

Policy Title: Sexualized Violence Prevention and Response
Policy Approver: Board of Governors
Policy Holder: Office of the President
Executive Lead: President
Category: Board Operational Policy
Original Date: October 2016
Last Revised: March 2025
Next Review: March 2027

Policy Statement

Yukon University (“University”) does not tolerate Sexualized Violence and is committed to creating and maintaining a safe environment where members of the Yukon Community can study, work and live free from Sexualized Violence, and to fostering a community in which Sexualized Violence is not tolerated.

Every member of the University Community is responsible for the prevention of Sexualized Violence, and for familiarizing themselves with, and upholding this policy.

Approval Statement

With the consent of the Governance Committee of the Board and approval of the Board of Governors, this policy is hereby deemed in effect on March 8, 2025



David Morrison
Chair, Board of Governors
Yukon University

March 7, 2025

Date

1. Purpose of Policy

Sexualized Violence is a serious and pervasive problem in society and on university campuses across the country and can occur among individuals regardless of sex, gender identity or expression, sexual orientation, racial, ethnic or cultural background, age, ability, faith, socioeconomic standing or academic standing, as well as their reputations, social circles and relationship to one another. The University acknowledges that acts of Sexualized Violence can be used to further subjugate and compound the impacts of colonial violence, sexism, racism, classism, ableism, homophobia, transphobia, religious bias or other forms of discrimination.

Through this policy, the Board of Governors upholds its legislated responsibility and Yukon University (“University”) upholds its commitment to addressing Sexualized Violence through adoption of appropriate response and preventative measures that aim to be culturally sensitive and reflects the perspectives of those most vulnerable to sexual violence, i.e., members of marginalized groups.

Sexualized Violence can have serious impacts on an individual’s physical, mental, emotional and spiritual health and wellness. The University recognizes the possible traumatic effects of Sexualized Violence and will provide appropriate, reasonable, and trauma-sensitive assistance to individuals seeking support.

Yukon University is committed to

- reducing barriers to disclosing and reporting incidents of sexualized violence adopting a trauma-informed approach when responding to and addressing disclosures, reports and conducting investigations
- respecting the rights of those who disclose and to empowering the self-agency of the individual who experienced the Sexualized Violence, to make their own decisions about accessing support services and accommodation, making a report or pursuing external processes;
- responding to the needs of survivors in the University Community and to provide a coordinated, timely and culturally sensitive response to all disclosed and reported incidents of Sexualized Violence;

- education and prevention efforts to raise awareness, promote a culture of Consent and to minimize the risk of incidents of Sexualized Violence.

2. Governing Legislation and Relevant Documents

Yukon University Act

Yukon University Collective Agreement

Yukon's Access to Information and Protection of Privacy Act (ATIPP)

3. Scope

- a. This policy and associated procedures apply to members of the University Community, in all circumstances where the individuals and activities can be related to the University, including individuals who experience Sexualized Violence off campus, perpetrated by a person who is known to them through the University.
- b. This policy and associated procedures are separate from any criminal or civil proceedings. The University is not responsible for determining violations of criminal or civil law. The University is responsible for determining whether a University Community member has violated this policy.
- c. The disclosing and/or reporting process is available to all members of the University community and Visitors whether the Sexualized Violence occurred on campus, off campus, online, through various forms of multimedia (including but not limited to photos, videos, text messages, social media, etc.), or while representing or conducting University business.
- d. The University respects the rights of those who disclose and empower individuals who have experienced Sexualized Violence to make their own decisions about accessing support services, Accommodation, or filing a Report.
- e. Individuals who have experienced Sexualized Violence will receive appropriate and reasonable support and/or Accommodation as outlined in the Procedures to this policy.
- f. Individuals who perpetuate Sexualized Violence will have their relationship with the University terminated.
- g. In the event of any conflict between this policy and other University policies or procedures, this policy will prevail. If a conflict arises between the provisions of this policy and any relevant collective agreement, the terms of the collective agreement will prevail.

4. Definitions

- **Accommodation:** a specific adaptation to workplaces, places of study or processes, designed to maintain work or study, in response to a request.
- **Adjudication:** the process of making an official decision after a disclosure or report of Sexualized Violence is made.
- **Coercion:** occurs when one person puts pressure on another to do something they might not otherwise want to do. Often, there is a power imbalance between two people that influences the decision of the person who is perceived to have less power. Coercion can be explicit, as it is when verbal forms of pressure or intimidation are used.
- **Complainant:** an individual directly impacted by Sexualized Violence who has brought forward a Report under this policy.
- **Confidentiality:** is an essential principle in creating an environment where individuals feel safe to disclose, report and seek support. Confidentiality and privacy are different. Confidentiality can be maintained in all circumstances. Privacy is maintained when the information about Disclosures and Reports is shared only with those who need to know it to address the incident, provide support, or as required by law. In cases where privacy or anonymity cannot be maintained when accessing supports or Accommodation, the individual will be notified of which information will be shared and with whom. Efforts will be made to limit the amount of information shared and the number of individuals with whom it is shared.
- **Conflict of Interest:** a Conflict of Interest exists where there is a potential or actual divergence between the personal interests of a University member and that member's obligation to uphold the interests and mission of the University.
- **Consent:** an active, direct, mutual, voluntary, unimpaired and conscious choice and agreement between people before, and as they, engage in sexual activity. For clarity:
 - A person is incapable of giving Consent if they are incapacitated by drugs or alcohol, asleep, unconscious or otherwise lacking the capacity to Consent.
 - A person who has been threatened or coerced into engaging in sexual activity is not Consenting to it.

- Consenting to one kind of sexual activity does not mean that Consent is given for another sexual activity, and Consent only applies to each specific instance of sexual activity.
- Consent cannot be given on behalf of another person.
- Consent is active and ongoing and not passive or silent.
- Consent cannot be given when there is an abuse of power or authority.
- Consent cannot be implied, and it can be revoked at any time during the act or acts in question.
- Individuals under the age of Consent cannot give Consent. Age of Consent varies by situation and circumstance. A link for additional information:
<http://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>
- **Disclosure:** occurs when an individual chooses to inform a University Community member about an incident where they experienced Sexualized Violence. The University will keep Disclosures and Reports of Sexualized Violence confidential to the greatest extent possible and in accordance with the *Yukon's Access to Information and Protection of Privacy Act (ATIPP)*.
- **Discrimination:** a difference in treatment and/or attitude--whether from an individual, group or institution--in response to an individual or group's personal characteristics, such as: age, race, colour, religion, creed, ethnic, national or Indigenous origin, family status, marital status, sex, sexual orientation, gender identity, physical or mental disability; an irrational fear of contracting an illness or disease; source of income; political belief, affiliation or activity. In keeping with intersectional principles, the Policy recognizes that Sexualized Violence can be a form of Discrimination against an individual or a group. Intention is not a requirement for Discrimination to occur. It is important to note that universities are spaces that are historically built on anti-Black, anti- Indigenous, racist, and sexist Discrimination. This is a history that persists and impacts the present.
- **Faculty member:** means an employee of the university as defined by the Yukon University Act, i.e., whose duties are primarily those of performing the teaching and research functions of the university, and who is appointed to a Faculty by the Board.
- **Intersectionality:** acknowledges the intersections of social identities and social oppressions. An intersectional approach considers the fact that Sexualized Violence can

overlap and interact with experiences of colonialism, sexism, racism, classism, ableism, homophobia or transphobia.

- **Investigation:** a formal process undertaken in response to a Report of an incident of Sexualized Violence and will be guided by nature of the allegations and the wishes of the Disclosure.
- **Investigator:** an individual trained in best practices in the evolving field of investigating Sexualized Violence. They may be external or internal to the University and are available to conduct investigations under this Policy.
- **No-Contact Directive:** a requirement that a person have no direct or indirect contact, including but not limited to in-person, phone, text, email, social media or through a third party, with a specified individual, individuals or group, as outlined in a written communication from the University.
- **Notice of Prohibition:** a notice to a particular individual or individuals that they are prohibited from all or a part of University property.
- **Procedural Fairness:** provides parties with a fair process in resolving disputes. The concept requires transparency, equal communication, and fairness.
- **Rape Culture:** a culture that normalizes, trivializes and excuses Sexualized Violence or blames individuals for having experienced Sexualized Violence. Rape Culture can be expressed through dominant societal ideas, prevalent attitudes, social practices, media content or through institutions that condone Sexualized Violence either implicitly or explicitly.
- **Report:** occurs when an individual who has experienced Sexualized Violence pursues a formal process (i.e., makes a Report) through the Response and Support team (R&S team). The individual should be made aware that a formal Report has the potential to initiate an investigation. Individuals affected by Sexualized Violence are not required to Report an incident of Sexualized Violence to access the supports, Accommodation, or other resources outlined in this policy.
- **Respondent:** the person or persons who are named in a Disclosure or Report, as having allegedly breached this Policy.

- **Retaliation:** refers to actions that cause or are reasonably perceived to cause adverse impacts on individuals because of their involvement in a Disclosure or Report under this policy. Retaliation is also referred to as reprisal.
- **Sexual Assault:** a form of Sexualized Violence, includes any unwanted sexual act or behavior which is threatening, violent, forced or coercive and to which a person has not given Consent or was not able to give Consent. Sexual Assault is most often used in reference to a single experience.
- **Sexual Harassment:** a form of Discrimination that includes any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the person experiencing Sexual Harassment. The prohibited conduct, as determined by a reasonable person, may be verbal, non-verbal, physical, deliberate or unintended.
- **Sexualized Violence:** any act, sexual or otherwise, targeting a person's sexuality, gender identity or gender expression, whether the act is physical, psychological or social in nature, that is committed, threatened or attempted against a person without the person's Consent. Sexualized Violence includes such actions as Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, distribution of intimate images, cyber harassment, sexual exploitation, inducing intoxication, impairment or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity, and other comparable conduct.
- **Student:** an individual enrolled with YukonU in credit or non-credit programs, full or part time, on any YukonU campus.
- **Trauma-Informed Approach:** involves understanding, recognizing and responding to the effects of all types of trauma, wherever possible, seeks to empower the individual who has experienced Sexualized Violence by placing their needs at the center of decision-making related to support and response.
- **University Community:** includes, but is not limited to Faculty, staff, Board members, Students, contractors, occupants, Visitors and guests.
- **University Liaison(s):** individual(s) appointed to assist the Complainant, Respondent, individual who has experienced Sexualized Violence with University procedure and provides access to support and Accommodation.

- **Visitor:** a person engaged in activities on the University's property or with members of the University Community and includes, but is not limited to, contractors, agents, vendors, visiting scholars, and invited guests.

5. Guiding Principles

- a. The University commits to ensuring an environment in which any form of Sexualized Violence will not be tolerated, to countering Rape Culture, and to cultivating a culture of Consent through Sexualized Violence prevention and response initiatives. The Office of the Registrar, Human Resources Department, and University Relations Department are responsible for establishing and maintaining the University's Sexualized Violence Response webpage and collaborating and coordinating annual Sexualized Violence awareness and education activities.
- b. This policy and associated procedures provide a framework to Sexualized Violence prevention and response through:
 - clear, appropriate and Procedurally Fair processes for handling Reports of Sexualized Violence;
 - coordinated, comprehensive, inclusive and culturally relevant support for University Community members who have been affected by Sexualized Violence including reasonable and appropriate counselling, academic accommodation and other support and Accommodation as available from student support services and employee resources at the University;
 - coordinated, comprehensive, inclusive and culturally relevant prevention programs that take action against Rape Culture within the University community.
- c. Support services and Accommodation will be provided to members of the University Community who Disclose or Report Sexualized Violence and who have had Reports of Sexualized Violence made against them.
- d. All reasonable steps will be taken to ensure the privacy and confidentiality of all involved parties and to protect every individual involved in this process from Retaliation. The University reserves the right to address the potential for Retaliation by providing appropriate and reasonable Accommodation and/or by imposing appropriate interim measures based on the circumstances.

6. Other Related and/or Accompanying Documents

- BA 1.1 Sexualized Violence Prevention and Response Procedures

7. Document History

Include all updates here, including non-substantive changes, beginning with formal approval.

<i>Date (Month DD, YYYY)</i>	<i>Update (Approver: change)</i>
October 2016	Policy established
June 2018	Policy revised
March 2025	Policy revised and moved under the Board's jurisdiction; code changed from SF7.0 to BA1.0