

Guidelines under the Sexual Violence Policy: Consensual Romantic or Sexual Relationships and Activities

A. Background

The University is committed to promoting the safety and integrity of its teaching, learning, and work environments. This includes its obligations under *Bill 26, Strengthening Post-Secondary Institutions and Students Act* related to sexual misconduct (as defined in the legislation).

The [Sexual Violence Policy](#), [Discrimination and Harassment Prevention Policy](#), and [Conflict of Interest Policy](#) and [Guideline for Managing Real or Potential and Perceived Conflicts \(Research Ethics\)](#) address the University's rules, expectations, and principles applicable to sexual misconduct and romantic and sexual relationships involving members of the University community, including employees and students.

The purpose of these Guidelines is to reiterate and highlight the rules, expectations, and principles of consent that pertain to consensual romantic or sexual activity or relationships involving all individuals in positions of authority (including, without limitation, faculty, contract lecturers, managers or supervisors, and athletics and recreational staff) and any students and/or employees over whom they exercise authority (for example and without limitation, with respect to grading, teaching, evaluating, advising, or supervising).

B. Sexual Misconduct

Instances of alleged sexual misconduct will continue to be addressed under the University's existing policies as appropriate.

In line with the *Strengthening Post-secondary Institutions and Students Act, 2022*, sexual misconduct in relation to a student at the University refers to physical sexual relations with the student, touching of a sexual nature of the student or behavior or remarks of a sexual nature toward the student by an employee of the institution if:

- I. the act constitutes an offence under the *Criminal Code (Canada)*;
- II. the act infringes the right of the student under the *Human Rights Code* to be free from sexual solicitation or advance or to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance; or
- III. the act constitutes sexual misconduct as otherwise defined by the University or the act contravenes any other policy, rule, or other requirement of the institution respecting sexual relations between employees and students.

For greater clarity with respect to III., certain findings under the University's Sexual Violence Policy may constitute sexual misconduct if the findings relate to an employee's physical sexual relations with the student, touching of a sexual nature of the student or behavior or remarks of a sexual nature toward the student.

Nothing in these Guidelines shall infringe upon the academic freedom of faculty members and librarians. Academic freedom—a doctrine designed to protect academics from censorship—while serving a legitimate function, is not protected from human rights scrutiny.

These Guidelines will be reviewed during the University's next review of the Sexual Violence Policy.

C. Guidance - Romantic and Sexual Relationships and Activities

As stated in the University's policies referenced above, there are power differences and perceived power differences between employees and students. Such power differences may have implications for the parameters of consent in romantic and sexual relationships, may lead to an abuse of power, trust, or authority, and/or result in an actual or perceived conflict of interest. At their core, many incidents of sexual violence involve an abuse of power.

In order to preserve the safety and integrity of the University's learning, teaching, and working environments, it is important to protect students and employees from inappropriate influences and dynamics in the context of romantic or sexual activity or relationships that may interfere with personal, academic, and/or career advancement.

Accordingly, the University strongly discourages consensual romantic or sexual activity or relationships between individuals in positions of authority (including faculty, contract lecturers, academic support staff, managers or supervisors, and staff) and the students and/or employees over whom they exercise authority (including with respect to grading, teaching, evaluating, advising, or supervising).

If consensual romantic or sexual activities or relationships occur or begin notwithstanding the above, the employee in a position of authority must make timely and confidential written disclosure of it to a relevant authority as appropriate (Provost, Vice-Provost, Dean, Vice-President, Assistant Vice-President, or President). Where a disclosure is made, the University will take any and all appropriate actions on a case-by-case basis having regard to the nature of the relationship, the teaching, learning, and working activities engaged in, the University's policies, and applicable collective agreements. At a minimum, the individual in a position of authority will be removed from the grading, evaluating, assessing, advising, or supervising role with alternative arrangements implemented as appropriate.

In the event of any finding(s) that a relevant University policy has been violated, relevant power differences, conflicts of interests and/or the failure to disclose in accordance with policy shall be relevant to the University's decision and consideration of potential disciplinary measures. The University remains committed to the principle of progressive discipline. When exercising its discretion to implement remedial action, the University shall consider the principle of proportionality and any relevant aggravating, mitigating, or other relevant contextual factors.