



SEXUAL MISCONDUCT- Guidelines for Students **September 7, 2015**

Purpose

This document provides information regarding the University of Winnipeg's guidelines on providing services to students who have experienced sexual misconduct, secondary victims of sexual misconduct and students who have been accused of sexual misconduct. It also provides information on reporting/investigation options and the University's overall approach to sexual misconduct.

Students Seeking Support after an incident of Sexual Misconduct

Students who have experienced any form of sexual misconduct (sexual harassment, stalking, sexual assault, threat of sexual assault) are encouraged to seek help and support, and to report the sexual misconduct. Reporting Sexual Misconduct can be difficult, and people may experience a multitude of emotions when considering whether or not to report. However, the University encourages students to prioritize their personal safety and their physical/emotional well-being. It is important to report sexual misconduct so that steps can be taken to prevent it from happening to others.

To report any form of sexual misconduct, students are encouraged to contact any of the following:

- **UW Sexual Misconduct Response Team (SMRT)** available 24/7, **(204) 230-6660**
- **UW Campus Security (204) 786-6666** (emergency); (204) 786-9272 (non-emergency). Or contact Campus Security by activating one of the blue light phones on campus.
- **Klinic's 24/7 Sexual Assault Crisis Program (204) 786-8631**
- **UW Human Rights and Diversity Officer (204) 988-7508**
- **Winnipeg Police 911 if Emergency, (204) 986-6222** if non-emergent, or **(204) 986-6245** to speak to a detective from the Sex Crimes Unit

It is important to note that accessing supports from the University does not require filing criminal charges. Should a person wish to pursue criminal charges in a sexual misconduct case, Campus Security can assist them in reporting the matter to the Police, and, where requested by the Police, Campus Security may assist in their investigation.

Support and Response Procedures for Students who have experienced sexual misconduct

If a UW employee receives a disclosure, that person will listen supportively, refer the student to the 24-hour on call UW Sexual Misconduct Response Team (SMRT) and let them know about the www.uwinnipeg.ca/askfirst website, which provides relevant information and resources. If contacted, the SMRT will follow the Response process outlined in the flowchart that follows this document, by addressing the student's immediate physical safety and personal wellbeing, and referring them to the Sexual Assault Crisis Program of Klinic Community Health Centre (available on a 24 hour basis) when appropriate. The SMRT will also let the student know that there are student services available during daytime hours for further support and follow up, including emotional support, safety, physical well-being, housing issues, academic scheduling or appeals, and which can provide information and referrals to other services as requested by the student. It is the choice of the student who experienced the sexual misconduct as to which on-campus or community services they want to access.

Support services are available after a disclosure and during the course of a complaint or investigation; services are available to students who experience sexual misconduct, to those who are secondary victims and to those who are accused of sexual misconduct. These support services include:

UW Klinik on Campus

(204) 786-9496; 1st floor, Sparling Hall; www.uwinnipeg.ca/index/services-klinik

Nurse Practitioners are trained to provide initial care for people who experience a form of Sexual Misconduct, during regular hours of operation, Monday-Friday 9am-4pm. They can also make referrals for evidence collection and can provide HIV and other sexually transmitted infection testing and prevention free of charge.

UW Counselling Centre

studentwellness@uwinnipeg.ca; Main floor Duckworth Centre;

<https://www.uwinnipeg.ca/index/counselling-services>

The University of Winnipeg Counselling Centre staff can provide counselling and wellness support to help those involved. Counselling is available during regular hours of operation, Monday-Friday, 9pm-4pm. All contact is confidential - except in cases where there is a child under 16 involved in a sexual assault, or if there is a perception of imminent harm to self, others, or the campus community - and can be done regardless of whether an individual is prepared to report the misconduct to police. Referrals can also be made for long-term counseling services.

Klinik Sexual Assault Crisis Program

(204) 786-8631

An emergency trained counselor-on-call is available, through Klinik's 24/7 Sexual Assault Crisis Program, for immediate, confidential crisis intervention counselling by phone, and for emotional and practical assistance. Staff can meet victims at the hospital to give support and advocacy throughout the process of reporting; assist in obtaining medical, legal, and social services, and provide assistance and information regarding criminal injuries compensation; information and resource material on police and legal procedures. In addition, they offer short-term in-person counselling to recent or past victims of sexual assault and to their families, friends and supporters, with no wait-lists or fees. All contact with Klinik is confidential and services may be accessed regardless of whether an individual is prepared to report the misconduct to police, or the University.

Health Sciences Centre, Emergency Department

(204) 786-8631

A Sexual Assault Nurse Examiner (SANE) is available, 24/7, who has special training in medical examination, as well as the legal, forensic, and psychological needs of a person who experienced a sexual assault. On call trained volunteers from Klinik's 24/7 Sexual Assault Crisis Program can attend the hospital for support. Students should be aware of the importance of immediately reporting the incident, so that physical evidence can be preserved at the scene, as well as on the person assaulted, and they should understand that a delay (of more than four days post-incident) in reporting could limit the amount of physical evidence available, which could impact a criminal investigation. However, students should also know that they can report the incident days, weeks, months or even years after it occurred.

Ongoing Support Options

The University of Winnipeg, through the SMRT, will provide assistance and support to students who have experienced sexual misconduct, secondary victims, and those accused of sexual misconduct in a sensitive, consistent, and timely manner through various available support services – on campus and in the community. Students may need help to arrange for campus living arrangements, stay-away requests, medical exams, ongoing counselling, course schedule changes, academic appeals, requests for accommodation, student financial services and academic supports.

In addition to UWinnipeg Student Services, students may contact the University of Winnipeg Students' Association (UWSA), and related UWSA student groups for information, advocacy and support. Outside of The University of Winnipeg and Klinik, there are local organizations that provide support services, educational programs, and other resources for people who experience a form of sexual misconduct, secondary victims and people accused of sexual misconduct, which include the Winnipeg Police Service, Victim Services, Legal Aid, and the Legal Help Centre.

Support and Response Procedures for Students who are Accused of Sexual Misconduct

If a student is accused of sexual misconduct, and requests support, they are encouraged to contact the SMRT, who can refer them to on and off campus resources and services. Students may need help with housing, counselling, course schedule changes, student financial services, and academic supports. They may also need legal assistance and would be referred to resources such as the Legal Help Centre.

Support and Response Procedures for Secondary Victims of Sexual Misconduct

If a student was impacted by a sexual misconduct but was not the person who experienced it directly, they may be considered a "secondary victim." Secondary victims are also encouraged to contact the SMRT, who can refer them to on and off campus resources and services. Students may need counselling and other support.

Reporting and Investigation Options

If a student wishes to report sexual misconduct, there are a variety of reporting options, on and off campus. More than one option may be chosen. The individual may also choose none of the options below, not wanting to have the issue addressed with the person they accuse of sexual misconduct.

When deciding which option(s) to pursue, the student should keep in mind that the outcome of each of the options chosen will not be identical. It is also important to note that the misconduct included in the University's Respectful Working and Learning Policy and its Sexual Misconduct Protocol ranges from a series of unwelcome comments or sexual advances, to a serious sexual assault. In general, cases of sexual harassment are referred to the Human Rights and Diversity Officer.

The person making the decision should carefully consider the potential outcomes of each of the available options before deciding how to proceed. The University will provide support and assistance in making this decision through the SMRT, the Registrar, the Human Rights and Diversity Officer, Campus Security, or by making a referral to a community based resource such as Klinik, Winnipeg Police Services or the Sexual Assault Nurse Examiner at the Health Sciences Centre. Here are some reporting options and their potential outcomes:

- A report to the Winnipeg Police Services may result in an investigation and the laying of charges under the Criminal Code; court proceedings are also available to obtain a protection or restraining order.
- A formal complaint filed and accepted by the University of Winnipeg Human Rights and Diversity Officer, under the University's Respectful Working and Learning Policy, may result in a confidential, impartial investigation undertaken by an independent investigator. If there is a finding that the RWLE Policy has been breached, based on a balance of probabilities, the disposition may include corrective (e.g. discipline or termination), remedial or educational actions.
- An informal resolution process, pursued under the RWLE Policy, may lead to a written agreement reached between the parties with the assistance of a mediator. The process and the agreement will be confidential.

- In appropriate circumstances, the University will arrange for a restorative justice process that will include those who have been directly impacted by the conduct. This approach works well when more than one person has been impacted. The outcome will be determined by the participants.
- A complaint filed with the Manitoba Human Rights Commission may lead to an independent investigation or mediation undertaken by the Commission. The complaint may result in a hearing before an independent adjudicator who has the power to award financial compensation, known as damages.

The University supports the individual's choice whether or not to pursue any investigative process(es) and/or to seek support(s). The individuals involved can access support services from the University of Winnipeg regardless of which investigative options they select.

The University recognizes the importance of privacy and confidentiality in these matters, and will uphold the privacy and confidentiality of all parties to the extent practicable, and in accordance with the applicable legislation.

Some individuals filing complaints or involved in an investigation may want their identity to remain anonymous, however, should the person choose to file a formal complaint under the RWLE Policy, their identity will be required to be disclosed to the respondent. Issues of confidentiality must be balanced against the University's need to investigate and take appropriate action.

The University may conduct its own impartial, independent investigation of a complaint, regardless of whether the alleged sexual misconduct is also being pursued by an individual through the criminal justice system. The University will comply with law enforcement requests for cooperation.

If a matter complained of is also under investigation by the police or another external agency (e.g. Manitoba Human Rights Commission), the University, at its discretion, may continue, stay or terminate the investigation or any other proceedings related to the matter.

Regardless of the process used in an individual case the University will maintain its confidential investigative files (including policy related decisions, if any) for purposes of tracking and reporting. Any and all documents retained at the conclusion of a formal or informal resolution of a complaint will be maintained by the University in a safe and confidential manner by the Human Rights and Diversity Officer, in compliance with RWLE Policy.

Students coming forward should be assured that the focus in matters of sexual misconduct is always on the reported behavior, not on whether someone was using alcohol or drugs at the time. Individuals are encouraged to come forward and report such conduct regardless of the surrounding circumstances. In situations involving allegations of sexual misconduct, The University of Winnipeg will, to the extent allowed by applicable laws and University policy, seek to make the sexual misconduct allegation the primary focus of any investigation or disciplinary action, understanding that, where possible, the University will strive to exercise leniency regarding any secondary conduct violations.

The University of Winnipeg will attempt to balance the interests and the rights of all those involved, consistent with the Sexual Misconduct Protocol and the Respectful Working and Learning Environment policy. When both the person who experienced sexual misconduct, and the person accused of sexual misconduct are members of the University of Winnipeg campus community, both will be treated in accordance with the principles of fairness and natural justice. A more detailed description of the University of Winnipeg's responses is included in the Sexual Misconduct response flow charts (See appendices).

Prevention and Education Activities on Campus

The University of Winnipeg believes in the importance of raising awareness surrounding sexual misconduct and will endeavor to promote safety and empowerment on campus. The Advisory Committee on Sexual Misconduct will work collaboratively with the campus community to provide education on sexual misconduct and its prevention.

The campus wide education and communication strategy include raising awareness of sexual misconduct, informing people of the options for support and reporting after a disclosure, and bystander intervention training. The education will be communicated based on these principles:

- a) Sexualized violence profoundly affects individuals, their support network, and the university community. Each situation is different but people who experience sexual misconduct may feel a sense of violation and can experience emotional, psychological and physical reactions to the experience.
- b) Individuals who disclose that they have experienced sexual misconduct are to be believed and supported; the response received immediately upon disclosure can impact how people move forward from the experience.
- c) People who experience sexual misconduct are the decision makers regarding what is best for them. They have the right to choose what to disclose and what course of action to take including what services they will access and whether to formally report the incident to the police. The individual is discussing an extremely personal and traumatic experience so a very high degree of sensitivity is needed along with a respectful attitude, information provision, kindness and empowerment.

Education programming will be informed by the following information on sexual misconduct/sexual assault:

- a) Women are twice as likely to be assaulted by a man they know, than by a stranger (Statistics Canada, 1993). This can include friends, acquaintances, boyfriends, co-workers or relatives (The Peel Committee on Sexual Assault) and this can make reporting more difficult.
- b) In the vast majority of cases, the person who was sexually assaulted is female and the accused is male although sexual assault can happen to both males and females, and the accused may be a male or a female. It can also occur when both people are the same sex or gender. Females were over 10 times more likely than males to be victims of a police-reported sexual assault. (Statistics Canada, 2008)
- c) The General Social Survey (GSS) on Victimization showed that sexual victimization rates were dramatically higher among those aged 15 to 24. (Statistics Canada, 2004)
- d) In 30 years, survey after survey suggests that the rate of rape or attempted rape on North American campuses has held steady at between 18 per cent and 24 per cent. Add in harassment, groping and sexual coercion, and the percentage of female students who say in surveys that they experience this behaviour during their college years rises to 60 per cent. (Charlene Senn, reported in the Globe and Mail, 2013)
- e) Those who experience sexual assault are often reluctant to go to the police.
- f) Similar to victims of other forms of violent crime, sexual assault victims commonly experienced anger, confusion and frustration as a result of their victimization. (Statistics Canada, Sexual Assault in Canada)

Awareness campaigns will be selected and/or developed and user-friendly web pages will be created to allow for people to obtain the information they need quickly and easily. Educational materials including a series of workshops, a website, posters, and handbills will be created and distributed. Workshops focused on education and prevention of sexual misconduct, as well as bystander intervention training will be offered. **Bystander training and empowerment** encourages bystanders to speak up and prevent or reduce sexual misconduct, and have a positive impact on campus culture.

Tracking and Reporting Sexual Misconduct on Campus

The Advisory Committee on Sexual Misconduct will be informed of sexual misconduct incidents in the campus community in order to maintain statistics and information about the frequency and nature of such incidents on campus. The Advisory Committee on Sexual Misconduct will not receive any identifying details in order to maintain the privacy and confidentiality of people who experience sexual misconduct and people who are accused of sexual misconduct. The Advisory Committee on Sexual Misconduct will compile, track and analyze statistics and then report statistics to the Senior Executive of the University of Winnipeg (using only non-identifying information) in order to learn from the incidents and use this information to enhance the prevention and education activities on campus. The University of Winnipeg Senior Executive will, in turn, produce an annual report of aggregate statistics of sexual misconduct incidents within the campus community.

Types of information tracked will include dates, locations (on or off campus), types of sexual misconduct (sexual harassment, stalking, sexual assault or the threat of sexual assault), whether the person who experienced the sexual misconduct and the accused are known to one another, and whether alcohol or other drugs were a factor in the misconduct. The response provided to the people involved will also be tracked and reviewed to ensure the University of Winnipeg is offering services that meet the needs of our campus community. This information will be publicly available on the University's website.

Guidelines Review

The University of Winnipeg Sexual Misconduct Guidelines, as part of the Sexual Misconduct Protocol, under the Respectful Working and Learning Policy will be reviewed on an annual basis by the Advisory Committee on Sexual Misconduct.