

York University Policy on Sexual Assault Awareness, Prevention, and Response

Legislative History: Reviewed by President and Vice-Presidents, 28 January, 2015. Approved by Board Executive Committee 13 February, 2015. Approved by the Board of Governors February 23, 2015 Effective February 23, 2015.

Approval Authority: Board of Governors

Description: Describes the University's commitment to addressing sexual assault through the policy and related procedures.

I. Preamble

Sexual assault is a serious and systemic issue that impacts the individual, community, and society in general. Sexual assault is a traumatic experience that violates the sexual integrity, personal boundaries, trust and feelings of safety of the individual and can have significant long lasting physical, emotional, and psychological impacts on a survivor. Anyone can experience sexual assault. However, individuals may encounter increased vulnerabilities based on their identity or perceived identity including such factors as race, economic status, gender, gender expression, sexual orientation, language, physical or mental ability, and/or immigration status. Every survivor reacts differently to their experience. Survivors experience many barriers to disclosing, reporting, and/or seeking support; barriers can differ based on the lived experience of the survivor.

York University affirms its ongoing commitment to foster a culture where sexual assault and its impact are understood, survivors are supported, and those who commit incidents of sexual assault are held accountable.

The policy conveys the University's commitment to raising awareness about sexual assault, its desire to reduce the number of incidents at the University, and supporting those who have been impacted by sexual assault. The University will provide a framework for a cohesive approach to education, awareness, and prevention in order to effectively foster community engagement to enable community members to recognize, to respond to, and to help prevent sexual assault on campus.

II. Policy

1. York University recognizes that universities can play a significant role in addressing sexual assault, supporting survivors, and raising public awareness about this societal harm. York University is committed to providing and maintaining an environment in which sexual assault is recognized to be unacceptable and is not tolerated. The University commits to addressing reported incidents of sexual assault and responding appropriately. Survivors will be supported and individuals who are members of the York community, who have been found to have committed sexual assault, will be held accountable through

due process.

2. York University will ensure that appropriate procedures are in place to respond to incidents of sexual assault. The University will provide support for members of the University community who have experienced sexual assault or been impacted by it, regardless of where such incidents occur. The University shall strive to foster a culture of care and understanding for survivors and to reduce barriers to disclosure and/or to reporting.

3. Any member of the York community who is found to have committed sexual assault shall be held accountable. Allegations of sexual assault will be dealt with through the University complaint procedures and those who have been found to have committed sexual assault shall be subject to related sanctions and discipline up to and including expulsion and/or termination where appropriate.

4. York University is committed to on-going education, awareness, and prevention initiatives about sexual assault, including consent and related subjects. The University will support these initiatives through dedicated staff, programming, and related University committees. The University will ensure that these initiatives are broadly communicated to the University community.

III. Scope

This policy applies to all members of the York University community, including but not limited to students, staff, faculty, administrators, and volunteers. It applies regardless of where an incident takes place. The policy should be read in conjunction with other York University policies and procedures which address sexual assault (see Related Policies and Procedures) and procedures or guidelines that may be developed pursuant to it. The policy is not intended to supersede or interfere with collective agreements or prevailing laws. It does not preclude individuals from seeking recourse through criminal or civil proceedings.

IV. Definitions

“Consent:”

- a. Means active, ongoing, informed, and voluntary agreement to engage in sexual activity;
- b. Cannot be given by someone who is incapacitated, unconscious, or otherwise incapable of consenting; and
- c. Cannot be obtained through threats, coercion, or other forms of control and intimidation.

“Sexual assault” means:

Any sexual contact made by a person towards another where consent is not first obtained. It is characterized by a broad range of sexual acts, carried out in circumstances in which the person has not freely consented to or is incapable of consenting to sexual activity. Under the Criminal Code of Canada, it has been interpreted as an actual or threatened advance, gesture, touch, or any other sexual act to which an individual has not consented. It includes a person being forced to perform sexual acts against their will. It is determined by a lack of consent, and not by the act itself.

V. Review

This policy shall be reviewed annually by the Office of the Vice-President Finance and Administration.

VI. Responsibility

The Office of the Vice-President Finance and Administration shall be responsible for establishing procedures to implement this policy.

VII. Related Policies and Procedures

- [Sexual Harassment Policy](#)
- [Code of Student Rights and Responsibilities](#)
- [Occupational Health and Safety Policy](#)
- [Workplace Violence Policy](#)
- [Workplace Harassment Policy](#)

VIII. Resources

- [Resources for Survivors and Community members](#)