i>, clause 7(a), and <i>Sexual Violence Procedures Document – Faculty & Staff</i>, clause 6(a), which identify the respondents' right to procedural fairness. However, they do not state procedural fairness rights in the context of interim measures, and complainant rights are not mentioned.</p> <p>We recommend including a statement outlining the procedural fairness rights afforded to the respondent and the complainant regarding interim measures.</p>
Options for periodic review or appeal of interim measures and process for addressing changing circumstances	<p>There is currently no reference to options for periodic review or appeal of interim measures, nor is there a clear indication of the process for addressing changing circumstances.</p> <p>We recommend including a statement that allows for periodic review or appeal of interim measures, along with the process for addressing changing circumstances. These should be available to both the respondent and the complainant.</p>

Examples of the interim measures that may be implemented while an incident or complaint is being investigated or a decision is being made regarding the incident or complaint*	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 7(a) and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 6(a).
A statement that interim measures are for respondents, not complainants.	While it is possible to infer, there is no explicit statement that interim measures only apply to the respondent and should never be imposed on a complainant. We recommend including a statement that clarifies that interim measures only apply to the respondent.
A statement that interim measures are time-limited	This standard is met in clause 2(vi), <i>Sexual Violence Procedures Document – Students</i> , clause 7(b), and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 6(b).
A statement that interim measures are non-disciplinary.	There is no statement in the Policy or Procedures that interim measures are strictly non-disciplinary. We recommend including a statement that makes it clear that interim measures only apply to the respondent and that they only apply to the respondent.

DISCLOSURES & REPORTING

Minimum Standard	Assessment & Recommendations
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States the roles and responsibilities of senior administrators, students, faculty, other employees, contractors and witnesses upon becoming aware of incidents or complaints of sexual violence*	This is missing from the policy document.
Explicit information about how and where to make a complaint*	This standard is met, although it would benefit from some amendments to make it as clear as possible where a person should go to make a complaint.
A statement that no time limits are attached to reporting	While this policy does not specify any time limits attached to reporting, it also does not specify that there are no time limits attached to reporting. We recommend including an explicit statement that no time limits are attached to reporting.
Explicit statement that complainants' sexual history and sexual expression will be excluded from investigations and hearings*	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 5(b)(v).
Explicit statement that complainant will not be subject to disciplinary sanctions for lesser violations of school policies*	This standard is met in clause 12(b).

A statement that a discloser may choose not to request an investigation by the college or university and has the right not to participate in any possible investigation*	This standard is met.
Clear information about triggers and threshold for when the institution may proceed with a complaint without the discloser choosing to do so*	<p>This standard is met.</p> <p>However, we recommend that if there are specific instances beyond what is noted in section 8(ii) where the University will proceed without the consent of the discloser (for example, where there are clear power imbalances) that these instances be explicitly included in this section.</p> <p>Further, the policy should specify that where the University is moving forward with an investigation without the person who disclosed the sexual violence, that person will be informed about what is being done, why it's being done, and their rights and responsibilities.</p> <p>See A Comprehensive Guide to Campus GBV Complaints (Chapter 5) for further guidance. Strategy 1: Allow an individual to decide whether or not to enter and remain involved in the complaints process</p>
Provides for non-disciplinary, non-adjudicative, alternative response options	This standard is met in clause 9 and in <i>Sexual Violence Procedures Document – Students</i> , clause 5(a) and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 4(a).
Explicit statements about confidentiality commitments,	This standard is partially met.

requirements, limits, and consequences of breach*	<p>The policy provides the University's commitment to confidentiality and its limits, but confidentiality requirements and limits are not included for parties to a complaint and consequences of breach.</p> <p>We recommend including explicit statements outlining the expectations, limits, and consequences for breach of confidentiality as it applies in each context and to each person, both in the complaints process and in incident response and sexual violence reports.</p>
Examples of the measures that may be implemented to protect a person reporting an incident of, or making a complaint about, sexual violence from retaliation and the threat of retaliation*	This standard is met in clause 12.

FORMAL COMPLAINTS PROCESS	
Minimum Standard	Assessment and Recommendations
Option to pause or withdraw from complaint process, limitations, and consequences	<p>This standard is met in clause 11.</p> <p>However, this section should also specify that where the University is moving forward with an investigation without the person who disclosed the sexual violence, that person will be informed about what is being done, why it's being done, and their rights and responsibilities.</p>

	See A Comprehensive Guide to Campus GBV Complaints (Chapter 5) for further guidance. Strategy 1: Allow an individual to decide whether or not to enter and remain involved in the complaints process.
Clear statement that supports persons or advisors are allowed for both parties throughout the complaints process*	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 5(b)(v) but is missing from <i>Sexual Violence Procedures Document – Faculty & Staff</i> .
A clear statement on the rights of both parties to accommodations to support their full participation in the complaints process	There is no clear statement that speaks to a complainant or respondent's right to accommodations to support their full participation in the complaints process specifically. We recommend adding a statement that explicitly states the rights of both parties to accommodations to support their full participation in the complaints process, as well as a statement committing to meeting the legal requirements for reasonable accommodations.
A clear statement that procedural fairness rights apply to both complainant and respondent.	This standard is met in clause 4(ii).
Clear statement outlining procedural fairness rights:* <ul style="list-style-type: none"> • The right to a timely process • The right to an unbiased decision-maker 	The only outlines some elements of procedural fairness afforded to the parties in the <i>Sexual Violence Procedures Document – Faculty & Staff</i> . Ensure that the policy explicitly identifies the following procedural fairness rights, as they apply to both the respondent and the complainant (for both students and faculty and staff):

<ul style="list-style-type: none"> • The right to make submissions and provide counter-arguments 	<ul style="list-style-type: none"> • <i>The right to a timely process:</i> Includes a commitment to providing any additional accommodations as needed as a result of the delay and specifying where and how accommodation requests can be made. • <i>The right to an unbiased decision maker:</i> There should also be a statement of the responsibility for investigators and decision-makers to declare and manage conflicts of interest appropriately so as not to place the onus entirely on the parties to recognize and challenge conflicts. • <i>The right to respond:</i> Include the right of the complainant and respondent to respond to adverse information or challenges to their credibility at all stages of the decision-making process without cross-examination. <p>See A Comprehensive Guide to Campus GBV Complaints (Chapter 4) for further guidance. Strategy 2: Begin with accessible and fair policies and procedures (Chapter 4). Strategy 3: Articulate the underlying values, principles, and institutional goals of the complaints processes in institutional policy (Chapter 5). Strategy 2: Build expectations for a timely process in your policy (Chapter 6). Strategy 1: Create roles within the complaints process to ensure a comprehensive, trauma-informed response (Chapter 5). Strategy 8: Provide opportunities to respond to and challenge adverse information without cross-examination or confrontation.</p>
<p>A statement requiring the investigator to be properly trained*</p>	<p>Clause 18 speaks to training; however, this statement is vague and doesn't speak to the level of training required.</p> <p>We recommend explicit wording about training for investigators, specifically, annual specialized training on trauma-informed, procedurally fair and harm-reduced investigation processes.</p> <p>Note a similar recommendation is made for decision-makers below.</p>

	<p>For further guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 6) Strategy 1: Create roles within the complaints process to ensure a comprehensive, trauma-informed response & Strategy 2: Ensure all personnel have been properly trained.</p>
The process for deciding whether the college or university will investigate an incident or complaint of sexual violence*	<p>This standard is met in <i>Sexual Violence Procedures Document – Students</i>, clause 5(a)(ii), but it's unclear in <i>Sexual Violence Procedures Document – Faculty & Staff</i> what the process is (there is a process for moving forward with an alternative resolution process, but it appears that a reference to the process for formal complaints similar to in the student procedures is missing).</p>
Clear overview of investigation procedures*	<p>This standard is met in <i>Sexual Violence Procedures Document – Students</i>, clause 5(b) and <i>Sexual Violence Procedures Document – Faculty & Staff</i>, clause 4(b).</p>
A statement indicating who will be involved at each investigation stage*	<p>This standard is met in <i>Sexual Violence Procedures Document – Students</i>, clause 5(b) and <i>Sexual Violence Procedures Document – Faculty & Staff</i>, clause 4(b).</p>
A statement indicating who may receive the investigation report	<p>This standard is met in <i>Sexual Violence Procedures Document – Students</i>, clause 5(b)(ix), but not in <i>Sexual Violence Procedures Document – Faculty & Staff</i>, which only speaks to notifying both parties of the outcomes and opportunities to challenge the outcome.</p> <p>The minimum requirement for procedural fairness is to provide both the respondent and complainant with the investigation results in writing. Still, ideally, the entire investigation report should be provided (with personal information from third parties redacted).</p> <p>This recommendation comes from an expert panel that considered the limitations of disclosing this information from privacy laws, with a responsibility to uphold human</p>

	<p>rights and procedural fairness (see Chapter 12: Privacy and Disclosure in A Comprehensive Guide to Campus GBV Complaints).</p> <p>Therefore, we recommend including a statement indicating that, in addition to the Adjudicator or decision-maker, the respondent and complainant will receive a copy of the investigation report or, at minimum, the investigation results in writing.</p> <p>See A Comprehensive Guide to Campus GBV Complaints (Chapter 9) for further guidance. Strategy 4.3: Disclose the case to be met and allow the respondent to respond</p>
Aligns with the collective agreement.	This standard is met in clause 1.
Clear overview of decision-making procedures*	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 5(b) and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 4(b).
A statement indicating who will be involved at each stage of the decision-making process*	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 5(b) and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 4(b).
Includes a statement requiring decision-makers to be properly trained.	<p>Clause 18 speaks to training; however, this statement is vague and doesn't speak to the level of training required.</p> <p>We recommend explicit wording about training for decision-makers, specifically, annual specialized training on trauma-informed, procedurally fair and harm-reduced decision-making processes.</p> <p>For further guidance, see A Comprehensive Guide to Campus GBV Complaints</p>

	(Chapter 6) Strategy 1: Create roles within the complaints process to ensure a comprehensive, trauma-informed response & Strategy 2: Ensure all personnel have been properly trained.
Allows for flexibility of hearing format (i.e., does not restrict to oral or synchronous hearing formats).	This standard is met by not specifying what format hearings must take in the policy.
Allows both parties to respond to and challenge adverse information.	<p>There are no explicit statements allowing for the right to respond to adverse information other than the appeal options available.</p> <p>While the opportunity to respond is not precluded, we recommend explicitly including the right for both parties to respond to adverse information or challenges to their credibility during the investigation and decision-making process.</p> <p>For further guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 5) Strategy 8: Provide opportunities to respond to and challenge adverse information without cross-examination or direct confrontation</p>
Does not allow for cross-examination.	<p>While nothing in this policy explicitly allows for cross-examination, it can be a common misconception that there is a right to cross-examination. This misconception should be addressed directly in the policy.</p> <p>We recommend including a statement in the policy that prohibits cross-examination or, at minimum, removes all statements that allow cross-examination.</p>

	<p>There are arguably superior forms of credibility testing that align with an investigative (rather than adversarial, trial-like) model, but if cross-examination remains an allowable option under the policy, ensure there are procedures in place to minimize the negative impact of cross-examination on the complainant/survivor (see Chapter 10, Strategy 3.3 – Minimize the negative effects of cross-examination for practice guidelines in A Comprehensive Guide to Campus GBV Complaints).</p> <p>For additional guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 5)</p> <ul style="list-style-type: none"> • Strategy 8: Provide opportunities to respond to and challenge adverse information without cross-examination or direct confrontation
Statement indicating who may receive the outcome or outcome. A decision that includes both the respondent and complainant.	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 5(b)(ix) and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 4(b).
Includes examples of the decisions that may be made and measures that may be imposed after an incident or complaint is investigated*	This standard is met in <i>Sexual Violence Procedures Document – Students</i> , clause 6 and <i>Sexual Violence Procedures Document – Faculty & Staff</i> , clause 5.

APPEALS	
Minimum Standard	Assessment and Recommendations

<p>Right to appeal adjudicative decisions available to both respondent and complainant</p>	<p>This standard is met in <i>Sexual Violence Procedures Document – Faculty & Staff</i>, clause 4(b)(v) and partially met in <i>Sexual Violence Procedures Document – Students</i>, clauses 5(b)(x) and 5(b)(xi). However, the availability of the appeal for the complainant is limited to a finding of bad faith or vexatious complaint. According to procedural fairness requirements (legitimate expectations), a complainant has the same right to appeal as the respondent. Providing the right to appeal to both parties also supports a timely, trauma-informed process for survivor autonomy. It helps the university meet requirements to protect the complainant's human rights by providing a non-discriminatory process where the rights of one party do not supersede the other, and both parties are afforded full participation. This should be explicit in the policy.</p> <p>We recommend amendments to ensure the complainant has the same right to appeal as afforded to the respondent.</p> <p>When afforded to both parties, the right to appeal is also an important risk management mechanism, as complainants who are denied participatory rights may seek recourse through the courts.</p> <p>For additional guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 5)</p> <ul style="list-style-type: none"> • Strategy 11: Make the appeal available to both parties • Strategy 10: Provide an appeal on the record, not a fresh hearing of the case • Strategy 7: Choose asynchronous hearings • Strategy 8: Provide opportunities to respond to and challenge adverse information without cross-examination or direct confrontation
<p>Allows for flexibility of (appeal) hearing format (i.e., does not restrict to oral or synchronous hearing formats)</p>	<p>This standard is met by not specifying in policy what format appeal hearing must take in <i>Sexual Violence Procedures Document – Students</i>, clauses 5(b)(x)-(xiii) and <i>Sexual Violence Procedures Document – Faculty & Staff</i>, clause 4(b).</p>

	<p>Note that the decision on what format the hearing will take should consider the preferences or needs of the parties. Where an oral hearing is required – e.g., a party's credibility is central to the appeal – or chosen, it should be asynchronous and non-adversarial.</p> <p>For additional guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 5)</p> <ul style="list-style-type: none"> • Strategy 7: Choose asynchronous hearings
Allowing for an appeal on the record, not a <i>hearing de novo</i> (fresh re-hearing of the case).	<p>Currently, <i>Sexual Violence Procedures Document – Students</i>, clause 5(b)(xii) specifies that an appeal will proceed as a <i>hearing de novo</i> in accordance with the rules of procedural fairness. However, there is no procedural fairness requirement for a <i>hearing de novo</i> (although if the policy specifies a <i>hearing de novo</i>, it would be required, which is why we recommend removing this clause).</p> <p>An appeal on the record or a review of the fairness of the previous decision is a more trauma-informed approach and more effectively balances other institutional considerations, such as limited budgets, staffing, resources and facilities, with the need for fair and timely resolution.</p> <p>For additional guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 5)</p> <ul style="list-style-type: none"> • Strategy 10: Provide an appeal on the record, not a fresh hearing of the case
Includes a description of the appeal processes that may be available related to decisions resulting from the investigation process*	<p>This standard is met in <i>Sexual Violence Procedures Document – Students</i>, clauses 5(b)(x)-(xiii). However, amendments may need to be made to the appeal process as the other minimum standards related to appeals are addressed.</p> <p>For additional guidance, see A Comprehensive Guide to Campus GBV Complaints (Chapter 5)</p> <ul style="list-style-type: none"> • Strategy 11: Make the appeal available to both parties



	<ul style="list-style-type: none">• Strategy 10: Provide an appeal on the record, not a fresh hearing of the case• Strategy 7: Choose asynchronous hearings• Strategy 8: Provide opportunities to respond to and challenge adverse information without cross-examination or direct confrontation
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REVIEW	
Minimum Standard	Assessment and Recommendations
Review sexual violence policy at least once every three years*	This standard is met.
Establish a process, in consultation with representatives of the college's or university's elected student governing bodies, for the provision and consideration of input from a diverse selection of students regarding the college's or university's sexual violence policy*	This is missing from the policy document.



BICYCLE RACK: FURTHER WORK NEEDED

EXPLORATION OF PROTOCOLS AND SUPPORTS FOR PEOPLE WHO CAUSE HARM

An effective, survivor-centred, holistic approach to addressing GBV on campus requires a comprehensive and coordinated approach to working with people who have caused harm. See [Supporting the Whole Campus Community: A Roadmap Tool for Working with People Who Have Caused Harm](#) for a guiding framework to design, develop, and implement a principles-based, trauma-informed, culturally humble process for working with people who have caused harm.

CLARIFICATION OF LIMITS OF CONFIDENTIALITY

There are often questions about privacy and confidentiality arising in GBV cases. Although beyond the scope of this review, there are some things to consider to help address these challenges:

- Read the conclusions from an expert panel that considered the limitations of disclosing this information from privacy laws, with a responsibility to uphold human rights and procedural fairness (see Chapter 12: Privacy and Disclosure in [A Comprehensive Guide to Campus GBV Complaints](#)).
- Read the forthcoming “Unsettled Questions White Paper” on information sharing between institutions (expected May 2023).

BEST & PROMISING PRACTICES OF ACTING WITHOUT A COMPLAINT

We recommend investing resources and time to look at promising and best practices for how to proceed when there is an incident of sexual violence, but no complaint has been made is beyond the scope of this review. However, consider the following resources and tips for coming up with a plan for your institution for these situations:

- [Responding to Critical Incidents of Sexual Violence at Post-Secondary Institutions](#)
- Community Risk Assessment Tool (forthcoming), learn more [here](#)
- Implement harm reduction measures
- Focus on providing supports
- Have a clear communication plan



CREATION OF A MATRIX FOR ASSESSING HARM

The development of a matrix for assessing harm for outcome decisions is beyond the scope of this review; however, a helpful guide for assessing harm and thinking through sanctions or outcomes after a decision has been made is [The ATIXA Guide to Sanctioning Student Sexual Misconduct Violations](#). While this is an American resource, it includes a set of considerations for determining sanctions that can be applied in the Canadian context. There are also strategies in Courage to Act's [Comprehensive Guide to Campus GBV Complaints](#) for procedurally fair, trauma-informed outcomes to reduce harm.

ALTERNATIVE RESOLUTION

Further research and consultation are needed to develop a robust and effective alternative resolution process that addresses potential barriers to the participation of all parties involved. For guidance, please see *Essential Elements for Non-Punitive Accountability: A Workbook for Understanding Alternative Responses to Campus Gender-Based Violence* and Chapter 11 in *A Comprehensive Guide to Campus Gender-Based Violence Complaints*. Both are freely available on the Courage to Act [Knowledge Centre](#).

EMPLOYEE SEXUAL MISCONDUCT POLICY

With Bill 26, Strengthening Post-secondary Institutions and Students Act, 2022, now moving forward, it's important for the University of Guelph to update this policy and corresponding policies to meet the new regulations.

STAFF AND STUDENT DATING RELATIONSHIPS

In June 2022, Courage to Act convened an expert panel to begin a national conversation on the issue of sexual or romantic relationships between students and faculty; [read the report here](#) as well as our article on minimum standards for implementing Bill 26 in Ontario; [read the article here](#). The committee identified vital issues and informed the development recommendations for PSIs to manage the issue and minimize harm. We suggest the institution review the paper and conduct its own reflection process to address this issue.



SEXUAL VIOLENCE RESPONSE STAFF HIRING AND RETENTION

Recognizing the importance of training, effective and supported staff, we recommend exploring the institution's hiring practices and staff retention practices regarding staff roles connected to providing direct work with complainants, respondents and investigations.

COLLECTIVE AGREEMENTS AND SEXUAL VIOLENCE POLICY

Further reflection, research and discussion are needed to clarify the alignment of collective agreements and the Sexual Violence Policy to ensure the institution's commitment to investigations processes are trauma-informed, procedurally fair, and harm reduction is met.

BIWEEKLY CASE CONFERENCE MEETINGS

To ensure communication flows between departments, trends are identified, and protocols are strengthened by those who are directly doing the work, it is our recommendation that a biweekly case conference meeting occurs. This is an informal meeting for SVP case managers (i.e. Sexual Violence Office, Conduct, Human Rights) to connect in a confidential manner.