

Policy Number:	1.2.9 Gender Based and Sexual Violence & Sexual Misconduct Policy
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Relevant Statutory /

O. Reg. 131/16: *Sexual Violence At Colleges And Universities*

Regulatory Linkages:

1. PURPOSE AND SCOPE

- 1.1. King’s University College is committed to providing and maintaining an environment in which there is zero tolerance for Gender Based and Sexual Violence and Sexual Misconduct. It takes seriously its responsibility to address gender-based and sexual violence and sexual misconduct that is pervasive in society through education, training, and response. This policy and its related procedures identify ways to recognize and prevent gender-based and sexual violence and Sexual Misconduct through policies, resources, education and community support and provide members of King’s University College community with information to help them respond effectively to incidents of Gender-Based and Sexual Violence and sexual misconduct.

- 1.2 King’s University College recognizes that Gender-Based and Sexual Violence and Sexual Misconduct can have serious and lasting impacts on the physical, mental, and emotional welfare of individuals who are affected by Gender-Based and Sexual Violence and Sexual Misconduct. The Members of King’s University College Community will treat Survivors with dignity and respect as stated in our mission as a Catholic University.

- 1.3. This policy applies to all Members of King’s University College Community in their interactions with other Members of King’s University College Community.

- 1.4 This policy serves to prohibit Sexual Misconduct by employees of King’s against students by outlining King’s rules with respect to sexual behaviour between employees and students of King’s and by providing examples of disciplinary measures that may be imposed on employees who contravene the policy and procedure. This is in accordance with Bill 26 (*Strengthening Post-secondary Institutions and Students Act, 2022, S.O. 2022, C.22*) and amendments to the *Ministry of Training, Colleges, and University Act, R.S.O 1900, c. M. 19*).

2. PRINCIPLES

- 2.1. Gender-Based and Sexual Violence and Sexual Misconduct is prohibited by any member of the King’s University College Community.

- 2.2. Gender-Based and Sexual Violence is a serious societal problem. King’s University College is committed to addressing Gender-Based and Sexual Violence and Sexual Misconduct

through support, education, training and prevention programs and through the appropriate handling of Disclosures and Complaints.

- 2.3. King's University College understands that each individual's experience of Gender-Based and Sexual Violence and Sexual Misconduct, including the level of risk they face and how they access services and supports, is unique and can be based on, or influenced by, the intersection of Gender-Based and Sexual Violence with discrimination and harassment including, but not limited to sex, ancestry, race, ethnicity, culture, language, disability, creed, age, socioeconomic status, sexual orientation, and gender expression.
- 2.4. In particular, King's University College recognizes that Gender-Based and Sexual Violence often intersects with acts of racism, ableism, homophobia or transphobia. King's University College is committed to an intersectional approach reflective of and relevant to its diverse University Community.
- 2.5. Any Member of King's University College Community who commits an act of Gender-Based and Sexual Violence or Sexual Misconduct against another Member of King's University College Community will be held accountable in a manner that recognizes the dignity and needs of the Survivor, the health and safety of Members of King's University College Community and the educational mission of King's University College.
- 2.6 Any allegations of Gender-Based and Sexual Violence and Sexual Misconduct will be taken seriously and will be addressed and investigated by King's following the process set out under the "**Procedures for [Board Policy 1.29 Gender Based and Sexual Violence & Sexual Misconduct](#)**".
- 2.7. Individuals who report sexual violence or sexual misconduct do not face action for violations of university policies related to drug and alcohol use at the time the incident took place.
- 2.8. Students who disclose or report sexual violence or sexual misconduct are not asked irrelevant questions about their sexual history or sexual expression.

3. REVIEW

- 3.1. King's University College will conduct a review of this Policy every three years. Every time the Policy is reviewed or amended, King's University College shall ensure student input is considered in accordance with any legislative or regulatory requirements.

4. DEFINITIONS

The following definitions shall apply to this policy:

- 4.1. **Complaint:** The sharing of information concerning an act of Gender-Based and Sexual Violence by a Survivor with the intention of initiating a formal process identified in this Policy.

- 4.2. **Disclosure:** The sharing of information by a Survivor with a Member of King's University College Community concerning an incident of Gender-Based and Sexual Violence. A Disclosure may or may not be for the purpose of accessing supports, services and/or accommodations.
- 4.3. **Gender-Based and Sexual Violence:** Any sexual act or act targeting a person's sexuality, gender identity and 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 assault, sexual harassment, stalking, indecent exposure, voyeurism, cyber harassment and sexual exploitation.
- 4.4. **Sexual Misconduct:** In relation to a student of King's University College, sexual misconduct is the physical sexual relations with the student, touching of a sexual nature of the student, or behaviour or remarks of a sexual nature toward the student by an employee of King's University College where; the act constitutes an offence under the Criminal Code (Canada), the act infringes the right of the student under clause 7(3)(a) of the Human Rights Code to be free from any sexual solicitation or advance; or the act contravenes this policy, including by meeting the definition of Gender-Based Sexual Violence, or by violating King's University College Rule regarding Sexual Behaviour between employee and students, or contravenes the Harassment and Discrimination Policy, Workplace Violence Policy, or similar or other related policy. Any conduct by an employee of King's that infringes the right of the student under clause 7(3)(b) of the Human Rights Code to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance is also reflected under this definition.
Sexual Misconduct also includes any behaviour that is defined under Gender-Based Sexual Violence, including the examples listed. Sexual Misconduct applies exclusively and specifically to acts committed by employees of King's University College.
- 4.5. **Members of King's University College Community:** Includes employees, emeriti, postdoctoral fellows/associates, students, visiting professors, visiting students, contractors and other affiliated persons.
- 4.6 **Employee:** Any full-time, part-time or contract staff of King's University College, including faculty and contract faculty, whether unionized or not.
- 4.7: **Student:** Any student registered at King's University College, whether full or part time, or any student taking classes at King's, even if they are registered at another institution.
- 4.8. **Survivor:** A person who has experienced Gender-Based and Sexual Violence. King's University College uses the term "Survivor" in this Policy but acknowledges that individuals may prefer other terms to define themselves in relation to their experience such as "victim" or "thrivor".

5. MONITORING REPORT

The President shall provide an annual report to the Board of Directors outlining known breaches, actions taken, impacts incurred and future considerations