

Art Bar +Projects

Interim Sexual Assault and Harassment Policy (Long Term Sexual Assault Policy Expected January 2019)

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Applicability: This policy and protocol applies to the staff, board, patrons and volunteers of Art Bar +Projects, except where superceded by NSCAD University's policies and protocols for events booked by NSCAD University.

This policy is to be interpreted in a manner consistent with all applicable labour & human rights legislation.

Citation: References used in this policy are cited at the bottom of this page. This policy is adapted from The Khyber Sexual Assault and Harassment Policy. Please reference the Khyber Policy here, <http://www.khyber.ca/khyber-sexual-assault-and-harassment-policy/>, where you will find further contextual information.

Feedback: We are always open to review and feedback on all of our policies and programming. Please contact president@NSCADalumni.ca

1. PREAMBLE

The NSCAD University Alumni Association (NSCAD AA) is dedicated to creating a safer environment for all members of NSCAD AA Community. We recognize that Sexual Assault is a serious offence with significant impacts on individuals and community that is often under-reported and under-addressed. We know that Sexual Assault can occur between individuals regardless of sex/gender, sexual orientation, race/culture/ethnicity, migrant status, Indigenous identity, class, disability, or age. However, research and experience show that Sexual Assault is not a neutral social phenomenon that occurs randomly, but is largely committed against women, often by people that they may know. NSCAD AA acknowledges the inherent cissexism in these findings and believes that "women" serves, in this governmental, statistics context, as a broad definition that includes all cis women, trans women, trans femmes, and/or people who are read incorrectly as female/women within the dominant culture (Two-Spirit people, non-binary people, intersex people, non-binary femmes). NSCAD AA understands that not all people read as female/women within dominant culture are women and that this is a demonstration of transphobia, transmisogyny, cissexism, and intersections of such.

NSCAD AA also understands that the use of alcohol and drugs is common on campus and within music spaces and that both are important risk factors for Sexual Assault. NSCAD AA does sell alcohol on the premises and NSCAD AA recognizes the inherent link between intoxication culture and Sexual Assault/ Sexual Violence. NSCAD AA strives to work from a harm reduction approach and framework.

Overall, NSCAD AA Sexual Assault and Harassment Policy should be used as a guide to navigate the complexity of Sexual Assault outlined above. It is also a planning tool for reducing harm and acting on experiences of Sexual Assault within NSCAD AA.

2. DEFINITIONS

2.1 Anti-Oppression, Survivor Centric Framework

A. Prioritizes the autonomy and empowerment of Survivors/ Victims while ensuring their access to events and programming by enforcing their Safe Space needs.

B. Takes an anti-racism, anti-sexism, anti-heterosexism, anti-ableism, anti-ageism, anti-cissexist, and anti-classism stance.

For those in NSCAD AA Community, this includes a commitment to upholding the Survivor/ Victim rights enshrined in NSCAD AA Interim Sexual Assault and Harassment Policy. Although named the Anti-Oppression, Survivor Centric framework for brevity we acknowledge that different individuals may have different ways of speaking and writing about their experiences. The language of 'oppression' and 'survivors' is in correspondence with our current roles and ideas of oppression politics, and may be subject to change over time.

2.2. Safety

Safety is the state of being and feeling safe and experiencing relative freedom and security from the occurrence or risk of bodily, emotional, or mental harm, danger, or loss whether caused deliberately or by accident. Safety is also having access to spaces and people that provide this within an Anti-Oppression, Survivor Centric Framework without fear or threat.

2.3 Discomfort

Discomfort is the state of being and feeling physically, emotionally, or mentally uncomfortable, uneasy, or in a state of stress. Feeling discomfort based on lack of Consent, a crossing of boundaries, previous harmful, forceful, or violent experiences will be taken very seriously under NSCAD AA Interim Sexual Assault and Harassment Policy. Discomfort caused by one's own internalized or explicit racist, anti Black, homophobic, transphobic, sexist, ableist, ageist, and/or classist views, actions, or opinions about or toward anyone accessing NSCAD AA will not be supported or given space; this form of discomfort does not align with the Anti-Oppression, Survivor Centric Framework.

2.4 Confidentiality

Confidentiality means to refrain from disclosing personal information provided directly to NSCAD AA to others. Every effort will be made to respect the wishes of persons experiencing sexual violence and to protect the privacy and anonymity of any person who discloses any incident of sexual violence. Prior to disclosure of any information reported relating to incidents of sexual violence, the expressed consent of the individual who made the report of sexual violence will be required. There are some situations where confidentiality must legally be broken and where information dispersed to certain authorities – the list of situations wherein confidentiality is broken is found below. The constraints of confidentiality will be clearly communicated to people disclosing experiences of sexual assault in advance of disclosure.

Limits to Confidentiality: The following circumstances may require taking immediate action in relation to a disclosure of Sexual Violence:

- An individual is at imminent risk of self-harm;
- An individual is at imminent risk of harming another; and/or
- There are reasonable grounds to believe that others in NSCAD AA Community may be at risk of harm
- Reporting or action is required by the law
- A bystander discloses a Sexual Assault

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the Survivor/ Victim would not be released to the public.

Disclosure to others may be required based on the actions the survivor/victim wishes to take against the accused.

2.5 Consent

Under section 273.1 of the *Criminal Code* of Canada, Consent is the voluntary agreement to engage in the sexual activity in question. This means that there must be an understandable exchange of affirmative, clear words that indicate a willingness to participate in mutually agreed upon sexual activity. The existence of a current or previous dating, marital, or sexual relationship is not sufficient to constitute Consent to sexual activity.

Consent must be informed, freely given, active, and continuously given. It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement. Relying on non-verbal communication (regardless of your relationship) can lead to miscommunication about intent and it is important each participant clarifies the willingness to continue during progression of sexual activity.

Consent:

- Is not silence or the absence of 'no'
- Is never assumed or implied
- Cannot be given by someone who is incapacitated by alcohol or drugs or who is unconscious
- Can never be obtained through Force, threats, coercion or other pressure tactics
- Can be revoked at any time, regardless of any sexual activities that may have taken place
- Cannot be obtained if the Perpetrator abuses a position of trust, power or authority
- Cannot be assumed from previous consent to similar activities

2.6 Vicarious Trauma

Vicarious trauma is the emotional residue of exposure that First Responders and responders to sexualized violence have from working with people as they are hearing their trauma stories and become witnesses to the pain and fear that trauma survivors have endured.

2.7 NSCAD AA Community

NSCAD AA Community consists of:

- NSCAD AA Staff
- NSCAD AA Volunteers
- NSCAD AA Board of Directors
- Art Bar +Projects Patrons
- NSCAD AA hired artists or artists using NSCAD AA space
- Any person who has used NSCAD AA services at any time

2.8 Disclosure

A Disclosure occurs when someone discloses directly to a NSCAD AA Board Member or Staff Person that they have experienced Sexual Assault.

2.9 First Responder

A First Responder is the person to whom the Survivor/ Victim initially disclosed. This could be a friend, staff member, volunteer, or faculty member. They may be significantly affected by the Disclosure of Sexual Assault and may also be in need of support.

2.10 Force

In the context of sexual misconduct, Force is the use of physical violence and/or imposing on someone physically to gain sexual access to that person. Force also includes threats of harm to self or others, intimidation and or coercion to overcome resistance.

2.11 Mediator

A Mediator is a person, usually with expertise in counseling, peer support, mediation or social work, who is appointed to work with a Survivor/ Victim and a First Responder to assist them in an attempt to work to find a Survivor Centric Safety Plan and support system that fits the Survivor/Victim's needs.

2.12 Active Listening

Active listening is expressing concern and support for another person by being attentive to what they have to tell you. Active listening is a Non-Directional and non-interventionist approach that is rooted in expressing interest, concern, empathy, and survivor autonomy. (See Section 3.5 regarding Active Listening training)

2.13 Non-Directional

The Non-Directional approach involves empowering individuals to make decisions and seek recourse through providing information regarding available options and resources while not encouraging or discouraging the use of certain options over others.

2.14 Perpetrator

A person who has Perpetrated Sexual Assault or Harassment.

2.15 Sexual Assault/ Sexual Violence

Sexual Assault is prohibited by section 271 of the *Criminal Code* of Canada. Sexual Assault is sexual touching of another person with any object or body part that is without Consent or by Force. Any sexual activity without Consent is Sexual Assault. It is, therefore, crucial to understand Consent.

2.16 Sexual Assault Response Team

The Sexual Assault Response Team consists of who the Survivor/ Victim has disclosed to and the people necessary in supporting them with their needs and asks surrounding their assault, as such, this team will consist of NSCAD AA staff, and/or board, and/or volunteers depending on the Survivor/ Victim disclosure. As NSCAD AA operates from a Survivor Centric framework, it will then be up to the Survivor/ Victim to decide the next steps of action (See Section 4.8). The purpose of the Sexual Assault Response Team will be to offer referrals and resources to the Survivor/ Victim so they may make their most informed choice moving forward. The Sexual Assault Response Team will aim to encourage reporting culture, be able to reference the South House referral guide, and uphold an Anti Oppression, Survivor Centric framework.

NSCAD AA does not have the structural capacity to act as a rape crisis centre or a restorative justice centre. NSCAD AA will work to support Survivor/Victims but does not have the structural capacity to guarantee support outside of NSCAD AA events such as: accompaniment to an appointment, support during a court case, counselling, house calls, provision of a mediator, etc.

2.17 Sexual Harassment

Sexual Harassment as defined by a vexatious comment or conduct of a sexual nature that is known or ought reasonably to be have been known to be unwelcome. All forms of sexual harassment and sex/gender-based harassment are serious offences because these actions create a hostile, intimidating or offensive environment.

Sexual Harassment can include, but is not limited to:

- Unwelcome sexual advances
- Unwanted attention
- Implied or expressed rewards or benefits for sexual favours and implied or expressed threats if sexual favours are denied
- Requests for sexual favours
- Indecent exposure (prohibited under section 173 of the *Criminal Code* of Canada)
- Voyeurism (prohibited under section 162 of the *Criminal Code* of Canada)
- Unwelcome remarks and/or vexatious comments about someone's expression and or identity, including but not limited to: gender, sexuality, race, class, ability
- Attempts to extort sexual favours
- Inappropriate touching
- Repeated and vulgar sexual comments
- Displaying inappropriate images in accordance with NSCAD University's policy which states: Displaying inappropriate sexual images or posters in the working and learning environment which are not part of the legitimate study, display, use or distribution of topics, material or art forms falling within appropriate academic, contemporary art/design/media discourse within the context of an art and design university.

- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter, and Instagram

2.18 Sexual Violence

Sexual Violence is any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their Consent, and cyber-harassment or cyberstalking of a sexual nature.

2.19 Survivor/ Victim

A Survivor/ Victim is any individual who has experienced Sexual Violence.

2.20 Survivor/ Victim-Blaming

Putting blame for the occurrence of Sexual Assault on Survivors/ Victims for any reason. Survivor/ Victim-Blaming can be implicit, such as through references to clothing choices, sexuality (including orientation, history and character), or the perceived “riskiness” of behaviours or choices. A non-Victim-Blaming response acknowledges that Perpetrators make choices to violate the sexual integrity of others, and Perpetrators are responsible for these choices. A non-Victim-Blaming response also acknowledges the role of cultural forces that normalize and tolerate Sexual Assault.

2.21 NSCAD AA Safer Space Mandate

This Mandate was created through the Anti Oppression, Survivor Centric Framework (See Section 2.1) to act as acceptable behavioural guidelines for NSCAD AA Community when accessing NSCAD AA events and programming.

2.22 NSCAD AA Sexual Assault and Harassment Procedure

This Procedure was created through an Anti Oppression, Survivor Centric Framework (See Section 2.1) to be paired with NSCAD AA Interim Sexual Assault and Harassment Policy to act as a tangible and accessible resource specifically for NSCAD AA staff and volunteers.

2.23 Safety Plan

A safety plan is a personalized, practical plan that can help one navigate harmful and unsafe situations. A safety plan can include: community resources, personal resources, people and friends you can access for various supports, medical resources, and self-care methods. THE NSCAD AA Sexual Assault Response Team will offer referrals to assist a Victim/Survivor in creating a safety plan.

3. POLICY STATEMENT

NSCAD AA is committed to disrupting the normalization of Sexual Assault and creating a safer space for anyone in NSCAD AA Community who has experienced Sexual Assault. NSCAD AA believes that NSCAD AA Community should be a safer and positive space where members feel that they are able to work, learn, and express themselves in an environment free from Sexual Assault and Harassment.

All reports of Sexual Assault will be addressed to the best of NSCAD AA’s ability and in a manner that ensures due process, an Anti Oppression and Survivor Centric Framework. NSCAD AA hopes to mitigate nervousness, discomfort, uncertainty, and fear in disclosing around Sexual Assault that they have experienced or witnessed that is affecting their experiences at NSCAD AA.

NSCAD AA is committed to:

3.1 Not tolerating or condoning any form of Sexual Assault

3.2 Establishing a Sexual Assault Response Team for NSCAD AA Community

3.3 Ensuring that Survivors/ Victims are given complete autonomy (See Section 4.8) and are treated with dignity and respect using an Anti Oppression, Survivor Centric Framework

3.4 Providing Survivors/ Victims with information (see 2.15) about mediation, reporting options, spaces of healing, and resources pertaining to Sexual Violence in a Non-Directional manner

3.5 Educating and training NSCAD AA Management and Staff around Active Listening, Anti Oppression and Survivor Centric approaches, First Responder training, de-escalation, and how to remove or confront people who are violating NSCAD AA Safer Space Mandate from the space

3.6 NSCAD AA will follow the Safer Space Mandate and Sexual Assault and Harassment Procedure

4. SURVIVOR/VICTIM RIGHTS

NSCAD AA believes that all individuals who experience Sexual Assault may be at risk of further harm or retaliation, and understands that it is extremely difficult to disclose Sexual Assault. NSCAD AA recognizes this challenge but urges individuals to seek support for their own healing. This can take the form of support from a partner, grassroots community organization, chosen family member(s), creating a Safety Plan with a community organization, mediation and/or reporting to the police.

All Survivors/ Victims of Sexual Assault should have the right to:

4.1 Access support, safety and recourse measures under this policy

4.2 Maintain confidentiality per clause 2.4

4.3 Be treated with care, sensitivity, compassion, dignity and respect

4.4 Not to be blamed for the Sexual Assault, either implicitly or explicitly

4.5 Not to be questioned about their sex/gender or sexual orientation

4.6 Define the language used to describe their experiences and identity

4.7 Access information about community support, safety, and recourse options

4.8 Freely choose which options to access (if any), in any combination or order, and receive assistance in pursuing their chosen option if requested

4.9 Have NSCAD AA work to implement their personal safety plan on premises

4.10 Be represented by an advocate of their choosing

4.11 End participation in a protocol at any point

4.12 Be informed of the outcome of requests and disclosure

4.13 To be fully believed and fully supported during the process of validation

5. RESPONSIBILITIES

5.1 NSCAD AA Board of Directors

- Follow NSCAD AA Interim Sexual Assault and Harassment Policy available online and in the Art Bar + Projects
- Ensure availability of the Interim Sexual Assault and Harassment Policy online, in poster form, and in pamphlet form
- Support Survivor/ Victims through Active Listening and offering resources
- Provide referral and facilitate access to community resources, legal services, or other resources the survivor wishes to access
- Designate a representative to check in with Art Bar + Projects Manager on a weekly basis
- Support Art Bar + Projects Manager and Staff during intense times of disclosure by being available for debriefing, support and check-ins
- Compile and provide an accurate list of community and legal resources, available for access by the Art Bar + Projects Manager and Staff when necessary
- Act as a unified voice to advocate for a community that centres Survivor/Victims through upholding the principles of an Anti-Oppressive Survivor Centric framework
- Be involved with further creation and procedural advancements in regards to Sexual Assault policies at the Art Bar + Projects
- Maintain confidentiality per clause 2.4

5.2 Art Bar + Projects Manager

- Follow NSCAD AA Interim Sexual Assault and Harassment Policy available online and in the Art Bar + Projects
- Ensure that the NSCAD AA Interim Sexual Assault and Harassment Policy is available in poster and pamphlet form in each room of the Art Bar + Projects, including posters in washroom stalls
- Support Survivor/Victims by offering resources and facilitating access to those resources the Survivor/Victim wishes to access
- Ensure Art Bar + Projects staff have access to NSCAD AA's list of community supports and resources
- Regularly check in with Art Bar + Projects Staff in person
- Act as a unified voice to advocate for a community that centres Survivor/Victims through upholding the principles of an Anti-Oppressive Survivor Centric framework
- Maintain confidentiality per clause 2.4

5.3 Art Bar + Projects Staff

- Follow NSCAD AA Interim Sexual Assault and Harassment Policy available online and in the Art Bar + Projects
- Support Survivor/Victims by offering resources and facilitating access to those resources the Survivor/Victim wishes to access
- Act as a unified voice to advocate for a community that centres Survivor/Victims through upholding the principles of an Anti-Oppressive Survivor Centric framework
- Maintain confidentiality per clause 2.4 and clause 7.3

6.HARM REDUCTION MEASURES AND EDUCATION

NSCAD AA is committed to enacting the following measures to reduce harm, and to provide education around Sexual Violence in NSCAD AA Community:

6.1 Ensure that two members of NSCAD AA, the Art Bar + Projects Manager, and all Art Bar + Projects Staff participate in Anti-Oppression, Survivor Centric Sexual Assault training once each year.

6.2 Establish strong, visible partnerships between other groups in NSCAD AA Community and greater arts community that are Anti-Oppression, Survivor Centric spaces

6.3 Assist and communicate with other artist-run centres about addressing Sexual Assault and Sexual Violence in their spaces through the Anti-Oppression, Survivor Centric framework

6.4 Provide comprehensive Sexual Assault and Harassment Procedure and Safer Space Mandate to volunteers and members

6.5 Have visible no tolerance signage at events and Sexual Assault and Harassment Procedure, Sexual Assault and Harassment Policy, and Safer Space Mandate available for reference

6.6 Have NSCAD AA Interim Sexual Assault and Harassment Policy and Safer Space Mandates available on NSCAD AA's website

6.7 Send NSCAD AA Interim Sexual Assault and Harassment Policy and Safer Space Mandates to anyone who will be booking space, performing, or accessing NSCAD AA resources

6.8 Welcome public community workshops and events around complicating consent and how to support Survivor/Victims into Art Bar +Projects

7. CONFIDENTIALITY OF SEXUAL ASSAULT DISCLOSURE

7.1 Confidentiality is vital to those who have disclosed Sexual Assault

7.2 When Sexual Assault is disclosed, NSCAD AA will maintain confidentiality per clause 2.4

7.3 NSCAD AA Staff will fill out an incident report to document the basis, date, and location of all Disclosures and submit to the Staff or Board Member responsible for archiving the disclosure.

8. REFLECTIVE PROGRAMMING AND CULTIVATING SAFER SPACES AT EVENTS

8.1 NSCAD AA will continue engagement with the public with regards to discourse and awareness via welcoming programming in our space, such as workshops facilitated by artists, partner organizations and professionals who have expertise on trauma-informed and anti-oppression based practices

8.2 It is protocol, that all staff and board members who work at public events will be first interviewed, presented with NSCAD AA policies, then led through training sessions to ascertain skills necessary both in knowledge and tactic for dealing with oppression. The training sessions are to be facilitated by staff at South House Sexual & Gender Resource Centre and Avalon Sexual Assault Centre, which result in the signing of Code of Conduct and Protocol Agreement forms by each participant.

In compliance with NS Labour Laws, NSCAD AA will place any employee on leave should an accusation be made.

8.3 It is protocol, that third party renters or programming partners – other than NSCAD University, whose policies supercede these – booking Art Bar +Projects will be required to review NSCAD AA Interim Sexual Assault and Harassment Policy and Safer Space Mandate and sign a contract that includes a statement on Code of Conduct and compliance with the values and best practices, which are reflected by all NSCAD AA mandates and policy

If we are informed of or are witness to behaviour in violation of NSCAD AA Anti Oppression, Pro-Survivor Framework, Safer Space Mandate and this policy, NSCAD AA has grounds to terminate contract

9. ALCOHOL AND INTOXICATION

NSCAD AA holds a certified permanent Special Premises Liquor License whereas no outside alcohol or drugs are permitted in the established premise and strictly alcohol that is purchased under NSCAD AA's licensed account is sold at events to those ages 19 and older under the terms of the license and rules assigned to its operation. As stated in the preamble, NSCAD AA acknowledges the inherent link between intoxication culture/ alcohol and Sexual Assault/ Sexual Violence but also aims to work from a harm reduction framework.

Patrons who are belligerent, violent, making other patrons feel unsafe will be asked to leave the space for the remainder of the event.

NSCAD AA reserves the right to refuse patrons bar service if they have been asked to leave due to multiple instances of belligerent or violent behaviour due to intoxication or in some severe instances, issue a permanent ban from the space.

10. CARE MEASURES FOR FIRST RESPONDERS, STAFF, VOLUNTEERS

48 hours after an incident where there was an instance of:

- Disclosure
- Altercation
- Removal of patron

NSCAD AA's management staff, or another member of NSCAD AA board, will be in touch to check-in with Staff, Volunteers and/or First Responders, as a peer as well as to gather any information around improving policy and protocol effectiveness in the future. Based on the needs of the Staff, Volunteers and/or First Responders, the Care Rep will facilitate a monthly check-in around how the protocol is feeling, and skill-building around responses. These check-ins will prioritize arising emotional needs and be held through a peer support model.

11. SCREENING OF BAR STAFF AND VOLUNTEERS

Potential NSCAD AA staff and volunteers will be asked to read policy preamble, complete an interview that details questions around sexual justice and anti-oppression, and be trained on protocol for events and operations. Any violation of the policy is a serious offence. Violations will be written into staff employment history. Where the code of conduct has been determined to have been violated, dismissal will result.

If NSCAD AA is being rented for an event and a third party is providing volunteers, the volunteers will be held to the same standards as patrons under this policy.

12. SEXUAL ASSAULT/VIOLENCE HAVING JUST OCCURRED

Pursuant to articles 2 through 5 of this Policy, persons identified by a Survivor/Victim as Perpetrators of Sexual Assault occurring or having just occurred on NSCAD AA premises will be asked to leave by NSCAD AA Staff as per the Sexual Assault and Harassment Strategy and Protocol.

13. SEXUAL ASSAULT/VIOLENCE HAVING OCCURRED PREVIOUSLY

Pursuant to articles 2 through 5 of this Policy, persons identified by a Survivor/Victim as having been past Perpetrators of Sexual Assault (including Sexual Assault occurring away from the Art bar +Projects premises) will be asked to leave by NSCAD AA Staff as per the Sexual Assault and Harassment Strategy and Protocol.

14. POLICY STATUS

This is an interim policy. A permanent policy is in development and will be introduced January 2019.

15. REFERENCES

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