

Reporting Unwanted Sexual Behavior at a Post-Secondary Institution:

An Examination of Campus Policy

by

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### **Abstract**

The Ontario government has made recommendations and proposed legislation to mandate all universities and colleges in Ontario, Canada to create a sexual assault policy that involves student input. Using a small commuter university in southwestern Ontario as a case study, this thesis examines student perceptions of the policy. This research includes two parts. The first part consists of online qualitative research with seventeen students using an open-ended inductive exploratory instrument which asks students to read and define aspects of policy. The objective of this instrument was to verify if students adequately comprehended the language of the policy, knew how to report, who to report to, felt safe reporting, and found the reporting process supportive of their needs. The second part uses Allan's (2008) policy discourse analysis to investigate replicated power and gender inequalities within the policy as well as policy silences and absences. Student recommendations to the policies are discussed.

*Keywords: policy, sexual assault, campus sexual assault, Canada.*

## Chapter One

Statistics Canada (2008) reports that the highest at-risk group for rape and sexual assault are women between the ages of 15-24 years old. In 1999 and 2004, Canadian women in the at-risk group disclosed a total of 243,000 incidents of sexual assault (Brennan & Taylor-Butts, 2008). This rate is approximately double the rate of those aged 25 to 34 (127,000 incidents) and nearly three times that for 35 to 44 years olds (82,000 incidents) (Brennan & Taylor-Butts, 2008). The effects of sexual assault can be devastating, leading to both psychological and physical damage (Ahrens, Dean, Rozee, & McKenzie, 2008; Ullman, 2004). As many young women in Canada will pursue post-secondary education at this age, they will face the risk of sexual assault on campus making this an issue that post-secondary institutions must address.

Reporting on-campus sexual assault remains a problem. The Canadian press reveals stories of students having mishandled reports, rape chants being sung at public events, and administrators trying to discourage formal reporting. While reported sexual assaults tend to be low for women within the general public with less than one in 10 incidents reported to the police, Canadian postsecondary institutions are seemingly even worse at getting women to report sexual victimization occurring on their campuses (Brennan & Taylor-Butts, 2008; Sawa & Ward, 2015; Sheehy & Gilbert, 2015).

A problem is that many institutions were relying on student codes of conduct and sexual harassment policies as a way to address sexual violence complaints. These policies were inefficient at dealing with the specific demands of sexual assault as demonstrated by ample testimonials from students who have been ignored due to policy incompetency. A specific sexual assault policy can help to protect students by explicitly outlining unacceptable conduct, repercussions for said misconduct, and a list of services provided to the victim (Gunraj, Wandio,

Metro Action Committee on Public Violence against Women and Children, & Canadian Electronic Library, 2015; Mathieu & Poisson, 2014).

In 2015, the Ontario government issued an action plan to help address sexual violence on campus (Government of Ontario, 2015). This action plan included a section with recommendations for universities and colleges to follow, highlighting the need for requirements for post-secondary institutions to implement. In October 2015, the proposed action plan was submitted to the legislature and was passed, requiring all Ontario post-secondary institutions to have on-campus sexual violence and harassment policies that include clearly stated complaint and response procedures and protocols by January 1<sup>st</sup> 2017. It is to be updated every three years with the input of students (Government of Ontario, 2015; 2016).

This thesis aims to investigate student perceptions of the sexual assault policy. Using small, multi-cultural, diverse, commuter university in southwestern Ontario, Canada as a case study, this qualitative grounded theory study sets out to explore student perceptions through an online open ended instrument. In addition, a critical policy discourse analysis included to investigate power and inequalities that may be embedded within the policy. Using structured action theory the results of the study are discussed in relation to the social structures of labour, power, and sexuality.

Chapter two of this thesis introduces the problems with campus sexual assault policies, and includes a discussion of applicable theory, the problematic social-legal context of sexual assault in Canada, and the benefits and downsides of mandating a sexual assault policy.

Chapter three discusses the methods utilized in this study. More specifically, this chapter discusses the participants, materials, procedure and data analysis. Following that, the second part of the study is a critical policy analysis of the university's revised sexual assault policy.

Unfortunately, due to the timing of this study, two versions of the university's sexual assault policy were used. The latter policy was in compliance with the Ontario Ministry of Training, Colleges, and University Act, making the critical analysis more relevant to the current status of sexual violence policy on campus.

Chapter four discusses the findings of the study. Policy definitions, barriers to reporting and student recommendations to the sexual violence policy are discussed. Part two of the results consists of a policy discourse analysis that highlighted issues of gender and institutional power.

Chapter five discusses the implications of the findings for part one, the student online qualitative research, and part two, the policy discourse analysis, in terms of structured action theory and the social structures of labour, power, sexuality. Policy recommendations are made and limitations and future research directions are discussed.

## **Chapter 2: Literature Review**

### **The Current State of Policy**

Currently, there are no national standards for addressing sexual violence on Canadian university and college campuses. Rather, there is a series of recommendations and some provincial legislation (Ontario and British Columbia), leaving disciplinary actions to the universities to handle. In addition, there is limited research on campus response protocols in Ontario or Canada (Ammar, Frederick, Marques, O'Connor & Scott, 2016; Bill 23, 2016; Government of Ontario, 2015; Gunraj et al., 2015; Sheehy & Gilbert, 2015).

Each campus needs its own specific policy that speaks to those particular risk factors associated with their community (Ammar et al., 2016; Tamborra & Narchet, 2011). A 'one size fits all' approach to sexual violence is not sufficient due to varying risk factors from campus to campus. At present, there are two models in place for on-campus sexual violence response across Ontario post-secondary institutions (Ammar et al., 2016). The first is survivor led where the survivor is empowered to make decisions throughout the services and reporting procedure. The second response is an automatic referral of sexual violence to police. The survivor led process allows the complainant to make decisions and be aware of the formal complaint process.

It has been noted that post-secondary institutions tend to favor the alleged perpetrator rather than the victim. Osborne (1992) calls the policy response to sexual harassment by Canadian universities ineffective as it avoids the real issue of hostility and misogyny that is occurring on campuses. The criticisms include failing to include a definition of sexual assault, failing to outline the rights of the complainant, and allowing for mediation or informal resolution as a form of response in the complaint process. Many policies fail to address whether or not the people in

charge of the process had special training in sexual violence which is something that is highly recommended in the American literature on campus sexual assault (Ammar et al., 2016; Gunraj et al., 2015; U.S. Department of Education, Office for Civil Rights, 2013). Moreover, it has been noted that male dominated power and control are duplicated in some sexual assault policies and also in the handling and interpretation of reported sexual assaults (Brubaker, 2009). A male dominated environment within a post-secondary institution can inhibit a gender equal environment preventing women from feeling confident to report crimes. In fact, Brubaker (2009) notes that a high rate of reporting signifies a low barrier to reporting. Inversely, a low rate of reporting suggests a high barrier to reporting.

Victims can be concerned with many barriers to reporting, such as gossip, retaliation, and discrimination from their peer group. Moreover, the campus environment can be victim blaming and victims can experience confidentiality concerns and the inability to corroborate the incident. Self-blame, guilt, embarrassment, fear, fear of reprisal, and not understanding the legal definition of sexual assault are other barriers to reporting that are experienced (Amar, Stout, Simpson, Cardiello, & Beckford, 2014; Brubaker, 2009; Du Mont, Miller, & Myhr, 2003; Fisher, Cullen, & Turner, 2000; Rennison, 2002; Tamborra & Narchet, 2011; Tillman, Bryant- Davis, Smith & Marks, 2010; Walsh, Banyard, Moynihan, Ward, & Cohn, 2010). Koss (1985) illustrated the importance of understanding the legal definition finding that 43% of women who had been raped failed to classify themselves as rape victims. This is despite having reported oral, anal or vaginal intercourse without consent, either with the use of coercion, threat, or physical force. These women were considered 'unacknowledged rape victims'. Therefore, in order for students to identify when they have been victimized, they need to be familiar with the definitions of sexual assault, consent, and sexual violence.

Correspondingly, feeling comfortable when reporting is very important to students. Female students have noted feeling uncomfortable reporting an incident to campus police who were older male officers, seeing them as being “grumpy old men” (Tamborra et al., 2011, p. 22). Further, many female students have not reported an incident because they believed that the services provided by post-secondary institutions were inadequate to handle the situation appropriately when facing discrimination from peers. Also, many women have not reported because they did not want to compromise their independence (e.g., be required to participate in adjudication) (Campbell-Ruggard & Van Ryswyk, 2001; Tamboora & Narchet, 2011).

Administrators have noted that not mandating a complainant's presence at a hearing is beneficial as it allows the victim to feel more comfortable reporting. Most institutions in the United States offer confidential reporting and the use of a closed hearing board of faculty, staff, and students for investigations and sanctions. However, bringing a case forward before a board does eliminate confidentiality within the group and the complainant can be at risk of experiencing a re-victimization (Amar, Stout, Simpson, Cardiello, Beckford, 2014; Karjane, Fisher & Cullen, 2005).

In Canada, mediation has been used as an alternative to the adjudication process. Disciplinary actions can include everything from a written reprimand to expulsion (Sheehy & Gilbert, 2015). Yet, mediation is considered to be inappropriate to a sexual assault complaint due to power imbalances, pressures on the victim, and the exposure to self-doubt for the victim (Gunraj et al., 2015; Cook, 2010; California Sexual Assault Task Force, 2004; Lancaster & Waryold, 2008). Examples at Canadian institutions, such as the Dalhousie School of Dentistry incident, have revealed that administrators can do a disservice to victims by directing them into a restorative justice process. Preferring that incidents be dealt internally leaves post-secondary



institutions open to the critique that they are not necessarily prioritizing victims but instead simply do not want to tarnish their reputation or effect student enrollment rates (Browne, 2014, Iyer, McRae, & Backhouse, 2015 ).

### **Theoretical Framework**

Many researchers identify patriarchy and its ideology as a root cause of sexual violence (Brownmiller, 1975; DeKeseredy & Schwartz, 1998; Messerschmidt, 1986; Segal, 1990).

Existing as a system of social organization, patriarchy involves implicit and/or explicit control policies and practices that enable male domination and the subordination of women (Chesney-Lind, 2006). Embedded in this system are practices that control women's sexuality. For example, sexual violence can help secure male privilege and the threat of sexual violence serves to instill fear in a woman in order to render her vulnerable (Brownmiller, 1975). Due to this vulnerability, women are expected to rely on male dominated institutions for protection, such as the male dominated heterosexual family and criminal justice agencies that are patriarchal in nature. Within this structure, sexual assault is a choice for men and its function serves to enforce the gendered divide, controlling a woman's sexuality and victimization. Therefore, sexual violence against women can be considered as inseparable from patriarchy as it works to enforce and maintain male privilege (Griffin, 1971).

Operating under a patriarchy, men are afforded superior power with economic, political, social, and cultural privileges (Connell, 1995). White male interests come first, creating rigid roles for gender and race (Razack, 2002). Existing as an ideology, it creates a false norm, producing a 'political and social rationale' for the inferior position of women (DeKeseredy & Schwartz, 1998, p.95). Patriarchy can be exercised by both men and women on an ongoing basis

as the social construction of gender creates actions that are acceptable and unacceptable for each gender to abide by.

However, sexual assault on campus is not just a gender issue, it is more complex than that. It involves patterned forms of interaction among class, gender, and race relations that are reproduced by actors to produce structured actions (Messerschmidt, 1993; Messerschmidt, 2002). These structures act together to create an environment that advantages the dominant group through actions, opportunities and privilege (Messerschmidt, 2002; Perry, 2001). The following sections explain the structures that create structured action.

*Gendered Division of Labour.* The division of labour can provide an explanation for the hierarchy of difference and the lack of allocation of resources. Starting with limited educational opportunities and employment with satisfactory remuneration, the labour market can be controlled for people who are not considered 'dominant'. Therefore, the positions that are appropriate for those who are lower on the hierarchy are a small selection of powerless positions that help to maintain and reinforce their subordination. By limiting one's access to resources such as education and employment based on their race, gender, sexuality and class, the class division is reinforced. In sum, the division of labour acts as a means to disempower those that are different). By creating a toxic educational environment for 'others', it is a method of limiting educational opportunities for women (Messerschmidt, 1993; Perry, 2001).

*Gendered Division of Power:* Power exists for the individual or group that is able to set the economic, social, political and cultural agenda. With this power, the person or group has the ability to deny the authority of others, and this can translate into denying employment, denying police resources, and denying inclusivity into the powerful (dominant) group. This power can interact within and between groups ((Messerschmidt, 1993; Perry, 2001). In terms of the campus

environment, power can be seen in the policy as the post-secondary institution sets the agenda for how they plan to respond, or not respond, to sexual violence on campus.

*Sexuality.* Structural patterns around sexuality, including a hierarchy of sexual values and practices, offer another dimension where the gender division can occur (Messerschmidt, 1993; Perry, 2001). Dynamic with the cultural definitions of respectability, sexual forms and practices are judged, setting limitations and prohibitions to what is deemed acceptable in terms of partners, activities, and objects used in sexual activity. Women are sexualized and their economic survival is dependent on displaying themselves as sexual beings (Messerschmidt, 1993).

Social relations around sexuality redistribute social power to create inequality. For example, in North America the media tend to describe rape as pleasurable and comedic rather than as an act of torture (Benedict, 2005). Furthermore, a rape victim is perceived as a “sexual childlike temptress” or as sexual prey that needs to be hunted (Benedict, 2005, p. 125). Words like fondled, caressed, pretty, attractive, and flirtatious have been used by journalists to describe sexual assault victims and their victimization. Moreover, Benedict (2005) notes that the attitude of rape in the media is one where “rape is sex, rape is attraction, rape is the woman’s fault - that is to say, rape does not exist” (p. 125). In other words, this attitude is a reflection of the rape culture that we live in and it confuses the perception of harm (Buchwald, Fletcher, & Roth, 2005b).

A rape culture consists of complex beliefs of gender that permit sexual violence against women. As a result, women can be exposed to sexual comments, forceful sexual touching, the threat and the act of forced sex, amounting to emotional and physical terrorism (Buchwald, Fletcher & Roth, 2005a). Consequently, a rape culture can be found online, offline, and in the media (Benedict, 2005; Dodge, 2016; Harrison, 2006). For example, rape culture was clearly on

display at the University of Ottawa and Dalhousie University School of Dentistry where students created private male-only Facebook groups and posted about raping their female peers (Iyer, McRae, & Backhouse, 2015; Maxwell, Brunger & Hunter, 2015; Report of the task force, 2016; The Canada Press, 2014). Similarly, rape chants were sung during frosh week at Saint Mary's University and the University of British Columbia (UBC Investigates, 2013).

In sum, these are the social structures that permit conditioned responses that can help to explain the underlying relations between men and women and the crime of sexual assault. As these pillars interact with each other, there is never one pillar acting alone, but instead they act in unison.

### **A Problematic Legal Structure in Canada**

Canadian law does not address a permissive rape culture within society. However, there are a series of myths that have clouded the law's application (Burt, 1991; Messerschmidt, 1986; Saunders, 2002). The first myth is that rape is low occurring and that women can prevent attacks. The second myth is that rape is seen as a separate problem from the social world that we live in. In other words, the cultural and social acceptance of rape is not seen as part of a larger problem. Therefore, the myth is that rape exists in a vacuum. The third myth is that there are varying degrees of perceived innocence among victims that are also based on stereotypical societal norms. For example, a white middle class married woman reporting a sexual assault may be perceived as telling the truth more than a minority woman with a lower socio-economic status (Comack, 2012, Dylan, Regehr, & Alaggia, 2008; Randall, 2010; Razack, 2002). The fourth myth is that the rapist could not control himself. This is perceived as an erotic sexual act, as it is shown in media, such as pornography (DeKeseredy & Schwartz, 1998; Dworkin, 1981; Saunders, 2002; Smart, 2002). One last myth discussed here, is about how the victim enjoyed the

rape. The rape was mistaken as sexual activity. In all of these myths, women are perceived as sexual beings that entice men to engage in sexual activity because of their clothing, social status, activities, and location (Burt, 1991; Comack, 2012; Saunders, 2002).

Rape is a term that is considered outdated as its legal definition is confined to certain conditions (Saunders, 2002). These conditions included vaginal penetration by a penis, the gender of the victim (must be a woman), the relationship of the victim to perpetrator (the victim could not be the wife of the accused as raping your wife was not illegal), and the absence of consent with the caveat that perceived consent is permissible (DeKeseredy & Hinch, 1991; Saunders, 2002; Stuart & Coughlan, 2015). Rape law was considered problematic due to its focus on the sexual nature rather than the assaultive nature of the crime, leaving out a variety of illegal actions that violated a person's sexual integrity without penetration (Saunders, 2002). These acts could include oral and/or anal rape, wife rape, and male rape. It is argued that the purpose of this law was to protect a man's property, his wife, rather than the sexual integrity of a woman because "rape was seen as damaging a man's good's" (Saunders, 2002, p.709), and therefore seen in the context of the theft of property (Saunders, 2002; Stuart & Coughlan, 2015). This definition was in effect in Canada until January 4<sup>th</sup>, 1983, whereupon sexual assault was codified in the *Criminal Code* in three levels (R.S.C., 1985, c. C-46).

Currently, sexual assault is defined under the Canadian *Criminal Code* in s.271, s.272, and s. 273 (R.S., 1985, c. C-46, s. 271; 272; 273). Level one (s. 271) is defined as an assault that is sexual in nature and violates the sexual integrity of the victim (R.S., 1985, c. C-46, s. 271). This level can include minor physical injuries to the victim and carries a maximum sentence of 10 years imprisonment. The second level (s. 272) includes sexual assault with a weapon and threats or bodily harm (R.S., 1985, c. C-46, s. 272). This level carries a maximum sentence of 14

years imprisonment. The third level is a sexual assault that includes wounding, maiming, disfigurement, or endangering the life of the victim. This level has a maximum sentence of life imprisonment (R.S., 1985, c. C-46, s. 273). In other words, sexual assault can be considered any unwanted sexual touching and increases in severity as more harm is caused (Brennan & Taylor-Butts, 2008).

The aim of redefining rape law to sexual assault at three levels by the *Criminal Code* was to highlight that sexual assault is violent rather than sexual in nature. The intent was to help increase reporting and conviction rates in Canada and to remove discriminatory evidentiary rules based on sexist stereotypes of women making false claims or being property of men (Saunders, 2002; Stuart and Coughlin, 2015). Under this new definition of sexual assault, the definition of consent as it pertains to s. 271, s. 272 and s.273, known as s. 276.1, is the “voluntary agreement of the complainant to engage in the sexual activity in question” (R.S., 1985, c. C-46, s. 276.1). If no consent is obtained:

The agreement is expressed by words or conduct of the person other than the complainant; the complainant is incapable of consenting to the activity; the accused counsels or incites the complainant to engage in the activity by abusing a position of trust, power or authority; the complainant having consented to engage in the sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity (R.S.C., 1985, c. C-46, s.276).

These are the legal parameters for defining consent for all levels of sexual assault according to the *Criminal Code* which applies to all provinces in Canada.

Problems arise in the application of the law. Smart (2002) contends that the law fails to recognize the extra-legal complexity of any rape, including the details, the subtleties, and the subtext that may exist, furthermore the act of submission. Affirmative ongoing consent is not addressed in the courts, nor is the act of submission in a male dominated society (Smart, 2002).

This reflects the need for a more comprehensive understanding of sexual violations that includes and understanding of the reality of a lower position that women have within society. Due to the power of the law, a judge can determine through an interpretation of the events the truth and renders a verdict based on such interpretations. If the interpretation is incorrect due to labelling a rapist as innocent based on a misunderstanding of a woman's story, this verdict unknowingly announces to society an implicit statement that she is lying (Smart, 2002).

Sexual assault tends to be viewed as normative behaviour by those who represent our society. For example, police officers with sexist and stereotypical outlooks have been known to argue that the victims were mistaken while filing a complaint. Emergency medical doctors have refused to conduct rape examinations citing the extensive amount of time involved in criminal cases. Further, many judges have made statements blaming the victim, which are a consequence of sexist and stereotypical attitudes toward women in rape trials. As women are perceived to be in a subordinate position, the under-reporting of sexual violence is a problematic outcome. If there are asymmetrical relations between men and women in society, a woman's words cannot be trusted when she says "no means no" (Brownmiller, 1975; Comack, 2012; DeKeseredy & Hinch, 1991; Messerschmidt, 1986; Roberts, 1994; Saunders, 2002).

### **Mandated Sexual Assault Policies**

As the Ontario government mandates that all post-secondary institutions in the province create sexual violence policies with the participation of the student population, many institutions have scrambled to complete one by January 1, 2017 to be in compliance with Ontario Regulation 131/16 (2017). The reason for this provincial action plan, rather than having a federal action plan, is that Canadian post-secondary education and regulation is a provincial matter (Browne, 2014; Sheehy & Gilbert, 2015). This suggests that provincial governments can tie funding to

compliance with sexual violence recommendations or create legislation to force higher education institutions to comply (Sheehy and Gilbert 2015).

Mandated sexual assault policy directives are nothing new to the United States (Sheehy & Gilbert, 2015). The American government has two very important mandates that direct higher education institutions in their responses to sexual violence -the Clery Act and Title IX. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires that all post-secondary schools receiving federal financial aid report crimes that occur on or near the campuses. Title IX of the Education Amendments of 1972 (Title IX) prevents any educational institution that receives federal assistance from engaging in discrimination on the basis of sex (U.S. Department of Education, Office for Civil Rights, 2013). Any post-secondary school that is found to be guilty of this discrimination will face penalties from the federal government (Sheehy & Gilbert, 2015; U.S. Department of Education, Office for Civil Rights, 2013). Any person who may have witnessed an act can file a complaint against a post-secondary institution (Sheehy & Gilbert, 2015; U.S. Department of Education, Office for Civil Rights, 2013).

As part of Title IX, the act stipulates that a trained individual must be appointed to handle all reports of sexual violence with a series of protocols that are expected to be followed (Amar, Stout, Simpson, Cardiello, & Beckford, 2014; Sheehy & Gilbert, 2015; U.S. Department of Education, Office for Civil Rights, 2013). The Offices of Civil Rights (2013) have issued a mandate in letter form called, "Dear Colleague". In this letter there is a list of recommendations and best practices that each institution receiving this letter is expected to follow, including procedural requirements. Canada has no such act but rather, most complaint procedures are



secretive and hard to find (Ammar, Frederick, Marques, O'Connor & Scott, 2016; DeKeseredy & Schwartz, 1998; Gunraj et al., 2015).

Sheehy & Gilbert (2015) note that a direct comparison in terms of post-secondary sexual assault policy with the United States is difficult for two reasons. First, the US post-secondary education culture is different than in Canada given that the number of post-secondary institutions in the US far outweigh the number of Canadian institutions. Second, the criminal code and legislation is handled by different levels of government in the two countries (Sheehy & Gilbert, 2015). In the United States, some criminal law is under state jurisdiction while Canadian criminal law is the responsibility of the federal government (Sheehy & Gilbert, 2015). To further complicate the issue of state law, each state provides different definitions of sexual assault and different rules of evidence while Canada defines sexual assault at three levels and it is the same throughout each province. Sheehy & Gilbert (2015) note that the Canadian federal government has 'abdicated' its right to enforce mandates on universities, preferring instead for these matters to be handled by the provincial government as outlined in the British North American Act.

Criticisms of mandated policies are that it unnecessarily adds pressure to post-secondary institutions to adjudicate sexual assaults while these institutions are poorly equipped for such endeavors. Those involved in the disciplinary process are "typically not lawyers or trained fact-finders, and they are not familiar with either basic due process norms or with some of the victim blaming features of sexual assault law that have been addressed to some extent in the criminal context" (Silbaugh, 2015, p.1050). While the institutions may be successful in preventative processes, Silbaugh (2015) questions if they are successful in sexual assault response and procedures. In regards to campus response and protocols in the United States, Amar et al. (2014) found that many institutions used a multi interdisciplinary team approach comprised of health

care, mental health, law enforcement and victim advocate service providers who make up a sexual assault response team model (SART). However, it was reported that many did not have established protocols helping to guide them with each response but rather had verbal protocols (Amar et al., 2014; National Sexual Violence Resource Centre, 2006).

Moreover, Sheehy and Gilbert (2015) note that “there is a perverse incentive for universities to discourage reporting so as not to go public with sexual assault on campus, and so it is vital that women be told that sexual violence is a criminal matter and are offered support in contacting police should they wish” (p.17). Yung (2015) and Sheehy and Gilbert (2015) suggest that without regular auditing and large fines, universities and colleges will fail to comply with reporting accurate incidents of sexual violence on campus.

The Ministry of Training, Colleges and Universities Act (MTCUA) states that every post-secondary institution in Ontario should accommodate any enrolled student who has been exposed to sexual violence (MTCUA, R. S. O. 1990, c. M. 19). It also states that every college and university must have a sexual assault policy which provides information about services and supports and contacts on campus and in the community. In addition, the regulation requires that post-secondary institutions provide contact information for a dedicated official, office, or department at the institution that can deal with issues of sexual violence. Furthermore, each institution’s sexual assault policy must include specific items. These items include the contact information for where to get special accommodations, file a formal complaint or start an investigation. The policy should also include that the student does not need to make a formal complaint, that the student can refuse to participate in an investigation, the response protocol and steps should an investigation occur, a list of officials involved, and examples of measures taken to ensure protection from retaliation. The investigation and decision process should be outlined

in the policy as well as a description of procedural fairness. Rights for legal or other representation, addressing measures of confidentiality, examples of past decisions and ‘measures’, what to expect during the interim of an investigation or decision, a description of the appeal process, and roles and responsibilities of all employees, and students and faculty that may be involved in the complaint should all be included in the policy. While disciplinary “measures” are mentioned, there is a lack of discussion about a disciplinary structure or best-practices. Finally, the policy must be published on the post-secondary school’s website with a description of the student involvement process and the policy must be made available to anyone who requests a copy (Ontario Regulation 131/16, 2017).

### **Policy and Prevention**

A post-secondary institution should take the reporting of sexual assault very seriously to ensure safety of the students on campus and to help identify potential at-risk offenders, as reporting helps other women to know who may be an at-risk individual (Brubaker, 2009). Women can be empowered by being informed of the facts (Rozee & Koss, 2001; Senn, 2013). More importantly, post-secondary school administrators should be aware of the barriers to reporting and the policies should be sensitive to the needs of the victim to help eliminate these barriers (Brubaker, 2009). In fact, there are many ways that post-secondary school administrators can facilitate reporting including confidential or anonymous reporting, limited emphasis on a victim’s responsibility, and providing an environment that is free from discrimination.

Student feedback often helps point out barriers to reporting. When creating sexual assault policies, Tamborra et al. (2011) note that students are “the most critical stakeholder” (p. 17). Students have very important contributions to make towards sexual violence policies. It is important to include students as the policy must be read and understood by the student

population. To aid in the process of reporting, policies should be comprehensive and provide actions that are easy to follow (Osborne, 1992). Policy language should be accessible and understandable by the campus community including students with disabilities (Gunraj et al., 2015).

The aim of this thesis is to collect student's perceptions of sexual assault policy, the campus environment and the process of reporting sexual assault on campus. The post-secondary institution that was selected is a mid-sized post-secondary institution situated in Ontario, Canada. The student population is comprised of over 10,000 domestic students and international students. It is considered a commuter post-secondary institution with students from a variety of socioeconomic backgrounds, from rural, suburban and urban housing (Ammar et al., 2016). Most students have considerable family and work commitments and tend to be the first in their family to attend a post-secondary institution. The student body is culturally and ethnically diverse, with a high proportion of LGBTQ and First Nations students (Ammar et al., 2016), reflecting the new population of students in higher education. Furthermore, previous research suggests that many students held rape myths, and a large proportion of students had encountered a sexist situation while about a quarter had experienced sexual assault (Ammar et al., 2016).

Any policy that limits a student's informed choices in the reporting process can become a barrier to reporting (Carr & Ward, 2006). Furthermore, policies "need to be thought of as a continuously evolving process and that policies and procedures governing responses to sexual violence on campus will require focused attention, critique, and revision" (Ammar, Frederick, Marques, O'Connor & Scott, 2016, p.35).

### **Concluding Remarks**

The work of DeKeseredy and Kelly (1993), DeKeseredy and Schwartz (1998), DeKeseredy, Schwartz, and Tait (1993), Dekeseredy, Schwartz, & Alvi (2000), Newton-Taylor, DeWit and Gliksman (1998), and Senn, Eliasziw, Barata, Thurston, Newby-Clark, Radtke, Hobden and Sare Study Team (2014) are the only peer-reviewed research on campus sexual assault in the Canadian context. These articles do not investigate students' perceptions of policy, protocol, and response by post-secondary institutions.

There is a greater abundance of research on campus sexual violence policy in the United States, but only one study was found to incorporate students' voices as well as university administrators (Tamborra & Narchet, 2011). This study surveyed students with altered Sexual Experience Survey (Koss & Oros, 1982) questions and held focus groups expanding on those questions to investigate variables of on campus sexual assault, such as the location of the victimization, the use of intoxicants, group affiliation of the perpetrator and whether or not these experiences were reported to a university representative. The results of this study were taken into consideration in the creation of the campus sexual assault policy. However, this study did not investigate the student's perceptions of an existing policy, and whether or not they understood the policy. This thesis aims to fill that gap and to contribute to Canadian research investigating on-campus sexual assault.

### **Chapter 3: Methods**

Since the Ontario government has mandated that all post-secondary institutions in the province of Ontario to create sexual violence policies with the participation of the student population, many institutions scrambled to complete one by January 1, 2017 to comply with Ministry of Training, Colleges and Universities Act (R.S.O. 1990, c. M. 19). The question arises, what do students think about these policies? There are two parts to the methods. The first is an online qualitative research with students using a grounded theory methodology, including an open-ended inductive exploratory instrument, which asks students to read and define aspects of policy. The objective is to verify if students adequately comprehend the language of the policy, comprehend how to report according to the policy, who to report it to according to the policy, if they feel safe reporting and if they find the reporting process supportive of their needs. Next, they are asked to make recommendations to improve the policy. The second part of this study is a critical policy analysis of the university's first official policy.

#### **Case study**

This case study investigates a mid-size post-secondary institution situated in Ontario, Canada. This campus is unique as it is divided into two locations, about 20 minutes apart from each other, known as the Downtown Campus and the North Campus. The student population is comprised of over 10,000 students with both domestic students and international students. It is considered a commuter post-secondary institution that is comprised of students from a variety of socioeconomic backgrounds, from rural, suburban and urban housing (Ammar et al., 2016). Most students have considerable family and work commitments and tend to be the first in their family to attend a post-secondary institution. As well, the student body is culturally and ethnically diverse, with a high proportion of LGBTQ and First Nations students (Ammar et al., 2016).

These varied demographics in the student body permit this institution to be the ideal setting to research in terms of hearing from a diverse set of voices.

Furthermore, as this institution is under the provincial mandate to create a sexual assault policy, it was in the process of conducting a series of research projects investigating the campus climate and response protocols. It was observed that many students held rape myths. For example, 45% of students believed that rape can happen unintentionally. Furthermore, 88% of students that participated in the study reported that they have encountered a sexist, objectifying or harassing situation on campus and 28% have experienced sexual assault which included fondling, kissing, removing clothing, or rubbing up against them without consent (Ammar et al., 2016).

It is important to note that the design of this study had considerable constraints placed on it due to the institution's Research Ethics Board. While it would have been pertinent to investigate students' experiences with victimization as well as to hold focus groups as Tamborra and Narchet (2011) did, I was advised to not include any questions pertaining to students victimization as well as to conduct this research online to avoid influencing participants. Therefore, I include the findings of Ammar and colleagues (2016) as a timely reflection of student attitudes and experiences at this institution. Also, due to the time constraints of a Master's thesis, I was not able to include other institutions in this study. Therefore, a case study method was utilized for this study.

A qualitative case study permits an intensive analysis of this community through the students' perspectives and experiences. As the investigator, this allowed me to be attentive to the types of responses given as there is only one institution and context to focus on. A case study permits depth in understanding of both the context and processes that surround the research

question. In addition, the case study approach provides concrete, context dependent evidence that helps develop theory that can be explanatory and predictive. It can also help to provide a foundation for conducting further investigations (Flyvbjerg, 2011). As this thesis is exploratory, it is part of the ongoing commitment to improve the problem of sexual violence on campus and advance policy development. This thesis will not develop conclusions per se but instead helps to develop understandings that will inevitably need further investigation ((Flyvbjerg, 2011; Pratt, 1992).

## **Part One: Online Qualitative Research**

### **Participants**

A convenience sample of participants were recruited from a university in southwestern Ontario. Due in part to a lengthy Research Ethics Board review process and the need to complete this thesis in a timely manner, only 17 participants were recruited. Of the 17 participants, 71% (n = 12) were female and 29% (n= 5) were male. The participant's ages ranged from 21 years old to 32 years old. There were a variety of ethnicities, all self-reported, including Caucasian (n=5), South Asian (n = 1), East Asian (n = 1), Palestinian (n = 1), African (n = 1), Canadian (n = 1), Canadian- Korean (n = 1), Jewish (n = 1), Black/White (n = 1), Bi-racial (n = 1) and Mixed (n = 1). The sexual orientation of the group was 65% (n = 11) straight, 0% (n = 0) gay, 6% (n = 1) lesbian and 18% (n = 3) bisexual, with the remainder of participants not answering the question. The current relationship status of the respondents was 41% (n = 7) single, 47% (n = 8) dating but not living together, and 6% (n = 1) cohabitating. There were no married, divorced or widowed participants. All the participants were given a pseudonym that was randomly assigned. For a closer description of the participants, including their demographics and pseudonym, please refer to Table 1 in the Appendix.



## **Materials**

### **Online Qualitative Research**

Since there is little existing research that measures student's perceptions, policy comprehension and recommendations, the questions developed for the online research instrument were exploratory. Using a constructionist grounded theory approach, this study aimed to ask students the 'what' and 'how' questions in regards to their understandings of sexual assault policy. The goal was to examine whether or not students understood the policy and what their actions would be based on the policy (Charmaz, 2008; Denzin & Lincoln, 2011; Silbey, 2003). This inductive, exploratory method of research included having participants read the policy and then define key terms such as sexual assault, consent, and sexual violence. Other questions included whether or not the participant would report if a sexual assault happened to them, who they would report it to, would they feel comfortable or confident in reporting, what their fears were with reporting, was there anything that would prevent them from reporting, and was the process outlined supportive. Specific questions also asked students to make recommendations to improve the policy. The last section asked if students felt safe reporting and what their recommendations were to improve safety on campus.

Given the lack of literature examining student perceptions, there was little to guide the creation of questions. Therefore, the questions that were developed aimed to be as clear and plain as possible so that students could understand them quickly and feel compelled to answer them. The purpose was to determine if students understood the key terms in the policy, but also the process of reporting should something happen to them. At the time these questions were being developed, Mandi Gray, a student at York University, was actively denouncing York's lack of

policy and protocol (Hoffman, 2015). In part, the issues Mandi Gray experienced helped to inform the questions asked in this study.

Feminist qualitative researchers use this type of exploratory methodology to investigate topics such as sexual violence. Traditional methods of empirical research that have embedded regimes of power may replicate the barriers and oppressive structures that this research aims to resolve (Olesen, 2011). Therefore, the open-ended qualitative instrument was developed with the principles outlined by Charmaz (2008) which include: that each research project is a social construction, each decision that the researcher makes is scrutinized, methodological and analytical strategies are improved throughout the process, and that the researcher collect enough data to be able to construct the participant's world.

The participants had unlimited time and space to enter their thoughts and feelings with no contact or influence from researchers (Denzin & Lincoln, 2011b). Due to the sensitive nature of the research topic, it was recommended by the Research Ethics Board at the university that this study be conducted online without any influence from the researcher. Thus, the context in which the participant is writing their response is unknown as they are answering the questions via a computer, which could be at home, school, or at work (Perakyla & Ruusuvuori, 2011).

### **Sexual Assault Policy**

Since this study was part of a Master's thesis and there was a time limit for this project, two versions of the institution's sexual assault policy was used. The first policy used in the student qualitative research instrument came from the sexual violence policy posted on the University website in April 2016. The parts of the policy that were relevant to the research question were selected for inclusion in this study. The sections were, "what is sexual assault, what consent means, and how to seek justice" (Appendix F). This version of the policy was

replaced (Appendix H) with a policy that was in compliance with Ontario Regulation 131/16 under the Ministry of Training, Colleges and Universities Act (R.S.S. 1990, c. M.19). This second version of the policy was used for the critical policy analysis which will be elaborated on below.

### **Procedure**

The participants volunteered to participate in this anonymous study and were recruited by posters advertised on campus bulletin boards. The poster listed details of the study with a link to the online instrument (Appendix A) which was open to all students, ages 18 years old and above, which includes both undergraduate and graduate students. There was no compensation offered to students who participated. Students needed to log in with their student number to access the online instrument. However, the student number was in no way connected to participants' responses. The student entered the link into their web-browser to access the study in google forms and received a letter of invitation explaining the study (Appendix B) as the initial page . This letter briefly outlined the study, described the purpose of the study, listed the faculty supervisors and the investigator and listed potential benefits to the participant for participating in the study, along with the date and the research ethics approval file number. The ethics and compliance officer email and telephone number was listed along with the investigators email and supervisors contact information.

Next, the student completed an informed consent form (Appendix C) so that the collected data could be used for analyses. This form provided more detailed information for the participant about the purpose of the study, procedures, potential benefits to the participant, potential risks or discomforts, storage of data, confidentiality, the right to withdraw, participant concerns and reporting, and the debriefing and dissemination of results. This form verified that the participant

had read and understood the study as described, informed them that they were permitted to ask questions about the study at any time, and that they may discontinue participation at any point without penalty.

The informed consent form was followed by a demographics questionnaire (Appendix D) which was developed from Statistics Canada questions. The demographic questions asked each participant's sex (variables were male, female), as well as their age in years (open answer), ethnicity (which was an open-ended question), and sexual orientation with the categories straight, gay, lesbian, and bisexual. Also, relationship status was asked which included the categories single, dating but not living together, cohabitating, married, divorced, and widow/er.

Students were then asked to read the following excerpts from the policy: what is sexual assault, what consent means, and how to seek justice (see Appendix E). These policies were provided for the student to read before answering the corresponding questions (Appendix F) which are elaborated on below. The research instrument was housed on google forms, an online survey hosting site. This site functions with Gmail and all students have a Gmail account provided by the institution. The qualitative instrument was created using the pre-designed features of google forms which included multiple question responses, open-ended responses and Likert scale questions. This instrument was created with the post-secondary intuitional sign-in feature where participants utilized their student number and password to access the online qualitative research questions. Google forms provided a link to access the study that was used on the poster to recruit students. The responses were collected by google forms and accessed and downloaded into an excel spreadsheet. All data was kept confidential as it was password protected, without identifiers. All data was assigned an ID number to further anonymize

responses. The data was encrypted and stored on a USB. Data collected is only discussed in this thesis in aggregated and anonymous form to further protect the identity of participants.

After the online qualitative research was completed, participants received a debriefing letter (Appendix G) to read. This debriefing form thanked the participants for their time, ensured confidentiality, explained the benefit of their participation, listed survivor support contact information of the local distress centre, rape crisis centre, and student mental health. Furthermore, the investigators' contact information was provided in case the participant had questions in the future. Overall, the study took approximately 20 minutes to complete, with open-ended questions allowing the students to enter in as much or as little information as they wanted.

### **Data Analysis: Online Qualitative Research Analysis**

The data analysis consisted of a narrative analysis developed by Doucet and Mauthner (2008) called, *The Listening Guide*. This approach allowed for both critical and constructed subjects, consisting of multiple readings of the qualitative data. There were four elements to the readings, one element per reading. Each time a reading was conducted, I read to 'listen in a different way' focusing on a specific element per reading (Doucet & Mauthner, 2008, p. 405). The elements consist of reading for relational and reflexivity constituted narratives, tracing narrated subjects, relational narrated subjects and structured subjects. The first reading asked the question, "What is happening here?" while I paid close attention to words, themes, characters, events, and plots (Doucet & Mauthner, 2008, p. 405). A separate worksheet was used to capture my reactions to the words of the participants. These reactions were examined for assumptions and views that might affect the interpretation of the result.

My second reading of the text attended to the narrator, looking at the manner in which they wrote about themselves and the social world. I paid close attention to words and meaning as language is key to the formation of subjectivity (Kincheloe, McLaren, & Steinburg, 2011), while also listening to what participants were saying and what they were trying to say (Doucet & Mauthner, 2008). I included in the results the themes that were mentioned while making note of items that were absent (e.g. anal penetration when coding for the definition of sexual assault). My third reading of the text focused on the participant's social networks and intimate relations as I tried to get an understanding of the subject within their networks of relations and in relation to others. My fourth reading focused on structured power relations and dominant ideologies within the narrative of the text. This last reading is important as it can reveal the macro-level narratives that the subjects find themselves in (Doucet & Mauthner, 2008). After each reading notes were made and eventually were compiled in the results section of this thesis.

## **Part Two: Critical Policy Discourse Analysis**

### **Revised Sexual Assault Policy**

In combination with the student online qualitative research, a critical policy discourse analysis was conducted on the university's revised policy that was constructed in response to the Ministry of Training, Colleges and Universities Act (R.S.O. 1990, c. M.19). As a critical policy discourse analysis can uncover reproduced power and inequality in society (Wodak & Meyer, 2009), this thesis utilizes Allan's (2008) critical policy discourse method which allows for gender to be added as a focal point of analysis. This method builds on the work of Strauss and Corbin (1990) and Miles and Huberman (1984) who are experts in grounded theory and qualitative research. It is also adapted from methods that investigate both transcribed and field notes to allow for a complete policy analysis.

In using Allan's (2008) method of discourse analysis, the policy (Appendix H) went through many readings. The first reading identified images of women and men. Words like victim, perpetrator, stigma and fear were identified. The second analytical process involved an inductive reading which identified codes with descriptions (Allan, 2008; Iverson, 2016; Miles & Huberman, 1994). The initial coding of the data focused on themes and concepts investigating the predominant images, discourses, and positions of men and women. Segments of the text that related to these themes and concepts were identified and isolated (Allan, 2008). Three segments were specifically targeted: policy problem, policy solution and images of women. This information was collected onto another sheet where the information was inductively coded for those themes. During this, the researcher made notes on the patterns, gaps and disjunctures seen in the policy. The second reading identified both descriptive and interpretive emergent codes (e.g., gendered biased language or lack thereof) (Allan, 2008). The same process occurred in the third reading of the text. Finally, connections were made with the various points that were identified in the second and third reading of the text. The third reading allowed the points to become more specific and investigated more closely.

Policy silences and absences were also investigated in the policy, asking the question, why does a particular discourse in the policy documents take the form it does? (Allan, 2008, p.61). Following a critical discourse analysis, language, metaphors, assumptions, and structure of text were identified to reveal power and gender inequalities (Allan, 2008; Fairclough, 1995), noting that the use of silences can be a way to achieve a normative hegemony structure through its discourse (Allan, 2008; Bacchi, 1999; Ball, 1994; Scheurich, 1994). Once all the information was collected and meaning ascribed to the notes, connections were made to the concepts, larger meaning was developed, and subject positions were identified. By analyzing the policy in this

format, power inequalities are revealed, but also the control of knowledge and power, thus illustrating how a policy can either empower or restrict a student who wishes to challenge the hegemonic discourse (Ball, 1993; Iverson, 2006; Marshall, 1999).



## **Chapter 4: Results**

There are two parts to the results of this study. Part one consists of the results of the online qualitative research with students. All participants were given pseudonyms to protect their identities. The names chosen are unrelated to the details of the participants, but rather are arbitrarily given. Part two provides the results of the critical policy discourse analysis where the policy was reviewed for themes, in particular, discourses and silences of power and gender in order to reveal inequalities.

### **Part One: Online Qualitative Research Results**

The results of the online qualitative research are organized into three sections. The first section discusses students' level of comprehension of specific terms of the policy: sexual assault, consent and sexual violence. The second section discusses students' perceived barriers to reporting. The third section addresses the students' recommendations for policy improvement and a safer campus environment.

#### **Theme 1: Defining Key Terms**

Sections of the policy that listed definitions of sexual assault, consent, and sexual violence were provided to the students to read. Then, students were asked to write their interpretation of the definition in their own words in an open-ended answer format. The definition of sexual assault provided by the institution was extensive and included all the main points as defined by the *Criminal Code* of Canada (Appendix F). It was lengthy and perhaps too lengthy as students seemed to find it difficult to relay the same level of information in their answers. For instance, none of the students' responses included that sexual assault is a criminal offense under the *Criminal Code* of Canada. This portion appears in the first sentence of the

definition. Moreover, one person noted that sexual assault is an abuse of power but the remainder of students did not. Although most students included 'unwanted' sexual activity in their definition, less than half of the group mentioned rape or penetration. Few people specifically noted anal penetration in their definition of sexual assault. Less than half of the students mentioned the various levels of severity of sexual assault and many of the activities that are listed in the definition, anywhere from unwanted touching to rape. Overall, it appears that the general idea of sexual assault was understood, but not necessarily the specifics.

Encouragingly, more than half of the students mentioned the lack of consent in their definition of sexual assault. But for some, the definition of consent was problematic as demonstrated by Chris' answer:

Sexual assault is being harassed and assaulted sexually without one's legitimate consent. That is, it is an involuntary sexual act and/or act involving sexual nature done from one party to another without proper consent. It can be as minimal as touching or as severe as penetration. Both constitute sexual assault insofar that they are done involuntarily and cause harm.

Chris uses the words 'legitimate' and 'proper' consent in his definition of sexual assault. This suggests that there are various levels of consent – one that is 'proper' and 'legitimate' and one that is not. If consent is voluntary and vocal as it states in the policy, there should only be one type of consent.

When defining consent in their own words, student's answers were generally shorter and more succinct than their answers pertaining to sexual assault, which is interesting as the policy definition was at least double the length of sexual assault. Most definitions failed to capture a clear and broad understanding of consent. The general idea was a voluntary affirmation to agree to engage in sexual activity. Words used to express consent were permission, agreement, confirmation, indication and an expressed affirmation to the act in question. Words used to

describe the type of consent were explicit, declared, outspoken, clear, and voluntary. For example Shannon notes that consent is defined as: "Undivided, declared, and directly outspoken. Implied consent is not consent. Consent, is a direct affirmation that is not something that can be inferred". Implied consent is mentioned again in Chris' definition:

Consent is a verbal and clear statement indicating one's willingness to participate in a certain action and/or behaviour. Consent cannot be transferred, silent, or implied. It must be clear and verbal. Prior consent does not mean a continuation of consent. It must be obtained each and every time an action or behavior is initiated.

Although, implied consent is not mentioned in the policy definition, a third student, Tom mentions it in his definition, "Consent is to give permission for any sort of activity (whether kissing, fondling, intercourse, etc.) to occur between two (or more) individuals. Consent is not transferable, and it cannot be assumed or implied, it must be explicit". This may suggest that these students have been educated on consent prior to this study.

Overall, the policy definition was very lengthy and it appears difficult for students to remember all the information that was included. A quarter of the students said that consent cannot be given when incapacitated and just under half of the students noted that consent must be verbal. Most importantly, the items missing from the student's definitions but found in the policy included:

Consent is limited to the current experience and actions, participation is how we see fit as the actions cannot change without consent, the circumstances to which consent is given cannot be predicated on a lie, consent is not given when there is coercion, and consent only exists between adults as minors cannot consent legally to sexual activity with an adult" (Appendix F).

As there is quite a lot of information missing from the definition provided by students, this may suggest that the definition of consent is too long or too complex for students to grasp.

In defining sexual violence, student's responses displayed confusion which suggests that this is a more difficult task for students. Rightly so, Rachel alluded to the confusion by noting

that the definition in the policy is unclear, “A little unclear, but it is a violence that can be based also in gender, sexual orientation and other social locations. That definition was not clear enough”. Most students only noted that it is an act that is causing harm and that is violent and sexual in nature. However, many students failed to include gender, gender identity, or sexual orientation. Few students included psychological harm and/or discrimination in their definitions. Again, the general idea of sexual violence was captured but not the specifics.

Overall, the students did show a general understanding of three very important terms, sexual assault, consent, and sexual violence as it is written in the policy. However, their responses often lacked detail. For example, students missed certain items such as a violation of the *criminal code*, anal penetration, or abuse of power which is worrisome.

### **Theme 2: Barriers to reporting**

In this section, I discuss barriers to reporting as suggested by students, whether they would report an incident of sexual assault, if they felt comfortable, confident, and safe reporting, who they would report to, and why they would not report if they chose not to. The students’ responses included the actions they would take to report, as well as fears and apprehensions about reporting to university authorities.

Most students stated that they would report a sexual assault if it happened to them. The majority of answers included reporting specifically to campus services such as campus security, administration, outreach services, or an equity and wellness specialist as points of contact. Less than half mentioned contacting the local police services, some after reporting to friends or school authorities and one person mentioned a lawyer. Some responses were more detailed than others and therefore provided an understanding of how students viewed the different services available. For instance, there seemed to be a distinction between an incident happening on campus versus

off campus and who they would report to as evident in Vikki's answer. Vikki wrote that she would report to: "Campus Security/Safety if on campus, police if off campus (but I probably wouldn't report anything to the police that doesn't have enough grounds for proof because I know how ridiculous the process can be)." Also, the order in which the students wrote their answers was important, as some wrote police first, and campus services second, and for some family last. These answers noted a process and various levels of reporting. But for some, they would report to someone that they are close to, such as a boss, or the outreach center due to LGBTQ status, where they would feel comfortable.

Furthermore, there is a level of distinction in student perceptions of campus police and local police services, regardless of where the event occurs. Chris captures this sentiment in his response:

Initially, I would probably report it to my friends and family. Afterwards, I would promptly report it to the police. I do not think I would report it to the school right away -- given that I would have reported it to the police already. The only time when I would report something to the school first and not the police is if I do not think the matter was significant enough for the police -- meaning, I was not sure if it was sexual assault. I have this belief that the police can do everything the campus police can, but more legitimately. The belief is that the campus police are more lenient and/or will eventually transfer me to the police; thus, delegitimizing my rationale and motivations to report to the campus police first or at all.

So, as Chris mentions, if a student considers a situation as 'less significant' they may report the incident to the school only. If the situation is more significant or potentially more severe, the student may report to the local police service. In Chris' words, the local police service is perceived as more 'legitimate' as they can do everything that on campus police can do. Since the case is assumedly passed over to the local police, he feels that it delegitimizes their motivation to report to the campus police. Chris' statement reveals the thought process of a victim confronted with the decision of reporting. He would go through many different channels and would weigh

out his options. Furthermore, he mentions not being sure if the assault was an assault, noting the difficult position of a victim to give proof in the ambiguous nature of sexual assault and the uncertainty of the definition of sexual assault.

Overall, students had a vague idea of who they would report to at the university. The exception was Rachel who knew specifically who she would report to which was likely due to an experience with being victimized as was revealed in her answers to the online qualitative questions. She was aware of the process because of going through the process.

In terms of the level of comfort in reporting, most students said that they would feel confident/comfortable reporting. A minority of participants said that they would not feel confident nor comfortable reporting but would report anyway. Many of the students revealed the need to report as a way of healing the victimization:

I would feel worse if I were to keep it in and be silenced. Even if I am unable to get administrative justice, procedural justice would suffice. Reporting an incident would also make me feel better because it would allow me to vent out my frustrations and hurt (Chris).

But for others like Hannah, it is a way for her to regain her life without feeling fear.

Students mentioned feeling cautious about reporting, feeling uncomfortable but still doing it. Having a background knowledge in sexual violence or having been victimized before can make a student more likely to report:

Due to my place of work in the [university] I would feel comfortable/confident. However, prior to working there I likely would not have felt comfortable. Since working there I have also learn[ed] a lot about sexual violence and this is also why I am more likely to report (Rachel).

Overall, the student's answers revealed an emotional meaning to reporting. Although many would feel uncomfortable, they would still report for the safety of themselves and to provide closure to the victimization.

Examining students' feelings of safety while reporting garnered similar results. Many students said that they would feel safe, but their answers included comments about feeling ambivalent about the steps that authorities would take as well as reactions of the perpetrator and peers. Rachel expresses her apprehensions:

I have had to report sexual harassment on campus and I was still ambivalent about doing it because I was unsure as to what steps would be taken, how the perpetrator would react, what social consequences there could be, etc.

Additionally, Lisa mentioned needing anonymity to feel safe, "If I could remain anonymous I would feel safe - If not, I would not feel as safe, especially if nothing is done about it".

Moreover, Shannon mentioned that reporting would provide the opportunity for others to be safe from victimization. Many students mentioned that the reaction of the reporting official was very important to their feelings of safety. If there is a favorable interaction, reporting is made easier. If not, the student will feel hesitant to report again.

There were a few students who do not feel safe to report. For these students, stigma and community related shame, not having the established relationship to report, and feeling like no one would care are barriers to them reporting. Furthermore, Luther mentions that gender can be an issue:

As a male, if I were sexually assaulted I believe that the police would do absolutely nothing. Sexual assault is an offence that is typically committed by a male with a female victim. Therefore, if female victims of sexual assault hardly achieve justice, then my chances of justice are even slimmer.

Luther's comments expose gender as a barrier to reporting. In fact, a couple of students mentioned the difficulty of men reporting sexual assault due to the social construction of masculinity. Sam notes:

The problems with reporting is victim blaming. A lot of men are afraid of reporting because there is a stigma attached to men and masculinity with being strong. Being female changes the dynamic, but the feelings of resistance are similar. Females might fear the possible shame and recidivism of their trauma/experiences by reporting.

Chris continues this idea:

I can also see males having harder times reporting sexual assault done by another male or a female because of the status quo notion of men needing to be strong. Sexual assault shows a certain weakness - unfortunately - and this is probably a reason for the underreporting of sexual assault done towards males.

These answers reveal structured action in play as they are the actors that present these constructions of masculinity as the norm and women as either weaker or more likely to report sexual assault.

When asked specifically what actions the students would take, the majority of students said that they would file the complaint with either university authorities, university agents, campus security, and/or student services, but were somewhat vague in their answers. “Lawyer. Police” (Shannon) or “I would report it to the office of campus security” (Samuel) or “I would (hopefully) report it” (Tom) were some of the answers. Most just replied simply like Vikki, “File a complaint”. However, few said that they would specifically speak with a university agent, which is what the policy suggests. Moreover, Chris said he would report the incident to a university agent, but that there is a difference between ‘would’ and ‘should’ as he would not use the school’s resources for his own incidents:

[I would] report it to the University Agent. There is a list of steps that I should take. However, "should" and "would" are two different things. As I mentioned before, I would not use the school's resources for my own incidents, were they to occur.

Sadly, some other students were also not optimistic, such as Susan. Her response would be “probably nothing”. Overall, the student’s did not reveal a plan to filing a complaint. There was no mention of using the telephone number provided by the policy in any of the responses. Only, Rachel mentioned the email listed on the policy, but expressed concern over it, noting that since it was a general email account, she would not be using it. This suggests that this portion of the



policy is not effective as students are not willing to email or call the telephone number provided when it comes to filing a complaint.

There were many foreseeable problems with reporting. The problems included feeling anxious about having to interact with the perpetrator afterwards, the fear of not being believed or minimized by authorities. This is expressed clearly by Rachel, who had experienced reporting at the university, disclosed her knowledge of the process:

I have experienced many problems with reporting at [this university]. This is due to the fact that I had to report a [neighboring college] student. I listed my fears above however, the problems that I faced included: delayed wait time (not okay for all survivors). I was reporting a [neighboring college] student, I ended up dealing only with [the college] and the perpetrator is still showing up in spaces where he knows I will be, despite a no contact order. I reported this to my boss and he contacted [the college] and their response was that they can't tell him where to go and where not [to] go because they don't want to limit his movement on campus. This is NOT SURVIVOR-CENTRIC and is limiting the victim who experienced harm for the comfortability of the perpetrator. If he chooses to show up at another one of my club's events, I do not know what I will do.

Rachel expresses a feeling of powerlessness as she experienced delayed wait times, an unprepared point of contact, and an ineffective no contact order. Overall, her experience was a negative one as she was confronted with many barriers to reporting and was not in a position of making decisions as a survivor. Rachel's situation provides an interesting problem for the administration as the college is a separate institution with buildings on the same campus as the university. The neighboring college shares portions of the campus with the university. Students enrolled at the college are permitted to take university courses and 'bridge' into a university program directly from the college.

Further barriers to reporting included being re-victimized. Lisa notes, "Re-victimizing the victim, becoming a victim by the offender if the offender is not 'punished'". However Vikki's statement is the most impactful:

It's my word against theirs, and without a rape kit or a confession from the opposing party, the re-victimization process is likely to happen all over again when you report details of sexual assault, even though reporting it to campus safety.

Vikki's comments also reflect a feeling of powerlessness and the perception that her word lacks credibility. For some, a further feeling of powerlessness is the fear of reprisal, the threat of harm to reputation, academic career and physical body. Largely, social constructions of masculinity and female powerlessness were present in the student's answers for barriers to reporting.

### **Theme 3: Policy Recommendations**

The students gave many recommendations on how to improve the policy and the safety of students on campus. This section examines the many recommendations students made for improving both the policy and the campus environment.

The recommendations included ways to make reporting easier while also revealing that the process is not currently a fair one. Due to Rachel's experience with reporting, she had many applicable recommendations for improving the policy:

If possible, I would condense these and make them much more explicit. I was able to easily understand this due to my experience and knowledge. However, I feel it is not quickly accessible and understandable for a survivor. Especially one who is looking for immediate help and has experienced extreme harm or suffering as a result of sexual violence. In addition, there should be an appendix with these key terms translated into several other languages in order to make it accessible for our diverse student population. There is a large portion of [the university's] population whose first language is not English.

Rachel's suggestion is to create a more easily understood policy, especially since the university population includes many who do not have English as their first language. This is an important suggestion as the current policy does not address how it can manage language issues or sensitivities.

Promoting safe environments for victims, which helps inhibit victim blaming, was mentioned by most students as being very important. For example, Hannah recommends that the

university should allow for special accommodations to help the complainant feel more comfortable. Stephanie and Lisa suggested a way to reduce victim blaming and shaming is to get men involved to help create a safe reporting culture on campus. Tom suggests adding the contact information and links of support services for victims of sexual violence on the actual policy.

Lastly, Chris stated:

I think [the policies] are well written. The problem for me does not rest in how these two [policies] are defined or prescribed online. The issue is with how effectively they are able to implement such cases in swift and certain manners. Procedural justice is crucial. You can have it written eloquently and preached ad nauseam, but if one encounters conduct contrary to what had been stated, all efforts become futile and devoid of meaning.

Chris has a very important point. It is not the policies only that can resolve the issue of on campus sexual violence and low reporting rates, rather it is also the implementation and procedural justice that the institution offers that matters. If the policy acts as a standalone, without proper and fair implementation, then it is only saving face for the university and not actively helping to create a safer campus for women.

Encouragingly, almost half the students said that they found the outlined process in the policy supportive. However, about a quarter of students said that they did not find it supportive. Tom is one of those students. He highlights a problematic portion of the policy that states each case is determined on a balance of probabilities:

The only issue I have is where it says, “case determined on a balance of probabilities”, which, while it is not the standard of beyond a reasonable doubt, still casts doubt on the person thinking of reporting before the process has begun, which is a sharp difference from the first sentence which says “you shall be believed”. I believe the idea that there is a case to determine how to solve the problem could be presented in a better way, that doesn’t imply a shadow of doubt.

Tom is noting that the language used in the policy is very important to any student reading it as perceptions are very important.

Almost all the students addressed the need for transparency and simplicity within the policy. Using language that is more causal and granting access to all pertinent information in the reporting process were ways suggested to achieve transparency and simplicity. Chris states:

More succinct. It is very lengthy and may lead to people being confused. Those who are reading this would most likely be those who have encountered said incidents. It may be too confusing and loaded. I would try to be more succinct in how I deliver the policies. I know there is a lot to take in, but a shorter delivery would probably be better.

In addition to making the policy more easily understood by students, Hannah recommends the inclusivity of one's identity should be noted to ensure that all individuals feel comfortable and safe enough to seek help and report. In her words, "Perhaps including a section on inclusivity based on one's identities (i.e., race, gender, sexual orientation, ability, etc.) to ensure that all individuals feel comfortable and safe enough to seek help and report". Furthermore, knowing who they are reporting to is very important to students as Rachel states:

I would specify the exact department or individual responsible for receiving disclosures and support. This person should specialize in responding to sexual violence. I would also not emphasize security at the end [of the policy]. This is extremely problematic and does not seem survivor centric because the way it reads, it says that security is going to act upon a report or disclosure without consent? This would scare me immediately. This does not read as empowering whatsoever. In addition, some marginalized communities may not want to be involved with security therefore, discouraging them from reporting as well.

Rachel's response exposes the falsity of survivor centric sexual violence policies, because in a closer reading of the policy, one learns that it is not survivor centric, rather the institution has caveats in place to allow them to act without the survivors agreement. This can be found in the statement:

When certain complaints are made involving violence, the Office of Campus Safety is responsible for responding to, investigating, and taking the immediate measures necessary to ensure the safety of the [university] community. These special circumstances may compel the university to continue action (Appendix F).

This statement reveals that the university has stated the right to take action should they see it fit to do so. Furthermore, Stephanie suggests that police be present when filing a complaint to provide legitimacy to the reporting process. Finally, Tom notes:

I am not entirely sure how to approach it, but I think the wording around the case could be changed. Or simply state "the case will be brought before the university" or something, the details can be given to individuals once it becomes necessary.

Overall, most students recommended transparency with the university's process of dealing with a sexual violence complaint and stating who the person is that a complainant will be reporting to.

An interesting contribution was made by a few students who suggested ways to make the policy more accessible every day so that students know it intrinsically. This included integrating the policy into academic life in the same way that academic integrity is integrated into the curriculum.

In terms of reducing the fear of rape on campus, simple security measures such as brighter city lights, blue lights, and increased security officer presence were mentioned a few times. Activating and increasing programs such as walking students to their cars or around campus was mentioned numerous times. Hannah states:

Making sure that there are several security options available to students who feel unsafe, such as organizations like Campus Safe Walk. Also, having emergency buttons around campus and ensuring all areas are well lit may help reduce students' fears and anxieties. Furthermore, having campaigns and communities that understand what sexual assault is and promote consent.

Above all, the largest contribution was the recommendation from Rachel to change the campus culture to one that is a consent culture through educational means and services:

I know the policy being presented is not a stand-alone sexual violence policy. However, a stand-alone policy violence policy is necessary!!! I think [the university] should make their actions regarding sexual violence more public. They should have a gender and sexuality centre (a space for cis-women and queer folks) so we have a space where we can feel safe. This is due to the fact that cis-men are predominantly the offenders in cases of sexual violence and harassment.

Rachel's suggestions echo what the other students have recommended, a safe environment and transparency with the institution in regards to reporting. In sum, the students had many concrete suggestions for policy improvement.

### **Part Two: Policy Discourse Analysis**

In this section, I discuss the policy discourse analysis I conducted on the university's new sexual violence policy. The revised policy was approved in December 2016 by the university Board of Governors. The policy will be reviewed again by the Board sometime in early 2017 and will have annual revisions thereafter with input from students, focus groups, and the healthy sexuality committee – a group of students who volunteer to help review the policy and develop preventative programming (Appendix H). As noted in the methods section, the policy was reviewed for themes addressing predominant images, discourses and positions of men and women, and policy silences and absences. A critical analysis approach was taken to reveal power and gender inequalities. There are four sections to this analysis: gender, institutional power, confidentiality concerns, and diversity.

**Gender.** This policy avoids gender. There is no mention of gender in any form aside from in the appendix where sexual harassment is defined as a gender-based harassment. To elaborate, it is defined as a harassment that enforces traditional heterosexual gender norms, roles or behaviours and is often used as a bullying tactic. Words such as discloser, respondents, and individuals are used, illustrating that gender inequality is not addressed. This is concerning as de-gendering language and policy obscures gender problems and misleads people to think that the gender problem is solved (Johnson & Dawson, 2011). Furthermore, McIntyre et al. (2000) note that this, “obscures links between sexualized violence, systematic social inequality and the systematically unequal treatment of rape survivors by the law” (p.79). Moreover, Connell (2002)

and O'Connor, Orloff, and Shaver (1999) note that gender neutral policies can create gendered effects. By failing to recognize that sexual violence affects a certain at-risk group the most (i.e., women aged 15-24 years) it can have the potential to mislead the people who need this policy, (i.e., victims of abuse). Moreover, as we have seen in the student online qualitative research, gender is present in students' lives and can have effects on their rate of reporting.

***Institutional Power.*** The power of the institution is illustrated within the structure of the policy. For the first two pages of the policy, the university's mandate and values are explained to the reader. The university refers to them as "commitments" or "guiding principles" and since they are discussed first, the institution sets the agenda and the tone for the policy. Words like "condemn, not tolerated, consent, rape culture" are used throughout the two pages, noting that the institution will not engage in thinking that will exonerate the rapist in vague language. The institution does not accept sexual violence or discrimination on its campuses or between students, "The [university] is committed to maintaining healthy and safe learning, living, social, recreational and working environments. Acts that perpetuate Sexual Violence including Sexual Harassment are against [the institution's] values and will not be tolerated" (p. 2). The discourse of the institution is persuasive and commanding, as it can infer that anyone with a complaint of sexual violence or discrimination would not be helping the institution achieve its goals but rather going against the institutions commitments.

Furthermore, the policy states that: "[The institution] stands against Sexual Violence through a preventative approach. This approach involves educational programming and training to empower our community and to minimize behaviours that contribute to the perpetuation of Sexual Violence" (Appendix H, p. 3). This statement could infer that the actions of a fellow student are preventable because the institution is actively educating the student body on such

things. However, how this may read to a victim of sexual violence, who will be countering the dominant discourse of rape culture, is questionable.

Moreover, restorative justice is discussed as an option for retribution, under the “How will allegations of sexual violence be addressed (s. 32)”. In this section, informal measures such as seeking an apology, delivering an impact statement, meeting with a university official to discuss the ways that a similar incident can be avoided, are all based on principles of restorative justice. The policy suggests that this option will ‘help them to meaningfully address the incident of sexual violence and where participation does not place the student at risk’ (p.8). Under the purpose of this policy, s.6 states that the institution “offers fair paths to justice as alternatives to, and not replacements for, external judicial proceedings (p .3)”. However, as noted earlier, restorative justice is seen as problematic for sexual violence survivors due to the pressures that it places on the victim, power imbalances, and the exposure to self-doubt for the victim (Gunraj et al., 2015; Cook, 2010; California Sexual Assault Task Force, 2004; Lancaster & Waryold, 2008).

***Confidentiality Concerns.*** The student is allowed to either be a discloser or a complainant to a support worker who will provide assistance and accommodations as directed by the student in the ‘resolution’ process (s. 29). Under this section, the student’s consent is required to communicate with counsellors or university officials and the office of campus safety, however, if the details of the complainant reveal a significant risk to others, the policy states that the support worker may contact the office of campus safety and/or law enforcement without consent (s.31). Nevertheless, if the discloser chooses to proceed with a formal report, information will be shared with others in order to achieve ‘procedural fairness’ (Appendix H, p.6).



The policy states that all informal resolution processes are confidential and may not be later disclosed or used in a subsequent report or investigation. All participating individuals in this process will need to sign confidentiality agreements and when the resolution process is considered completed, the case is considered closed and resolved. Both a case manager and a support worker will manage the informal process. The case manager “will normally be the Director, office of campus safety” and “a support worker is defined as a staff member designated to receive disclosures or reports (Appendix H, p.14)”. These people are not named, so it is vague as to who these people might be. Therefore, the students are not aware ahead of time who they are reporting to.

Also, according to the policy, a discloser or complainant is allowed to tell their story in their own terms, however, that is strictly determined by which path the complaint follows (Appendix H, p.6). If the discloser follows an informal resolution process, confidentiality is promised and the story is restricted to the case manager, support worker and the respondent (s.35). However, if a formal process is pursued, confidentiality is not promised and many different departments will be informed especially if there is a ‘risk of safety for the community’ (s.27). The risk of safety is determined by the support worker and case manager.

Furthermore, s. 41 notes that if there is any evidence of retaliation to the complainant, either expressed or implied, then the Case Manager may impose measures such as restrictions to certain buildings and this threat will be included in the report. However, it is not noted who gets restricted, the complainant or the respondent. Moreover, during the review to determine if this policy will cover the complaint:

The Case Manager will review the formal report to determine whether the described incident would be covered under this policy assuming the allegations are true. During this review, the Case Manager may meet with any individual deemed necessary to assess whether the report warrants investigation (p. 9).

If the Case Manager deems the report as not warranting an investigation, then s/he will advise the complainant and respondent in writing that no investigation will take place (p. 9). This decision is based on the balance of probabilities that sexual violence either occurred or not, similar to the problematic legal system. If an investigation is pursued after the balance of probabilities, then another individual is appointed to conduct the investigation by the Case Manager. This person cannot be someone who was involved in the reporting/disclosing of the events. Indeed, this is a second investigation. The complainant has the right to request an external investigator and if not, the second investigation is conducted by a [university] investigator as noted by s.45 (p. 9). Any documents needed are provided except any documentation taken during the informal resolution process. Only after the process has begun will the respondent receive the name of the investigator and a summary of the allegations and supporting documents (s.48). The investigator will meet with both respondent and complainant to obtain further information and the investigator may choose to meet with other individuals that may have been witnesses.

This process is essentially out of the hands of the complainant. As the policy states that an individual has the right to tell their story in their own terms, there could be a variety of interpretations to this statement as the discloser in fact has very limited rights to confidentiality and process if they choose to pursue the formal complaint route.

The institutional power is apparent in the policy as not only does the Case Manager hold power in whether or not an investigation is pursued, but also, the investigator will determine whether or not there has been a violation of the policy based on the evidence and balance of probabilities. By making a comparison to other similar offenses, a corrective plan is devised and presented to the Associate Provost or 'delegate', and this person is noted to have appropriate

training to make this decision. Ultimately, the Provost decides the result which can be a written warning, conduct contract, community service, suspension, or evictions or expulsion as a selection of the options. This decision goes to the Case Manager and then to the respondent along with a summary of the investigation and a ten day limit to respond.

If an appeal is conducted, the case is heard by a panel of ‘individuals with appropriate skills, training and experience to work with sexual violence’ (p.11). However, there is no definition nor assignment as to who these people are. The complainant is expected to participate with this hearing but can participate with alternate forms such as telephone, pre-recorded answer, prepared written statements, and other accommodations suggested by the support worker and/or complainant.

In sum, the support worker and case manager have the power to determine the level of risk to the community, thereby forgoing confidentiality, and the investigator has the power to make appointments with the complainant, respondent and anyone else that they see fit, and if an appeal goes forward, the complainant is expected to participate. Therefore, confidentiality is ultimately limited and at the discretion of individuals employed by the post-secondary institution.

***Diversity.*** The policy refers to accommodating students with ‘diverse backgrounds’. The policy states: “[The institution] is aware of and acknowledges the diverse backgrounds and cultures of students and will consider and take reasonable measures to accommodate needs emerging from this diversity when dealing with individual cases” (p. 2). However, the policy does not address specific religious needs for privacy and confidentiality. Nor does it address having gender specific or religious specific people to address needs.

In fact, the student needs to take this on face-value, as specifics are not discussed. As confidentiality depends on many different variables and is not ultimately promised as seen in the above, the ‘reasonable measures to accommodate needs’ appears to also be subjective. As well, since this policy is based on a discourse of ‘balance of probabilities’, the interaction of race, class, gender and culture may come into play in the interpretation of the complaint and investigation.

In other words, depending on the route that the complainant takes, there is a hierarchy in disclosure and confidentiality, potentially directly conflicting with the needs of a student with a diverse background. If the complainant wishes to make an informal complaint, his/her complaint can be shared with only a support worker and a case manager. If the complainant wishes to pursue a formal complaint process, then the cases details are shared with a support worker, case manager, investigator and the Vice President Academic and Provost or successor. The Vice President with the collected information and opinions of all these members is responsible for the implementation, interpretation and application of the policy. Therefore, there could be the interpretation of four people, who are not named or identified in the policy that would lend their interpretation to the balance of probabilities.

This analysis has noted many silences that have revealed power and gender inequalities. The absence of gender, post-secondary institutional power enforcing its power within the structure and words of the policy, the limited confidentiality leading to potential barriers of reporting, and the absence of sensitivity towards students intersecting identities are all found in this policy. Ultimately, this policy serves to give the students an outline of a procedure and protocol that is not only vague, but once a disclosure is made, it is no longer survivor centric, and

is dealt with privately within the institutional walls of the university. These themes are further elaborated on in the next chapter.

## **Chapter 5: Discussion and Conclusion**

Social constructions of masculinity, powerlessness and transparency are very important to students as these issues are not currently addressed in the policy by the post-secondary institution. Student recommendations included ways to make reporting easier while revealing that the process is not currently a fair one. They are hesitant about the reporting structures and are untrusting of campus security. Yet, they are not able to clearly and effectively define sexual assault, consent, or sexual violence, suggesting that either the current definitions are too complex or general sexual education needs to be improved so that the students have a firm understanding of these terms, before entering a high-risk environment.

In fact, students recommended education and accessibility of information about sexual violence. In particular, they recommended that students be informed of their options and procedures at every stage of the process while still maintaining confidentiality. Being aware of who students are reporting to, where they are reporting, the process of reporting and what happens next, what the possible options are and most importantly, what part is in their control while giving illustrative examples of what could happen, is very important to them. But, more importantly, the critical policy analysis reveals that the policy itself is a barrier to reporting by avoiding issues of gender, diversity, confidentiality and by using the structure of the policy and words to assert its institutional power.

### **Labour, Power, and Sexuality**

Institutional power can act to encourage and maintain the under-reporting of sexual violence and an unsafe campus environment for women. This can be seen in American institutions which do not disclose true rates of sexual violence to maintain an illusion of safety (Yung, 2015).

As the division of labour commences with educational opportunities, an unsafe campus environment could be a deterrent to pursuing higher education and thereby enforcing existing class and gender divisions. This can cause women to employ tactics that constrain their behavior and restrict their freedom, but also to not pursue higher levels of education (Roze, 2008). Together with the social structures of sexuality and power, women are 'othered' through the means of an unsafe campus environment. This includes victim blaming, the lack of appropriate means of retribution for those victimized by sexual assaults, and the lack of appropriate resources for traumatized students. Combined, these issues work to disempower those who are different from the powerful and render them vulnerable.

The institution can make their power known by setting the agenda both in the policy and protocol. Therefore, in economic, social, political and cultural terms, the post-secondary institution has the upper hand as they are setting the terms to be followed (Messerschmidt, 1993; Perry, 2001). Given that the policy is written by the institution, the campus police are hired by the institution, and the student is expected to abide by the rules of the institution, the student can be denied the authority to make decisions, the ability to be fully educated on all the steps of a formal and informal complaint process, confidentiality, protective resources, and inclusiveness into the dominant group (Perry, 2001).

The students' recommendations to create a more easily understood policy for victims revealed their subordinate positions. This is especially true for those experiencing the after effects of trauma and for those who do not have English as their first language. Students also noted the need to create an overall safe and hospitable environment for victims to safely report sexual violations - especially for the variety of different identities that exist on campus (e.g. racial and sexual identities). Furthermore, it is clear that the students do not entirely trust the

campus police and procedures. The students seem to be weary of victim blaming, community shame, and/or having their experiences being minimized. Most importantly, the students were aware of the policy's statements that campus security will act upon a report or disclosure without consent, noting it is not 'survivor centric'. The institution created caveats in the policy to allow them to act without the survivor's agreement or acknowledgement, thereby removing power to control the process from the victim.

Given that the institution has set the agenda, the policy could be acting as a statement of power with gender, diversity, and equality excluded. Language, cultural, and confidentiality sensitivities are not addressed. There is no recognition of the 'other'. Instead, the policy is written for the dominant heterosexual white, English speaking male student. Accordingly, a student recommendation was to have inclusivity of one's identity (race, gender, sexual orientation, ability, etc.) more clearly written into the police as all individuals should feel comfortable and safe enough to seek help and report. Furthermore, there are problematic portions of the policy that state that each case is determined on a balance of probabilities while also stating that a complainant will be believed. The institutional distrust was so great that some noted that the police were seen as more "legitimate" and useful in more severe situations. This sentiment is supported by the literature as Tamborra and Narchet (2011) note that many students do not report sexual violence as they feel that the campus services are inadequate.

Education, accessibility of information, transparency, as well as being aware of who students are reporting to, where they are reporting, the process of reporting, what the possible options are and most importantly, what part is in their control are very important to them. Without these things, the post-secondary institutions are able to continue acting in a method of secrecy, acting on behalf of the complainant, in the best interest of the institution, as it has been



noted to be already happening at other institutions such as the University of Ottawa and Dalhousie University (Iyer, McRae, & Backhouse, 2015; Maxwell, Brunger & Hunter, 2015; Report of the task force, 2016; The Canada Press, 2014). Both of these institutions pushed for informal measures and secrecy while the complainants requested formal actions.

Sexuality exists as a social structure that sets a hierarchy of appropriate sexual values and practices, defining acceptable and respectable sexual practices (Messerschmidt, 1993; Perry, 2001). The social construction of masculinity does not permit sexual victimization, nor does it permit reporting. While the reality is that both men and women can experience sexual violence, men are most likely to perpetrate and women are most likely to be victimized (Joseph, Gray & Mayer, 2013; Gunraj; Wandio; Metrac, Canadian Electronic Library, 2014). As the social construction of masculinity creates structured actions and displays of dominance, aggression and callousness, women are perceived as victims or as the powerless. This could be because those who are enacting displays of masculinity and femininity will be rewarded with their power reinforced, while the opposite is true for those who do not (Perry, 2001). In fact, on campus, men have been noted as less likely to report a sexual violation or use help services (Walsh, Banyard, Moyihan, Ward, & Cohn, 2010; Isley, 1998; Sherbourne, Dwight-Johnson & Kalp, 2001).

Most students said that would file a complaint to either university authorities, university agents, campus security, and/or student services, should sexual violence happen to them. However, we can only assume that they would be doing it in person, since only one person mentioned potentially using the listed email (yet, retracted the comment by saying that since they are unaware of who is reading the email they would not use it) and no one mentioned using the listed telephone number in the policy. No one actually mentioned a plan, which is surprising as 25% of college students will experience sexual assault (Fisher et al., 2000). Furthermore, a

student made the distinction between ‘should’ and ‘would’, meaning that they might not actually file a complaint. Overall, the students’ answers revealed a general feeling of distrust with campus authorities when reporting sexual violence. This would suggest that the campus environment is not currently one that supports reporting sexual violence. Comments about being re-victimized in the process of reporting was a foreseeable concern for students. In particular, students expressed concerns about having to retell the details of their victimization to potentially unsupportive responders (i.e. police and campus security). These concerns are valid and supported by the literature (Du Mont, Miller & Myhr, 2003; Fisher, Cullen, & Turner, 2000; Rennison, 2002; Tamborra, & Narchet, 2011; Walsh et al., 2010). The fear of reprisal, including harm to the student, student’s reputation and academic career, and victim blaming are valid concerns. While many said that they would report, knowing who to report to and the exact actions that they would take was a different matter. Many students made valid points regarding barriers to reporting, noting that being believed and being respected in the process were very important. Overall, the students were hesitant to trust campus authorities and noted that the policy was lacking in effectiveness.

Not understanding the legal definition of sexual assault is a reasons for under-reporting (DuMont et al., 2003; Fisher et al., 2000; Rennison, 2002; Tamborra & Narchet, 2016; Walsh et al., 2010). Therefore, it is imperative that students understand the key definitions of sexual assault, consent and sexual violence as safety on campus cannot be achieved if victims doubt the meaning of their violations. Understanding these key terms can be a step in the right direction. It is alarming that less than half of students said that consent must be verbal, a quarter said that consent cannot be given when incapacitated, or few said that consent is non-transferable. The students had a vague understanding of sexual assault, but missed key points, such as it is a

criminal offense under the *Criminal Code* of Canada and more importantly, it is an abuse of power. In terms of sexual violence, many failed to include gender, gender identity, sexual orientation, psychological harm, or discrimination in their definition. This suggests that the policy definitions may be too lengthy for students. Furthermore, Senn et al. (2014) note that educational methods should include debunking rape myths in order to be effective.

### **Policy Recommendations**

Students should not feel duped or mishandled by the institution that may be acting in their own best interest. Information regarding sexual assault and the university response should be easily accessible, this could include posters on campus and putting information on student materials as suggested by students. Making a point of contact that the students are aware of and can feel comfortable with is important, as well as hiring individuals that the students can relate to and feel comfortable (Tamborra & Narchet, 2011). As the students are “the most critical stakeholder” (Tamborra & Narchet, 2011, p. 17), students recommendations should be heeded. Creating a policy that is easily understood by all members of the student bodies, which includes students whose first language is not English, students with disabilities, and students who have experienced trauma (Gunraj et al., 2015). This also includes the use of better definitions to define the following terms, sexual assault, sexual violence and consent and making the policy should be comprehensive with an outline of actions that are easy to follow and clearly laid out (Osborne, 1992).

Since the campus environment can act as a barrier to reporting, especially when there is a male-dominating culture and policies that do not provide confidentiality (Brubaker, 2009), it is important that those issues are addressed in the policy. Barriers such as gossip, retaliation and discrimination from peers also must be addressed by the policy as well as the means that the

institution will go to protect the students who are involved in such cases. Also, addressing any concerns of a victim, such as the victim not thinking that the incident was a crime, confidentiality concerns and the inability to support that the incident happened, are very important (Amar, Stout, Simpson, Cardiello, & Beckford, 2014; Walsh, Banyard, Moynihan, Ward, & Cohn, 2010; Tillman, Bryant- Davis, Smith & Marks, 2010). Furthermore, sections that illustrate institutional power should be addressed to ensure that the policy is not acting as a barrier itself. Any post-secondary institution should be able to provide specifics for when confidentiality is held, so that the complainant is aware at all times when their experience will be shared with others while being sensitive to a student's intersecting identities and vulnerabilities. If this is not possible, then a third party service might be better at handling sexual assault complaints to avoid any biases.

It is also important to ensure victims that they will not suffer from self-blame, guilt, embarrassment, fear, fear of reprisal, feeling like it was a private matter, or from not understanding the legal definition of sexual assault (Fisher, Cullen, & Turner, 2000; Rennison, 2002; Du Mont, Miller & Myhr, 2003; Tamborra, & Narchet, 2011; Walsh et al., 2010). These barriers can be mitigated by continuing research on this topic, incorporating student feedback on the policy on an annual basis and to include the sexual assault policy in student materials as well as advertised on campus. This can also help to encourage students to know the definitions for sexual assault, sexual violence and consent as this understanding is crucial so that women and men are not 'unacknowledged rape victims' (Koss, 1985). This means including oral, anal and vaginal intercourse without consent, and the use of coercion, threat and physical force in everyone's personal definition. Ensuring that administrators, response providers and students

understand the definitions of all unwanted sexual behaviours is imperative to safety on campus and as the results of this study show, understanding is not always the case.

Furthermore, the use of mediation as an alternative to the adjudication process must be evaluated and investigated. As it tends to be used in Canada as an alternative to the adjudication process with disciplinary actions ranging from a written reprimand to expulsion with many incidents being withheld from the public (Sheehy & Gilbert, 2015), how it is used is considered to be inappropriate to a sexual assault complaint due to power imbalances, pressures on the victim, and the exposure to self-doubt for the victim (Gunraj et al., 2015; Cook, 2010; California Sexual Assault Task Force, 2004; Lancaster & Waryold, 2008). Therefore, other methods should be investigated as possible solutions. As the current policy clearly demonstrates institutional power, by setting the agenda and tone, mediation is not fair to both victim and perpetrator as the language in the policy itself is commanding and persuasive, inferring that any complaint of sexual assault will not be helping the institution's mandate of maintaining a healthy and safe school environment. Using a third party to investigate a complaint may be a way to handle this situation, so that the institution is not acting in their sole interest.

Last, the inclusion of gender and age prevalence of sexual assault, particularly the highest at-risk group must be acknowledged by the policy. By ignoring this important and well document fact, the institution is perpetuating rape myths that rape exists in a vacuum, when it is clearly a documented fact that female students between the ages of 15-24 years old are the highest at-risk group in Canada (Brennan & Taylor-Butts, 2008). By including this fact, this might help those who have experienced sexual assault to come forward and help students to understand the realities of sexual assault victimization by providing transparency.

As the most current policy includes power and gender inequalities, such as the absence of gender, limited confidentiality and the absence of sensitivity towards students' intersecting identities, the new policy in itself could be considered a barrier to reporting. The definition of a barrier is "any factor that serves as an impediment to disclosure, reporting, or help seeking and that makes it less likely that a survivor will tell someone else about his or her victimization or seek formal services for help in the aftermath of the victimization" (Walsh, Banyard, Moynihan, Ward, Cohn, 2010, p. 136-137). A productive policy should not hinder reporting by acting as a barrier but should instead help to create "[a]n environment where everyone on campus knows that sexual violence is unacceptable, victims receive the services they need, and perpetrators are held accountable" (Ontario Women's Directorate, 2013, p. 11).

Effective policies should be coupled with prevention programs (Tamborra & Narchet, 2010). It would be beneficial for both students and administrators at this institution to engage in education about sexual misconduct, the non-verbal signs of unwanted sexual activity, the interactions and pressures of unhealthy media representations, and healthy sexuality and communication (Tamborra & Narchet, 2011). Programs that focus on what healthy sexuality looks like, grappling with more than just data and the services provided by the university, but providing a critical view on attitudes towards sex, gender role stereotypes, socialization, and expectations can be very helpful (Tamborra & Narchet, 2011). As well, programming that addresses the dangers of a rape culture, rape myths, and power and dominance in sexuality is important for people of all ages and perhaps should be taught before students enter into this high-risk group. High school sexual education can help to prepare students for entering into a post-secondary institution and the challenges that may come forth in the new environment (Senn, 2013).

Since the best way to counteract power imbalances suggested by Abel & Rouleau (1995) is to counteract the lack of appropriate consent and the abuse of power by having an environment of gender equality, adopting an open forum to discuss sex abuses, and to provide skills and education on sex abuse to help empowering victims, more education on healthy sexuality could be beneficial. Furthermore, Senn (2013) suggests that education on the resistance to sexual assault is imperative to safety of young women about to leave high school as it is successful at changing the attitudes and beliefs of young women at risk for acquaintance rape, the ability to defend themselves and at lowering negative attitudes related to rape. Senn (2013) has developed the program which is a development of a previous sexual assault resistance program by Rozee and Koss (2001) aimed at the highest risk group, young women before leaving high-school.

Going forward, Hayes-Smith and Hayes-Smith (2009) note that productive policies could include the following, clearly operationalized and behavioral definitions of sexual violence, consent and sexual assault, a discussion about the prevalence and circumstances surrounding non-stranger sexual assault and situations that it most likely occurs in, what to do if sexually assaulted, and to list the services and resources that are available to the student both on and off campus. As we have learned with this study, although a definition is provided for students, they may still not grasp the meaning of that definition, therefore it is imperative that the right kind of definition be provided and rape myths be exposed. As well, the inclusion of varying degrees of gender, race, class, and sexuality should be noted, as well as cultural sensitives and calls for confidentiality.

### **Limitations**

There were a many limitations to this study. First, the timing of this project was a limitation. As it was conducted as a Master's thesis, there was a time limit. The Research Ethics

Board review process was very long and this project took many revisions to satisfy their requirements. Had this project had more time, I could have waited until the first official draft of the policy was completed and used it for the student online qualitative research as well as the critical policy analysis. Also, I could have collected more data for this thesis and had a larger sample. However, as the Research Ethics Board review process needed to be completed and the data needed to be collected, this study used two versions of the policy and a very small sample size of 17 students.

Second, the questions asked in the research instrument were limiting. As the questions asked were exploratory, they could have been expanded on. For example, more questions such as religion, socioeconomic status, and ability could provide a better sense of who the participants were in their intersecting and varied identities. Also, asking questions about past victimization, pre-post-secondary institution and during could have been fruitful as the literature suggests that there is a difference in disclosing and reporting with people who have a history of trauma (Ullman & Brecklin, 2002; Walsh, Banyard, Moynihan, Ward & Cohn, 2010). Although one student commented on their experience with victimization and reporting, it would have been helpful to know if others had been and if they feel the same about their experience.

Third, the online research instrument was another limitation as the researcher had to rely on the written answers of the students. An in-person interview could allow for more questions and a better opportunity to collect more information from students in terms of their thoughts and opinions, as well as to clarify their answers and get further elaboration if needed.

Finally, this study only investigated one institution. The analysis of this project could have benefitted from investigating numerous post-secondary institutions in Ontario. However, due to the time limitations on this Master's thesis, only one institution was advised. By



reviewing multiple institutional policies and having more students participate in this study, additional voices would have been heard and any overarching themes would have been recognized.

### **Future Research**

A future direction of research could be to include online sexual violence policy in this analysis, as there is a growing trend of online sexual violence in the campus environment, such as at the University of Ottawa and Dalhousie University, that will be addressed by policy (Iyer, McRae, & Backhouse, 2015; Maxwell, Brunger & Hunter, 2015; Report of the task force, 2016; The Canada Press, 2014). These online threats of sexual violence will be incorporated into the sexual violence policies due to public outcry, as they are written threats to violate one's sexual integrity and encourage the acceptance of on campus rape culture.

Another important research endeavor would be to examine the disclosure and resource use on Canadian campuses after a sexual assault (Walsh, Baynard, Moynihan, Ward & Cohn, 2010). If students do not use these services due to barriers to reporting, it would give the post-secondary institution another reason to reduce resources to these very valuable services.

As this project was an exploratory study, the next steps would be to improve upon certain questions and interview and critique multiple post-secondary institutional sexual assault policies across Ontario. Since the current state of Canadian sexual assault policies have been critiqued as a 'patchwork' at best, further research can help to create best practices and procedures (Browne, 2014). Furthermore, future research should endeavor to tackle whether or not general laws and specialized focus on sexual assault and harassment on campus actually makes a difference in reporting, the general attitude of students, faculty, staff and public safety on campus. Adding a

fear of rape scale (Senn & Dzinis, 1996) to this study will help to determine if the fear of rape is present on campus, followed by an analysis of policy and procedures on campus, comparing mandated provinces or states, against non-mandated provinces or states. The rate of reporting and fear of rape and campus can provide additional research to determine if mandated sexual violence policies are in the best interest of the students.

### **Conclusion**

Important contributions have been made by the students in this study in terms of lending their voices and sharing their perceptions on post-secondary institutional sexual assault policy. As this policy will need to be updated every three years with the input of students, this study hopes to be a step in the right direction in conducting research on this very important matter (Government of Ontario, 2015; 2016).

Many young women will continue to face the risk of sexual assault on campus, but hopefully the post-secondary institutions will have better measures in place to help prevent and respond to those who are victimized. It is encouraging that the Ontario government has taken action so as to ensure that post-secondary institutions cannot rely on student codes of conduct or sexual harassment policies as a means of responses. But, it is important that students continue to raise their voices in getting change that will help create safety on campus.

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## Appendix B

**Letter of Invitation  
June 2016**

Title of Study: Reporting Unwanted Sexual Behavior on Campus

Student Principal Investigator: Lindsay Ostridge, M.A. Thesis Student, Criminology, University of Ontario Institute of Technology

Faculty Supervisors: Dr. O'Connor, Assistant Professor, & Dr. Nawal Ammar, Adjunct Professor, Faculty of Social Science and Humanities, University of Ontario Institute of Technology

I, Lindsay Ostridge, MA Criminology student at the University of Ontario Institute of Technology, invite you to participate in a research project entitled, "Reporting Unwanted Sexual Behavior on Campus". The purpose of this study is to gain an understanding of the fear of rape on campus and how to improve the current sexual assault policies from the student's perspective. If you decide to take part in this study, you will be asked to fill out three questionnaires- a demographic questionnaire, a fear of rape scale, and a policy questionnaire regarding sexual violence. The entire process will take approximately 60 minutes. This study has been approved by the UOIT Research Ethics Board [REB #15-137] on [date].

This research will benefit you as it may help you gain experience by participating in a study, develop a better understanding of how research works and potentially gain a better appreciation for research that you may read about in your coursework. Your answers can help to make a contribution towards creating a safer environment on campus by exposing potential barriers in reporting.

If you have any pertinent questions about your rights as a research participant, please contact the UOIT Ethics and Compliance Officer at [researchethics@uoit.ca](mailto:researchethics@uoit.ca) or 905.721.8668 ext. 3693. If you have any questions, please feel free to contact me ([lindsay.ostridge@uoit.net](mailto:lindsay.ostridge@uoit.net)) or Dr. O'Connor ([christopher.oconnor1@uoit.net](mailto:christopher.oconnor1@uoit.net), 905-721.8668 ext. 5882).

Thank you,

Lindsay Ostridge  
Master of Arts Student  
[Lindsay.Ostridge@uoit.net](mailto:Lindsay.Ostridge@uoit.net)

Dr. Christopher O'Connor  
Assistant Professor  
[christopher.oconnor1@uoit.net](mailto:christopher.oconnor1@uoit.net)

Dr. Nawal Ammar  
Adjunct Professor  
[ammar@rowan.edu](mailto:ammar@rowan.edu)

## Appendix C

**Consent Form****Reporting Unwanted Sexual Behaviour on Campus:**

You are invited to participate in a research study entitled, “Reporting Unwanted Sexual Behavior on Campus”. This study REB #15-137 has been reviewed by the University of Ontario Research Ethics Board and has been approved as of October 4<sup>th</sup> 2016. Please read this form carefully, and feel free to contact myself or my supervisors if you have any questions. Our contact information is listed at the end of this consent form.

If you have any questions about your rights as a participant in this study, please contact the Compliance Officer at (905) 721-8668 ext. 3693 or researchethics@uoit.ca

**Researcher(s):**

This research is being carried out as a M.A. Thesis project by the following:

Lindsay Ostridge (M. A. Thesis student)

Dr. Chris O’Connor (Academic co-supervisor)

Dr. Nawal Ammar (Academic co-supervisor)

**Purpose and Procedure:**

The purpose of this study is to gain an understanding of the fear of rape on campus and how to improve the current sexual assault policies from the student’s perspective. If you decide to take part in this study, you will be asked to fill out three questionnaires- a demographic questionnaire, a fear of rape scale, and a policy questionnaire regarding sexual violence. The entire process will take approximately 60 minutes.

**Potential Benefits:**

This research will benefit you as it may help you gain experience by participating in a study, develop a better understanding of how research works and potentially gain a better appreciation for research that you may read about in your coursework. Your answers can help to make a contribution towards creating a safer environment on campus by exposing potential barriers in reporting.

**Potential Risk or Discomforts:**

Two questionnaires in this study will ask about your fear of rape and your opinions on sexual assault policies on campus. As you complete the materials involved in this study, you may feel uncomfortable revealing your experiences. If so, please know you can stop the survey at any time, leave questions blank, or contact the support service provided throughout the survey. Please be assured that all of your responses will be confidential and anonymous, and your responses will not be connected to you in any way. Any information you will provide will be used anonymously. At any point in time during the study, you also have the right to discontinue the survey without any penalty.

**Storage of Data:**

The information you provide will be entered into a computer database and stored under password on a USB. No identifying information, such as your name, will appear in the database. All the data will be pooled together to further protect the confidentiality of your responses.



**Confidentiality:**

It is entirely up to you if you want to take part. Your responses will be anonymized as soon as the information is received by the researcher. Confidentiality will be provided to the fullest extent possible by law, professional practice and ethical codes of conduct. Your privacy shall be respected. No information about your identity will be shared or published without your permission, unless required by law.

**Right to Withdraw:**

Your participation is voluntary, and you can choose to answer only questions that you are comfortable with. All of the responses that you give will be confidential and anonymous. Once the survey has been completed, the information that you have provided will be retained given that it cannot be traced back to you. The information that is shared will be held in strict confidence and discussed only with the research team. You may withdraw from the survey at any time without negative consequences. As a participant, you are not waiving any rights to legal recourse in the event of research-related harm. Once the survey is complete, the information you have provided will be retained given that it cannot be traced back to you.

**Participant Concerns and Reporting:**

If you have any questions concerning the research study, please contact the researcher Lindsay Ostridge ([lindsay.ostridge@uoit.net](mailto:lindsay.ostridge@uoit.net)) or Dr. O'Connor at 905. 721. 8668 ext. 5882 or [Christopher.oconnor1@uoit.net](mailto:Christopher.oconnor1@uoit.net). Any questions regarding your rights as a participant, complaints or adverse events may be addressed to Research Ethics Board through the Ethics and Compliance Officer – [researchethics@uoit.ca](mailto:researchethics@uoit.ca) or 905.721.8668 x. 3693. This study has been approved by the UOIT Research Ethics Board REB #15137 on October 4<sup>th</sup> 2016.

**Debriefing and Dissemination of Results:**

As a participant, you are entitled to be informed of the results of this study if interested. The results may be published in an academic journal. Even in this form, all data will be pooled and remain anonymous. If participants are interested in the results of this study please contact the investigator at Dr. O'Connor at [Christopher.oconnor1@uoit.net](mailto:Christopher.oconnor1@uoit.net)

**Consent to Participate:**

1. I have read the consent form and understand the study being described.
2. I have had an opportunity to ask questions and my questions have been answered. I am free to ask questions about the study in the future.
3. I freely consent to participate in the research study, understanding that I may discontinue participation at any time without penalty.

Please check if you agree

Please check if you do not agree

## Appendix D

## Demographic Information

*Please provide the following information*

1	Your sex	Male	Female
2	Your age in years		
3	Your ethnicity		
4	Your sexual orientation	Heterosexual	
		Gay	
		Lesbian	
		Bi-sexual	
5	Your current relationship status	Single	
		Dating (but not living together)	
		Cohabiting	
		Divorced	
		Married	
		Widow/er	

## Appendix E

## UOIT Policies

**What is Sexual Assault?**

Sexual assault, which includes rape, is a criminal offense under the Criminal Code of Canada. There are three levels of sexual assault under the Criminal Code. Sexual assault involves any form of unwanted activity of a sexual nature, including kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration that is imposed from one person onto another without true consent. This includes rape.

- Sexual assault with a weapon is when the assailant uses or threatens to use a weapon during the assault.
- Aggravated sexual assault is when the assailant uses excessive force and significantly injures the victim/survivor during the assault.

Sexual Assault is an abuse of power. It is important to remember that if you think this has happened to you, it is *not your fault*. UOIT can help you.

Retrieved from: <https://www.uoit.ca/main/current-students/campus-services/safety-security/personal-safety/sexual-violence/uoit-policies.php>

**What consent means**

The health and safety of our community members is paramount. UOIT's principles of behaviour set out the ways in which we expect community members to interact with each other. Through these principles we can create a campus culture that promotes and supports equity, compassion, and respect.

A supportive campus starts with a culture of permission. At UOIT we believe in a culture of permission – a consent culture. Consent creates spaces free of oppression and indignity.

We at UOIT are focused on seeking consent in all activities.

- Consent is voluntary and vocal.
- Consent means freely stating an affirmation.
- Consent is limited to the current experience and can be withdrawn at any time, for any reason.
- Consent allows us to be involved as we see fit.
- Consent is used when adults engage with each other.

Obtaining consent is easy. Simply ask for it. Ask for consent fairly and in a sober state of mind.

For greater clarity, consent has NOT been given when:

- Someone is silent or still (e.g., lack of movement or vocalizations is NOT consent)
- Someone is incapacitated (e.g., unconscious or inebriated individuals may NOT give consent);
- Consent was given in the past, but not given in the present moment (e.g., consent last week is NOT consent for activity this week);
- Coercion or threat was used to obtain consent (e.g., consent obtained through force, threat, or power imbalances is NOT consent);
- Consent was given to only one person – consent does not transfer to anybody (e.g., consent given to one person does NOT allow anyone else to engage in an activity with that person);
- The nature of the consented action changes (i.e., consent to one activity is not consent to any activity)
- An adult attempts adult activity with a minor (e.g., sexual or criminal activity).
- Consent was predicated on a lie (that is, the circumstances that were agreed upon were not truthfully detailed).

If you have engaged with a member of the UOIT community in any of the above-listed ways, you have violated their rights and freedoms. UOIT reserves the right to investigate you to the full extent of our policies.

If your consent has been ignored or violated, contact:

Student Lifeline: 905.721.3392

Email: [studentlifeline@uoit.ca](mailto:studentlifeline@uoit.ca)

Retrieved from: <https://www.uoit.ca/main/current-students/campus-services/safety-security/personal-safety/sexual-violence/what-consent-means.php>

### **How to seek justice**

UOIT has zero tolerance for behaviours that create a hostile, inequitable, or unsafe environment.

#### Sexual Violence

Some acts of violence are sexual in nature. Any violence, physical or psychological, carried out through sexual means or that targets gender, gender-identity, or sexual orientation – including sexual abuse, sexual assault (e.g., rape), harassment, and discrimination – is considered sexual violence.

#### *At UOIT we have zero tolerance for sexual violence.*

Especially where violence contains a sexual element, the victimized individual can feel as though they are at fault or partially to blame. We remind all members of our community that we have a commitment to victim/survivors and we have many resources available that can help in your process of seeking resolution. We encourage you to make use of the resources knowing that we will, to the best of our ability, uphold confidentiality and protect you from reprisal.

You have several options for how to proceed. **You** get to choose when you are ready for each step. One course of action is to file a complaint.

#### Seeking Justice

You have several options through which we will help you find justice. A University Agent can detail these options for you after confirming that you are currently safe (see the Four Questions).

Learn your options from a University Agent:

Student Lifeline: 905.721.3392

Email: [studentlifeline@uoit.ca](mailto:studentlifeline@uoit.ca)

#### **Filing a Complaint**

If you make a complaint, you will be:

- Believed and treated with compassion. Based on this belief, services for aid will be offered to the individual by the University Agent and by way of answering The Four Questions.
- Protected from having to reveal your identity
- Protected from retaliation (i.e., retributive action or reprisal)
- Able to work with the University Agent to begin the process to help you gain back your day-to-day life
- Able to choose for yourself the courses of action that can be taken to support you. Remember, you are the final decision-maker about how you seek justice
- Protected from having to tell your story over and over again with the help of the University Agent. Should an investigation proceed, it will be done fairly and with due process. The University Agent handling the file will ensure coordination and communication with university entities.
- Have your case decided by the university based on a balance of probabilities or whether it was more likely to have happened than not (rather than beyond a reasonable doubt as is often the case in court).

An individual who files a complaint has the right to withdraw their complaint at any time. However, in certain circumstances, the university may continue action pursuant to its legal obligations (see below).

Complaints will be investigated as is consistent with your prerogative. You retain your right to pursue additional means of seeking restoration.

When certain complaints are made involving violence, the Office of Campus Safety is responsible for responding to, investigating, and taking the immediate measures necessary to ensure the safety of the UOIT community. These special circumstances may compel the university to continue action.

Learn your options from a University Agent:

Student Lifeline: 905.721.3392

Email: [studentlifeline@uoit.ca](mailto:studentlifeline@uoit.ca)

Retrieved from: <https://www.uoit.ca/main/current-students/campus-services/safety-security/personal-safety/sexual-violence/how-to-seek-justice.php>

## Appendix F

## Online Qualitative Research Instrument

Please read UOIT's Sexual Assault Policy- "What Consent Means" and "What is Sexual Assault".

Please read it carefully as you will be required to answer questions based on the information provided.

- Please define sexual assault, as you have understood it, from the written policy.
- Please define consent.
- If you were to experience sexual assault during your educational career, would you report it?
- If yes, who would you report it to?
- If no, why not?
- Do you think that you would feel comfortable and/or confident reporting an incident?
- Would you feel safe reporting?
- Do you foresee any problems with reporting or have any fears about reporting unwanted sexual behaviour?
- Is there anything that would prevent you from reporting?
- Do you have any recommendations or ideas on how to improve these two policies?

Please read UOIT's "How to Seek Justice" Policy.

Please read it carefully as you will be required to answer questions based on the information provided.

- Please define sexual violence as you have understood it.
- If sexual assault were to happen to you, what actions should you take based on this policy?
- Do you feel that this process outlined in the policy this a supportive process in your opinion?
- If you were to make changes to any of these policies, what would they be?
- Do you have any recommendation on improving this policy to make it easier for students?
- Is there anything that you would like to add that would help to improve the safety for students on campus and that would help to reduce the fear of rape while on campus?

## Appendix G

## Debrief Form

Firstly, thank you for participating in this study, it is a huge help!

In this study you answered a series of questionnaires about the fear of rape, policies at UOIT and demographic information. The purpose of this research is to determine barriers to reporting from the student's perspectives, as well as providing empirical evidence of the fear of rape on Canadian campuses. Your recommendations will help to make the campus environment a safer one!

All of the responses that you have given over the course of this study will remain confidential and anonymous. Once the survey has been completed, the information that you have provided will be retained given that it cannot be traced back to you.

We recognize that due to the sensitive nature of the topics discussed in this study, you may feel upset or distressed. If you do feel upset as a result of this study, and feel the need to discuss the study content with a counsellor, please feel free to do so. Your personal health is of the utmost importance! As a research team, we want to ensure you feel supported following study completion. If you should feel distressed, upset, or simply would like to speak to a counsellor about this study, please feel free to contact the Distress Centre or any of the other services that are listed below to help you. The Distress Centre is a 24-hour confidential support service, and can be contacted anonymously at the number below:

Distress Centre Durham  
1.800 452 0688

Durham Rape Centre  
905. 668.9200

Student Mental Health

[studentmentalhealth@uoit.ca](mailto:studentmentalhealth@uoit.ca) or 905. 721.3392

**Do you have any questions about the study you would like to ask now?**

If you have any further questions, concerns, or complaints about this study, you may contact Lindsay Ostridge (Lindsay.ostridge@uoit.net) or Dr. O'Connor at 905. 721. 8668 ext. 5882 or [Christopher.oconnor1@uoit.net](mailto:Christopher.oconnor1@uoit.net). Any questions about your rights as a participant, complaints, or adverse events that occurred during the study can be addressed by the Research Ethics Board through the Compliance Office at 905-721-8668 ext. 3693 or [researchethics@uoit.ca](mailto:researchethics@uoit.ca).

Once again, THANK YOU for your participation in this study!

## Appendix H

## POLICY ON SEXUAL VIOLENCE FOR STUDENTS AND PROCEDURES FOR RESPONDING TO INCIDENTS OF SEXUAL VIOLENCE

In North Campus buildings: Help EMS easily locate you, call XXX XXX XXX. In an emergency, call for help

Downtown Campus: Call 9-1-1, Anywhere off campus: Call 9-1-1

- If you have experienced an incident involving Sexual Violence, [UNIVERSITY] can help you. The best way to receive help is to contact a Support Worker in the Sexual Violence Care Unit (XXX.XXX.XXXX or email supportworker@[University].ca) who can provide you with support and aid in a confidential environment.
- This policy details [UNIVERSITY]'s intent to prevent and address incidents of Sexual Violence and sets out the procedures that will be followed for reporting, investigating and addressing incidents of Sexual Violence for Students.
- This document uses key terms that are hyperlinked to their definitions found in Appendix A.
- To request an alternative format of this document, make an AODA request here.

## TABLE OF CONTENTS

WHAT ARE [UNIVERSITY]'S COMMITMENTS? – Guiding Principles	2
HOW DOES [UNIVERSITY] HELP? – Purpose of this Policy	3
WHO DOES THIS COVER? WHEN? and WHERE? – The Scope of this Policy	3
HOW DOES THIS POLICY WORK? WHAT CAN I EXPECT? – Procedures	4
HOW DO I TELL SOMEONE ABOUT WHAT HAS HAPPENED? – Disclosure and Reporting	5
WHAT IS A DISCLOSURE? – Talking to a trusted person	5
WHO SHOULD I TALK TO? – Reporting to a Support Worker	6
HOW WILL ALLEGATIONS OF SEXUAL VIOLENCE BE ADDRESSED? – Support Services	7
WHAT OTHER RESOLUTIONS ARE AVAILABLE? – Informal Resolution Processes	7
IF I FILE A FORMAL REPORT, WHAT WILL HAPPEN? – The Formal Report Process	8
HOW DO INVESTIGATIONS WORK? – Investigations & Corrective Actions	9
HOW IS A DECISION REACHED? – Associate Provost's Decision	10
HOW CAN A DECISION BE CHALLENGED? – Appeal	11
HOW OFTEN WILL THIS POLICY BE REVIEWED? – Monitoring and Review	11
Parent Policy: Anti Violence Policy; Framework Category: Legal, Compliance and Governance; Approving Authority: Board of Governors; Policy Owner: Provost and VP Academic;	
WHAT OTHER POLICIES WORK WITH THIS POLICY? Related Policies	11

## WHAT ARE [UNIVERSITY] 'S COMMITMENTS? – Guiding Principles

1. The [UNIVERSITY] is committed to maintaining healthy and safe learning, living, social, recreational and working environments. Acts that perpetuate Sexual Violence including Sexual Harassment are against [UNIVERSITY]'s values and will not be tolerated. Thus, [UNIVERSITY] will:

- Condemn all acts that perpetuate or reinforce Sexual Violence and hold individuals who perpetrate such acts accountable;
- Help those who have experienced Sexual Violence by providing resources and aid, regardless of whether or not an Informal or Formal Report is filed;
- Help our community to oppose Sexual Violence through preventative educational programming;
- Continually improve how the university addresses Sexual Violence by examining the efficacy of programming choices, how aid is administered, and how Students use our services.

2. There are many myths and misconceptions about Sexual Violence (e.g., rape myths) that downplay the seriousness of Sexual Violence and confuse an individual's understanding of consent. These ways of thinking contribute to a social context in which individuals who experience Sexual Violence may blame themselves for what happened, worry that they will not be believed, and make reporting Sexual Violence less likely to happen. These misconceptions contribute to victim-blaming responses that excuse perpetrators for their actions. [UNIVERSITY] strongly opposes this kind of thinking and has developed this policy in support of those who have experienced Sexual Violence and will treat individuals with dignity and respect during disclosure, investigation and institutional response.

3. The University, recognizes that each individual is free to label their experiences using whatever terminology they choose. The label "survivor" may work for some individuals, and may not for others. To that end, this policy refers to individuals based on their interaction with the policy. When dealing with individuals, the university will respect each individual's preferred term.

4. [UNIVERSITY] is aware of and acknowledges the diverse backgrounds and cultures of Students and will consider and take reasonable measures to accommodate needs emerging from this diversity when dealing with individual cases.

5. An Advisory Committee, comprised of Students, Faculty and Staff, will be established to oversee and review the programming and training choices in consultation with community partners that stand against Sexual Violence by:

- Advising on training programs for development and delivery to Staff, Faculty, and Students;
- Consulting on up-to-date information on supports and services, including online content;
- Reviewing instances of Sexual Violence committed against, or perpetrated by, members of [UNIVERSITY] and the help-seeking behaviours related to such incidents;
- Evaluating the efficacy of programming, activities, and help processes related to tracked behaviours and advising on changes, where necessary;
- Overseeing the implementation of a survey of [UNIVERSITY] Members, as required, relating to the effectiveness of Sexual Violence aspects of this policy;
- Drafting an annual report informed by available data related to measures listed above in this section and make recommendations to the Provost or delegate; and
- Preparing a written review to the Office of the Provost detailing recommended changes to this policy and related procedures.

## HOW DOES [UNIVERSITY] HELP? – Purpose of this Policy

6. For any [UNIVERSITY] Student who has experienced Sexual Violence and for any Student who has perpetrated Sexual Violence, this policy and related procedures detail how [UNIVERSITY] will:

- Empower Students to make separate choices on whether to disclose within a safe space at the university in order to receive support and whether to officially report that experience to the university in order to pursue a path to justice;
- Accommodate the needs of Students affected by Sexual Violence,
- Offer fair paths to justice as alternatives to, and not replacements for, external judicial proceedings;
- Implement interim measures to protect Students affected by Sexual Violence, where appropriate.
- Investigate incidents of Sexual Violence, where requested or where required as listed in section 27 below; and



- Detail how incidents of Sexual Violence will be addressed.

7. [UNIVERSITY] stands against Sexual Violence through a preventative approach. This approach involves educational programming and training to empower our community and to minimize behaviours that contribute to the perpetuation of Sexual Violence. Key topics to be addressed include, but are not limited to:

- Abuses of power dynamics and victim blaming;
- Alcohol and substance consumption;
- Cultural competency and sources of discrimination;
- Consent culture;
- How sexism, ableism, ageism, and racism intersect with Sexual Violence;
- Rape culture;
- Understanding aggression and standing up to aggression; and
- Understanding online harassment through social media.

WHO DOES THIS COVER? WHEN? and WHERE? – The Scope of this Policy

If you are a Student and you have experienced Sexual Violence, [UNIVERSITY] can help you.

8. WHO? - This policy applies to all incidents of alleged Sexual Violence involving Students.

9. WHAT BEHAVIOUR? & WHERE? This policy applies:

- To Students experiencing Sexual Violence or who have previously experienced Sexual Violence anywhere within the university community;
- To Students accused of perpetrating an act of Sexual Violence against a member of the [UNIVERSITY] community, both on and off campus (e.g., parking garages, residences, gatherings of [UNIVERSITY] Students) including:
  - a) Through any conduct in the course of work, co-op, practicum, research, or study arising out of or related to [UNIVERSITY]'s interests, and;
  - b) Through any media (e.g., in-person, written, recorded, online).

10. WHAT IF A NON-[UNIVERSITY] MEMBER IS INVOLVED? Reports of Sexual Violence involving a [UNIVERSITY] Student can be filed by any individual, even if they are not affiliated with [UNIVERSITY]. For example, students at other institutions can file a Report to [UNIVERSITY] about a [UNIVERSITY] Member by contacting General Counsel. Incidents involving a Student, Faculty or Staff member from Durham College or Trent in Oshawa, resulting from the shared campus environment, will be investigated in collaboration with those institutions.

11. WHAT LEGISLATION APPLIES? The Ministry of Training, Colleges and Universities Act requires universities to have sexual violence policies to prevent and respond to incidents involving students. The Criminal Code of Canada prohibits Sexual Assault, Voyeurism and Criminal Harassment (including Stalking and Cyberbullying). The Ontario Human Rights Code prohibits harassment on the basis of sex, sexual orientation, gender identity and gender expression in educational and employment matters and environments.

12. WHAT IF A [UNIVERSITY] EMPLOYEE IS INVOLVED? Collective Agreements and/or employee policies prohibit Sexual Violence for [UNIVERSITY] employees. In incidents where a [UNIVERSITY] employee is involved, this policy will work in conjunction with the requirements of those agreements and policies. In these circumstances, Human Resources may be consulted to ensure the requirements set out under the Policy to Prevent and Respond to Violence, Harassment and Discrimination in the Workplace, and related procedures, are also applied and upheld.

13. **WHO ENFORCES THIS POLICY?** The Vice President Academic and Provost, or successor thereof, is the policy owner, which means they are responsible for overseeing the implementation, administration, interpretation, and application of the policy.

#### HOW DOES THIS POLICY WORK? WHAT CAN I EXPECT? – Procedures

14. The procedures set out in this document are intended to address incidents and allegations of Sexual Violence involving Students.

15. Students who may have experienced Sexual Violence have the right to:

- Choose whether to initiate, continue or discontinue telling their story, including the right to tell whomever they trust, the right to participate or not participate in any aspect of processes that result from filing a Formal Report or Informal Report;
- Be protected from irrelevant questions such as those related to past sexual history or sexual expression;
- Choose whether to access support and accommodations, regardless of whether there is an official Report; and
- Choose whether to pursue recourse through external processes, such as an application to the Human Rights Tribunal of Ontario, and processes of criminal or civil justice.

16. Individuals have the right to be accompanied by legal counsel, union representative or other person at any point during this procedure and related processes.

17. In order to ensure procedural fairness, the following principles will apply:

- Participation in an Informal Resolution Process (described below) will not prejudice those involved in a subsequent Report or investigation;
- Disclosers will be provided with an opportunity to submit all of their allegations along with relevant information;
- Respondents will be provided with the information that is required to fully understand the allegations and provide a complete response;
- Where an investigation and/or a hearing is conducted, witnesses will be given a reasonable opportunity to understand the allegations and provide relevant information; and
- Individuals have the right to be accompanied by legal counsel, union representative, or other person at any point during this procedure and related processes.

18. Any Reprisal, or expressed or implied threat of Reprisal, for reporting an incident or making a complaint about Sexual Violence under this procedure may itself be the subject of a Report and may be subject to interim measures (such as a conduct contract, restrictions from certain buildings on campus, or other appropriate measure).

#### HOW DO I TELL SOMEONE ABOUT WHAT HAS HAPPENED? – Disclosure and Reporting

19. This policy distinguishes between telling someone about what has happened (Disclosure) and telling a designated Support Worker who can provide help from a confidential space (Reporting).

20. Disclosing and Reporting Sexual Violence are personal acts. Students who share their experience have the right to be treated respectfully, and for the information provided to be kept in confidence, shared only on a need-to-know basis, where legally required. All information will be handled in accordance with the Freedom of Information and Protection of Privacy Act.

#### WHAT IS A DISCLOSURE? – Talking to a trusted person

21. [UNIVERSITY] recognizes that individuals who have experienced Sexual Violence may initially disclose to a friend, peer leader, or trusted Faculty or Staff. The individual receiving a Disclosure should act in a caring and supportive way and should maintain confidentiality, except where the Disclosing individual consents to further information sharing in order to access help. Any person who receives a Disclosure should inform the discloser about this policy and, where needed, help them to access a Support Worker. Help for those who have received a Disclosure and guidance on how to receive a Disclosure are posted online.

22. In any event, those who receive a Disclosure must promptly share that information to the Office of Campus Safety in the following circumstances:

- The information received suggests there is a perceived threat or risk of harm, including self-harm, to a Student or other individual;
- The information received suggests that the actions constitute harassment and/or result in an individual feeling as though their personal safety is at risk, whether in person or online; or
- The information received suggests an incident occurred involving Workplace Violence or Workplace Harassment under the Occupational Health and Safety Act;

23. Those who receive a Disclosure are encouraged to consult with the Director, Campus Safety for advice about whether, and to what extent, that information must be shared. The Office of Campus Safety will use and share the information provided to the extent that is required by law.

#### WHO SHOULD I TALK TO? – Reporting to a Support Worker

24. In an emergency call for help. When on North campus, call Security at 905.721.3211 (x2400) to help EMS more easily locate you, when downtown or off campus call 911. Individuals may also visit the Office of Campus Safety in person (1202 Simcoe Building) or the Security Offices in Downtown locations.

25. For Students who need help, Support Workers in Student Mental Health Services are authorized to receive, on behalf of [UNIVERSITY], reports about incidents of Sexual Violence involving Students. To make an appointment with a Support Worker, call 905.721.7723 or email supportworker@[University].ca. Appointments may be held by phone or in person at a different campus location at the request of the Student. Support Workers can offer support and accommodation independent of any action related to Reporting. Students may also access community supports and services listed online.

26. There are two ways to report Sexual Violence to [UNIVERSITY], an “Informal Report” and a “Formal Report” – each type of report allows the individual to tell their story, on their own terms. The decision to disclose the details that may indicate Sexual Violence through an Informal Report and the decision to file a Formal Report are separate decisions:

- An “Informal Report” occurs when a Student discloses to a Support Worker about an incident in which Sexual Violence may have occurred. The Informal Report can be provided by any individual who has information about the incident, and does not automatically initiate a Formal Report. An Informal Report may relate to a Respondent who is, or is not, a Student.
- A “Formal Report” is a formal written request by a [UNIVERSITY] Member for [UNIVERSITY] to investigate and address a detailed incident of Sexual Violence.

27. Informal Reports and Formal Reports to a Support Worker are made in a protected space and will be kept confidential, except under the following circumstances, and as required by law:

- The discloser seeks accommodations and consents to sharing information with other university officials on a need-to-know basis in order to make the appropriate arrangements (e.g., accommodations, safety planning);
- The discloser chooses to proceed with a Formal Report, in which case a confidential investigation will be conducted and information will be shared only to the extent necessary to achieve procedural fairness, and as otherwise required by law;
- Information is received suggesting there is a clear risk of harm, including self-harm, to a Student or other individual;
- Information suggests an incident occurred involving Workplace Violence or Workplace Harassment under the Occupational Health & Safety Act, in which case a confidential investigation will be conducted and information will be disclosed only to the extent necessary to achieve procedural fairness;
- Informing law enforcement is required by law (e.g., in the case of a minor); or
- Information required for a police investigation, or for litigation purposes.

28. Access to support and accommodation through a Support Worker is available by phone, email, or through Campus Security on a 24/7 basis. Our online support guide details supports and services available in the community that can be contacted for help.

#### HOW WILL ALLEGATIONS OF SEXUAL VIOLENCE BE ADDRESSED? – Support Services

29. Support Workers support disclosers and Complainants by providing assistance and accommodation through the resolution process of their choosing. Assistance provided by a Support Worker may include:

- A detailed explanation of available processes under this policy;
- Communicating with the discloser's consent with counsellors or other university officials at [UNIVERSITY] involved in providing support and academic accommodations, interim measures, interpreting university policies and guidelines, and providing information to the Office of Campus Safety;
- Accompanying the discloser or Complainant to an appointment that they may need support to attend;
- Referral to contacts for support, services and resources through external community partners. Available community partner services are listed online; or
- Follow up after a resolution is achieved to ensure it has been enacted and to ensure ongoing access to services where needed.

30. Disclosers or Complainants who require accommodations in their courses or other areas can work with their Support Worker to find solutions that will help minimize disruption. Accommodations may include: separation of the parties, exam or assignment deferral, class and/or schedule changes, emergency bursaries, and/or residence modification. The Support Worker will make the accommodation arrangements on the discloser's behalf and with their consent taking care to share only enough information with other university officials as is necessary to make the accommodation.

31. If the details of the report reveal a significant risk to others, the Support Worker may contact the Office of Campus Safety and/or other law enforcement agencies. If the details of the Report involve a Respondent who is not otherwise covered by the scope of this Policy, the Office of Campus Safety will enact appropriate security measures to protect the Student.

#### WHAT OTHER RESOLUTIONS ARE AVAILABLE? – Informal Resolution Processes

32. A discloser and/or Complainant may choose to pursue an Informal Resolution Process at any point following a Report. The Support Worker will work with the discloser or Complainant to

select options that will help them to meaningfully address the incident of Sexual Violence and where participation does not place the Student at risk. Examples of informal processes include: seeking apology; delivering an impact statement; meeting with a university official identified by the Support Worker to discuss the ways in which future occurrences of the disclosed incident can be prevented; facilitated discussion; and processes based on restorative justice principles.

33. The Support Worker will work with the Case Manager to undertake the informal resolution option selected by the discloser and/or Complainant. Participation in an Informal Resolution Process is voluntary and requires consent of all parties. The Case Manager will normally be the Director, Office of Campus Safety.

34. Where the Informal Resolution Process involves the Respondent, the Support Worker will take steps to ensure that the circumstances of any meeting will appropriately protect the dignity of the Complainant through accommodations that continue to allow their participation. Accommodations that may be considered include: providing separate rooms before the meeting; alternate means of participation such as telephone, video, pre-recorded answers and statements; prepared written responses; the opportunity to have support and representation at the hearing; and other appropriate accommodations.

35. All Informal Resolution Processes between the discloser, Complainant and/or the Respondent are held in confidence and on a “without prejudice” basis. This means that the discussions that take place during the Informal Resolution Process may not be later disclosed or used in a subsequent Report or investigation. Parties involved in Informal Resolution Processes will be asked to sign a confidentiality agreement before the process proceeds.

36. If a written agreement is reached by all parties through Informal Resolution Processes, and the Case Manager approves the written agreement, the Report will be deemed resolved and this procedure will cease.

37. If the selected Informal Resolution Process is unsuccessful, new options will be made available, which may include another Informal Resolution Process or the filing of a Formal Report.

#### IF I FILE A FORMAL REPORT, WHAT WILL HAPPEN? – The Formal Report Process

38. If an individual chooses to file and then pursue a Formal Report, the Support Worker will refer the matter to a Case Manager who will oversee the process to ensure all parties are treated fairly and that the file proceeds as expeditiously as possible. The Case Manager will also provide updates to the discloser or Complainant on the progress of the file. This does not remove the Support Worker from the process; they continue to provide support throughout the process.

39. The Support Worker will provide the discloser with a Report Form, or a link to an electronic Report Form, and assist them when needed to complete the form. The discloser may submit all of the allegations along with relevant information as part of their Report. The Report will be forwarded to a Case Manager by the Support Worker.

40. The Formal Reporting process begins with the Case Manager considering whether interim measures are necessary to protect the safety of the Complainant or any other Student. Reasonable interim measures will be imposed on the basis of the assumption that allegations of

Sexual Violence are true, having regard to the safety of all Students, the severity of the allegations, and the Complainant's desire to restrict access to disclosed information.

41. If, during any stage following the receipt of a Report, there is evident behaviour or actions of retaliation, or expressed or implied threat of reprisal against a discloser or Complainant, the Case Manager may impose temporary measures (such as a conduct contract, restrictions from certain buildings on campus, or other appropriate measure) and the reprisal may itself be the subject of a Report.

42. The Case Manager will review the Formal Report to determine whether the described incident would be covered under this policy assuming the allegations are true. During this review, the Case Manager may meet with any individual deemed necessary to assess whether the report warrants investigation.

43. If the allegations set out in the Report do not amount to Sexual Violence or the Respondent is not a [UNIVERSITY] Member, the Case Manager will advise the parties, in writing, of the determination to not proceed with an investigation. In all other cases, the Report will be investigated. The Case Manager will advise the parties in writing that the Report will be investigated, that an investigator will be appointed, and that the parties will be contacted by the investigator in due course.

#### HOW DO INVESTIGATIONS WORK? – Investigations & Corrective Actions

44. The purpose of an investigation is to: gather evidence and witness statements; weigh the evidence; make findings of fact based on the evidence; and produce an investigative report. In an investigation under this procedure, the investigator must conclude, weighing the evidence on a balance of probabilities, either: (1) that Sexual Violence did occur; or (2) that Sexual Violence did not occur.

45. The Case Manager will appoint an investigator with the required training and experience to conduct a fair and objective investigation. The investigator must not be directly involved in the incidents at issue, and should not have a reporting relationship with the individuals involved in the incidents being investigated. Where accommodations are required, the discloser has the right to request and that an external investigator be appointed. To this end, the investigation may be conducted by an [UNIVERSITY] investigator or by an external investigator.

46. The Case Manager will provide the investigator with all relevant documents and information, except that which is privileged (e.g., records of discussions that took place during Informal Resolution Processes).

47. The Case Manager will send written notice to the Respondent that an investigation of a Report of Sexual Violence is being initiated. This notice will, at minimum, be delivered in writing to a [UNIVERSITY].net or [UNIVERSITY].ca email account, as applicable.

48. The notice to the Respondent will contain all information that is required to fully understand the allegations and provide a complete response, including:

- The name of the investigator;
- A complete summary of the allegations and supporting documents;
- A summary of any further information gathered by the Case Manager; and
- An invitation for the Respondent to meet with the investigator to discuss the Report.

The notice will also provide contact information for [UNIVERSITY] Support Services, and will indicate that the Respondent has the right to be supported and accompanied by legal counsel and/or other support.

49. The Respondent will be given a reasonable opportunity to respond to the allegations and may choose to respond in person or in writing. If no response is provided within a reasonable timeframe, set by the investigator, or the Respondent chooses not to participate, the investigator may proceed without input from the Respondent.

50. At any point during the investigation, the investigator may set meetings with any party to obtain further information. At a minimum, the investigator will make reasonable attempts to meet with the Complainant and the Respondent. The investigator may also choose to seek information from other witnesses taking care to ensure that they are given a reasonable opportunity to understand the allegations and provide relevant information. Individuals have the right to be accompanied by legal counsel, union representative, or other person at any point during this procedure or related processes.

51. Based on all available evidence, the investigator will determine whether there has been a violation of the policy, weighing the evidence on a balance of probabilities. The investigator's determination will be reported to the Case Manager in an investigative report, containing a summary of the information gathered during the investigation and the investigator's conclusions.

#### HOW IS A DECISION REACHED? – Associate Provost's Decision

52. The Case Manager will forward the investigative report, along with their confirmation that fair processes were followed and reference to corrective measures consistent with comparable offenses to the Associate Provost or delegate who has appropriate training and experience to make decisions involving Sexual Violence.

53. The Associate Provost or delegate will consider the investigative report and determine the appropriate corrective actions including: a written warning, conduct contract, community service, alternative forms of restitution, suspension or eviction from one or more facilities at the university, or expulsion. The Associate Provost or delegate's determination will be forwarded to the Case Manager.

54. The Case Manager will provide the Respondent with a written summary of the investigation, attaching a copy of the determination.

55. The Respondent will have ten working days to provide a response, which may include a request for a meeting to hear the response. If the Student fails, without reasonable excuse, to provide a response, the Associate Provost or delegate may proceed to decide on the case in the Student's absence. This decision will be conveyed to the Respondent in writing.

56. The Case Manager will share the decision, in writing, with the Complainant and the Respondent as appropriate to maintain obligations under privacy laws, uphold procedural fairness, and ensure the health and safety of involved parties are protected.

#### HOW CAN A DECISION BE CHALLENGED? – Appeal

57. The decisions of the Provost under this Policy may be appealed to the Non-Academic Appeals Committee, in accordance with Student Conduct Policy and related procedures. In such cases, the case will be heard by a panel comprised of individuals with appropriate skills, training and experience to work with Sexual Violence cases.

58. If an appeal occurs, the dignity of the discloser will be protected through accommodations that allow their participation. Accommodation examples include: providing separate rooms before the meeting; alternate means of participation such as telephone, video, pre-recorded answers and statements; prepared written responses; the opportunity to bring a Support Worker to the hearing; and other accommodations suggested by the Support Worker and the discloser.

#### HOW OFTEN WILL THIS POLICY BE REVIEWED? – Monitoring and Review

59. This policy and procedures will be reviewed every three years at minimum as required by the MCTU Act.

#### WHAT OTHER POLICIES WORK WITH THIS POLICY? Related Polices

60. Several Policies interact with this policy, and include:

- Academic Staff Employment Policies
- Access to Information and the Protection of Privacy Policy
- Emergency Management Plan and Procedures
- Fair Processes Policy
- Health and Safety Policy
- Non-Academic Staff Policies
- Policy to Prevent and Address Violence, Harassment and Discrimination in the Workplace
- Records Management Policy
- [UNIVERSITY] Joint Health and Safety Committee Terms of Reference
- [UNIVERSITY] Occupational Health and Safety Management System
- [UNIVERSITY] Student Conduct Policy
- [UNIVERSITY]–Durham College Threat Assessment Procedures
- Work Refusal Procedures
- Workplace Violence Incident Repo

[In drafting this document, policies and protocols of other Ontario institutions, including the University of Windsor, University of Toronto, Queen’s University were reviewed. Passages from these policies, have been adapted for use in this document with their permission.]



DEFINITIONS What do these terms mean?

Term	Definition
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“Case Manager”	A representative assigned the responsibility to manage the Report process. The Case Manager manages Report intake, oversees investigations, and issues a Case Manager's Report.
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“Consent”	Consent is an active, direct, voluntary, unimpaired and conscious choice and agreement to engage or continue in a sexual activity. Consent to one act does not mean consent to another. Consent:
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- Is never assumed or implied;
- Is not silence or the absence of “no”;
- Cannot be given if the person is impaired by alcohol or drugs, or is unconscious;
- Is required regardless of the parties’ relationship status or sexual history together;
- Can be taken back, either through words (e.g., saying no) or body language (e.g., pushing someone away);
- Can never be obtained through threats or coercion; and
- Cannot be given if the other person abuses a position of trust, power or authority.

“Complainant”	The individual who is alleged to have experienced Sexual Violence in a Formal Report.
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“Criminal Harassment”	Criminal Harassment is repeated behaviours that result in an individual feeling as though their personal safety is at risk. Criminal Harassment includes, but is not limited to what is conventionally referred to as stalking and cyberbullying. Criminal Harassment includes:
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- Unsolicited communications either verbal or digital;
- Following a person;
- Watching a person’s home, or other places where they may travel or work; and
- Threatening the person or their family.

“Cyberbullying”	Cyberbullying involves using digital communication technologies to engage in harassing behaviour against others. Cyberbullying includes:
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- Sending mean or threatening emails or text/instant messages.
- Posting embarrassing photos of someone online;
- Posting degrading or harassing content online;
- Creating websites to make fun of others;
- Pretending to be someone by using their name; or
- Tricking someone into revealing personal or embarrassing information and sending it to others

“Disclosing” and “Disclosure”	The act of providing information to another [UNIVERSITY] Member about an incident which may have involved Sexual Violence.
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“Discrimination”	Any form of differential treatment that results in disadvantage, including imposing extra burdens, denying benefits, and/or limiting access to opportunities, based on one or more characteristics that an individual cannot change about themselves known as prohibited grounds under the Ontario Human Rights Code, namely: age; ancestry, colour, race; citizenship, ethnic origin; place of origin; creed; disability; family status; marital status (including single status); gender identity, gender expression; receipt of public assistance (in housing only); record of offences (in employment only); sex (including pregnancy and breastfeeding); sexual orientation.
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"Faculty" A Faculty Member at [UNIVERSITY].

“Formal Report”	A formal written request, to investigate and address an incident that may have involved Sexual Violence.
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“Indecent Exposure”	Indecent Exposure is when an individual exposes their genitals to other people (typically strangers caught off guard) in order to gain sexual satisfaction. Indecent Exposure is also known as flashing or exhibitionism and is a criminal offense under the Criminal Code of Canada.
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“Informal Report” A verbal account of an incident that may have involved Sexual Violence. This account remains confidential except when confidentiality must be broken, as described in section 22, or unless sharing is otherwise legally required.

"Interim Measures" Any measures that are taken during the process of addressing a Disclosure or Report, including, for example, limiting contact between involved parties.

“Intimate Partner Violence” Controlling, abusive, and aggressive behavior in an interpersonal romantic relationship. It can happen to anyone. Intimate partner violence can also be referred to as dating violence and domestic violence. All are considered forms of Sexual Violence.

“Reporting” The act of disclosing to a Support Worker.

"Report Form" A form provided by a Support Worker or Case Manager which is completed by a Complainant to initiate a Report.

“Respondent” An individual who is alleged to have engaged in Sexual Violence in a Formal Report.

“Sexual Assault” Is sexual touching of another person with any object or body part that is without Consent or by force. Any sexual activity without consent is sexual assault. (Criminal Code of Canada, section 271, 272, 273) Sexual Assault includes rape.

“Sexual Harassment” A course of vexatious comment, conduct and/or communication based on sex, sexual orientation, gender, gender identity or gender expression, or orientation that is known or should have been known to be unwelcome. Sexual Harassment is a form of Sexual Violence and may include, but is not limited to:

- Sexual solicitation, advances, or remarks, including any situation with an implied or express promise of reward or benefit in return for sexual favours, and/or implied or express threat or act of reprisal if sexual favours are denied (e.g., coercion);
- Gender-based harassment that enforces traditional heterosexual gender norms,
- Roles, or behaviours and is often used as a bullying tactic.
- Physical contact of a sexual nature (including Sexual Assault in the Criminal Code); Suggestive or inappropriate comments or gestures (including songs and chants);
- Non-consensual posting of pictures, aggressive comments, and slurs on social media;
- Inappropriate display of sexually suggestive pictures, posters, objects, graffiti; and Sexual conduct that interferes with an individual’s dignity or privacy such as Voyeurism.

“Sexual Violence” Any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes sexual abuse, Sexual Assault (including rape), Sexual Harassment, Stalking, trafficking, Criminal Harassment, circulating degrading sexual imagery, Indecent Exposure, Intimate Partner Violence, Voyeurism and sexual exploitation.

"Staff" An employee at [UNIVERSITY] not represented by a collective agreement.

“Stalking” A form of Criminal Harassment involving repeated conduct that is carried out over a period of time and that causes an individual to reasonably fear for their safety or the safety of someone known to them. Stalking does not require physical injury; it is enough if the conduct makes a person fearful.

"Student" A Student currently registered or previously enrolled at [UNIVERSITY].

"Support Services" The services referenced in sections 29 through 31.

“Support Worker” Staff Members designated in this Policy to receive Disclosures and/or Reports and to make getting help easier by providing aid to disclosers on behalf of [UNIVERSITY].

"[UNIVERSITY]" University of Ontario Institute of Technology.

"[UNIVERSITY] Member" A Student, Faculty or Staff, individuals engaging in work, research or study arising out of or related to [UNIVERSITY]'s interests, and any individual on or visiting [UNIVERSITY].

"Voyeurism" The act of deriving sexual gratification from the covert observation of others as they undress or engage in sexual activities. This may include recording such activity and distributing it. When the behaviour of the individual watching another is unwelcome, repeated and makes the observed person feel unsafe, it may also constitute Criminal Harassment.

POLICY ON SEXUAL VIOLENCE FOR STUDENTS AND PROCEDURES FOR RESPONDING TO INCIDENTS OF SEXUAL VIOLENCE

Parent Policy: Anti Violence Policy; Framework Category: Legal, Compliance and Governance; Approving Authority: Board of Governors; Policy Owner: Provost and VP Academic

## Appendix I

Table 1

*Participants Characteristics*

Name	Gender	Age	Ethnicity	Sexual Orientation	Relationship Status
Sally	Female	27	White	Lesbian	Single
Anne	Female	25	South Asian	Heterosexual	Dating but not living together
Hannah	Female	23	Caucasian	Heterosexual	Single
Rachel	Female	21	Canadian	Heterosexual	Dating but not living together
Annabelle	Female	23	Palestinian	Heterosexual	Single
Naomi	Female	24	African	Heterosexual	Single
Sam	Male	24	East Asian	Heterosexual	Dating but not living together
Chris	Male	24	Canadian-Korean	Heterosexual	Dating but not living together
Luther	Male	22	Caucasian	Heterosexual	Dating but not living together
Lisa	Female	24	Bi-racial	Heterosexual	Dating but not living together
Stephanie	Female	21	Jewish	Heterosexual	Dating but not living together
Vikki	Female	25	Caucasian	Bisexual	Single
Shannon	Female	N/A	Caucasian	Bisexual	Single
Dan	Male	29	Caucasian	Heterosexual	Single
Tom	Male	23	Black/White	Heterosexual	Single
Cathy	Female	32	Mixed	Bisexual	Dating but not living together
Susan	Female	25	Caucasian	Heterosexual	Cohabiting