DALHOUSIE UNIVERSITY **Sexualized Violence Policy**	*Policy Sponsor:* Senate Board of Governors	*Approval Date:* Senate: May 14, 2018 Board: June 26, 2018
	Responsible Unit(s): Human Rights & Equity Services	*Revisions:* Senate: June 20, 2019 June 14, 2021 Board: June 25, 2019 June 22, 2021

A. Background and Purpose

The University occupies a special place in society as an intellectual community with a responsibility for the discovery and sharing of knowledge. This aspiration can only be fulfilled with a commitment from all members of the University community to a living, learning and working environment that is free of discrimination, harassment and violence.

Sexualized violence undermines the full, free and safe participation of all members of the University community by creating intimidating, hostile or unsafe living, learning and working conditions, environments and experiences, which can negatively impact an individual's academic and/or employment performance and status.

This Policy is one of the main components for strategic action to prevent and respond to sexualized violence. The purpose of this Policy is three-fold:

1. To prevent sexualized violence by indicating the seriousness with which the University views and responds to this issue;

2. To be educational, in that its existence will increase awareness of the impacts of sexualized violence and of options, resources and services available to those who have experienced sexualized violence and members of University community generally; and

3. To provide timely, coordinated, consistent and fair response to disclosures and reports of sexualized violence.

B. Application

1. This Policy applies to all Members of the University Community and Visitors.

2. With respect to Reports, the Report Process for Members of the University Community against a Respondent, and the University Response to Reports outlined in sections F2, F4, and F5, this Policy applies only when the alleged incident of Sexualized Violence occurs, whether the alleged incident occurs on or off campus, and through any medium:

    a. In the course of University-related programs, operations, or activities (including, but not limited to, classes, non-credit courses, co-op work placements, and field/practicum placements);

    b. Using university-owned or run property or equipment (including, but not limited to, telephones, computers, and computer networks);

    c. While participating in university-sponsored activities, events or organizations (including but not limited to field trips, athletic team road trips, conferences or training events, social functions); or

    d. In the context of non University activities where the conduct has a material negative impact on the University Community Member's living, learning and / or working environment and in a context where the conduct has a substantial connection to the University.

3. This Policy applies to an alleged act of Sexualized Violence even if:

    a. The Complainant is pursuing processes external to the University, including:

        (i) reporting to police;
        (ii) initiating a civil proceeding; and
        (iii) making a complaint to the applicable human rights commission.

    b. The alleged act of Sexualized Violence is the subject matter of an investigation and adjudication by the applicable provincial regulatory body;

    c. A University proceeding has been initiated to address an alleged failure to meet standards of professional conduct as required by a College, Faculty or School, and nothing in this Policy in any way precludes the College, Faculty or School from commencing such a proceeding in circumstances where this Policy also applies; or

    d. The Dalhousie Student Union is taking action under its disciplinary authority.

4. Notwithstanding section B.3., the Sexualized Violence Advisor may, upon receiving a written request from the Respondent, suspend processing a Report under this Policy pending completion of all or part of those other proceedings to avoid potential procedural unfairness, conflicting and prejudicial outcomes for either party, or where circumstances otherwise warrant.

5. The University recognizes that multiple grounds of discrimination under human rights can intersect with the experience of Sexualized Violence. In such circumstances, Members of the University Community should bring allegations otherwise captured by the Statement on Prohibited Discrimination forward under this Policy in order that their experience of Sexualized Violence be dealt with in a more holistic manner.

6. Members of the University Community continue to have the right to seek assistance from the applicable provincial human rights commission, the criminal justice system, the applicable provincial regulatory body, or University process for addressing alleged failures to meet professionalism standards, where applicable, even when actions are being taken under this Policy.

C. Definitions

1. In this Policy,

(i) "Administrative Head" refers to the appropriate Dean, Director, Chair, Associate Vice-President, Provost, Vice-President, President, or other administrator normally responsible for initiating disciplinary action against an employee.

(ii) "Complainant" refers to the Member of the University Community who has made a Disclosure or Report of an experience of Sexualized Violence.

(iii) "Consent" refers to the voluntary agreement of an individual. It is positive, active, and ongoing, and can be withdrawn at any time. Consenting to one kind of sexual act does not mean that consent is given for another sexual act or kind of activity. Consent cannot be obtained where a person is incapable of consenting – as may be the case when intoxicated. Consent also cannot be given where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.

(iv) "Disclosure" refers to the sharing of information by a Member of the University Community or Visitor with the Sexualized Violence Advisor or other Member of

University Community designated under section F2.14, F2.15, and F2.16 of this Policy about an experience of Sexualized Violence that individual has had.

(v) "Intersectional" refers to an approach that acknowledges the integrative nature of social identities and social oppressions, including various forms of violence. An intersectional approach to Sexualized Violence considers the fact that the impact of Sexualized Violence can overlap and interact with experiences of sexism, homophobia, transphobia, racism, classism and ableism.

(vi) "Investigative Stream" refers to the process where a Report is investigated by an Investigator and where disciplinary, remedial educational and/or restorative outcomes may result.

(vii) "Investigator" refers to the person selected from a pool of qualified, experienced and trained individuals who may be external or internal to the University available to conduct investigations under the Investigative Stream of this Policy.

(viii) "Member(s) of the University Community" refers to faculty, staff and students of Dalhousie University and others engaged in activities under the auspices of Dalhousie University.

(ix) "Non-Investigative Stream" refers to the process where a Report is addressed without an investigation through remedial, educational and/or restorative outcomes.

(x) "Respondent" refers to a Member of the University Community who the Complainant is alleging committed an act of Sexualized Violence.

(xi) "Report" refers to a written statement of allegations submitted to the Sexualized Violence Advisor, or other Member of University Community designated under section F2.14, F2.15, and F2.16 of this Policy by a Complainant about an experience of Sexualized Violence that individual has had.

(xii) "Sexual Assault" is illegal under Canada's *Criminal Code* and refers to:

a. any form of unwanted, forced or coerced sexual activity, including kissing, fondling, touching, and any kind of intercourse, that is done onto the Member of the University Community or Visitor without their Consent; or

b. any attempts or threats, by an act or a gesture, to force sexual activity onto the Member of the University Community or Visitor, if the person committing the act had or caused the Member of the University Community

or Visitor to believe the person committing the act had the present ability to act on the attempt or threat.

(xiii) "Sexual Harassment" is contrary to provincial human rights legislation and refers to:

a. vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome;

b. a sexual solicitation or advance made to a Member of the University Community or Visitor by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the Member of the University Community or Visitor to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome; or

c. a reprisal or threat of reprisal against a Member of the University Community or Visitor for rejecting a sexual solicitation or advance.

(xiv) "Sexualized Violence" refers to an act of violence, whether the act is physical or psychological in nature, that is characterized by an attempt to threaten, intimidate, coerce or engage in any unwelcome behaviour of a sexual nature against a Member of the University Community without that Member's Consent. Sexual Assault and Sexual Harassment are subsets of Sexualized Violence, defined above. Other examples, include, but are not limited to, creating and/or sharing images non-consensually, stalking, voyeurism, and stealthing.

(xv) "Survivor-Centric" refers to an approach that, wherever possible, seeks to empower the individual who has experienced Sexualized Violence by placing their needs at the centre of decision-making related to support and response.

(xvi) "Systemic Concerns" refers to a problematic pattern of behaviour(s) which is a consequence of matters inherent in the overall system and affecting a group or unit, rather than due to a specific, isolated factor effecting a/n individual(s).

(xvii) "Trauma-Informed" refers to an approach that takes into consideration the profound and complex physical, psychological, and social (biopsychosocial) impacts of trauma on an individual.

(xviii) "Vice-Provost Equity and Inclusion" refers to the head of Human Rights and Equity Services.

(xix) "Visitors" refers to persons who are not Members of the University Community who are engaged in activities on Dalhousie University's property or with Members of the University Community and includes, but is not limited to, contractors, agents, vendors, alumni, donors and visiting scholars.

D. Policy

1. The University is committed to maintaining respectful, inclusive and safe campus living, learning and working environments and, therefore, does not tolerate Sexualized Violence committed by Members of the University Community or Visitors.

2. No Member of the University Community or Visitor shall commit an act of Sexualized Violence.

3. All Members of the University Community have a shared responsibility to ensure that the University's living, learning and working environments are free from Sexualized Violence.

4. The University will strive to provide Sexualized Violence response and support that is:

    a. Confidential, within the limits defined below;
    b. Respectful of the dignity and privacy of individuals;
    c. Non-judgemental, empathic and compassionate;
    d. Trauma-informed;
    e. Timely;
    f. Transparent;
    g. Accessible;
    h. Culturally relevant and intersectional;
    i. Survivor-centred;
    j. Respectful of the rights of all parties; and
    k. Adherent to principles of due process and procedural fairness.

5. Disclosures and Reports of Sexualized Violence shall be addressed under this Policy, which replaces the Sexual Harassment Policy (most recently revised in March 2012).

6. Where a Member of the University Community witnesses or has reasonable concerns about an act of Sexualized Violence, such Member may submit an anonymous written allegation to the Sexualized Violence Advisor. Whether or not an anonymous allegation can proceed in the absence of an identified Complainant will be determined by the Sexualized Violence Advisor, in consultation with the Vice-Provost Student Affairs if the

Respondent is a student or the Assistant Vice-President, Human Resources if the Respondent is an employee, having regard to all of the circumstances of the case and the evidence available. Information provided by the anonymous source may also be used as the basis to decide to engage a process aimed at addressing systemic or cultural concerns.

7. Human Rights & Equity Services shall develop and disseminate information and training on how to appropriately support and refer Members of the University Community and Visitors who disclose an experience of Sexualized Violence.

8. Human Rights & Equity Services shall provide neutral advice to Complainants and Respondents through separate advisors in relation to this Policy. Support will also be provided to those who have received a Disclosure.

9. Human Rights & Equity Services shall develop and disseminate information and training on Sexualized Violence to the Senate Discipline Committee and any other Members of the University Community involved in the administration and processing of Reports.

10. Human Rights & Equity Services, in collaboration with on-campus and off-campus groups, including student groups, will develop and implement strategic initiatives related to campus Sexualized Violence prevention. These initiatives will include an annual education strategy that includes campaigns, training sessions, workshops, print and online resources, programs and events on topics related to sexualized violence on campus, including consent and rape culture. Training and education will also be provided on this policy, the prevention of sexualized violence, and responding to sexualized violence.

11. The University will put in place appropriate interim measures and offer Members of the University Community and Visitors involved in an alleged incident of Sexualized Violence appropriate accommodations to protect against possible further harm to the Complainant, and to support, where possible, the continued living, learning, or working needs of all parties.

12. The University will not tolerate any retaliation or the threat of retaliation against any person on account of a Disclosure, Report, or an expressed intention to submit a Report under this Policy or on account of evidence or assistance given with respect to a Disclosure or Report under this Policy. Such retaliation is considered to be a serious offence and may constitute grounds for disciplinary action under the Code of Student Conduct (for students) or applicable collective agreement or handbook (for employees).

E. Administrative Structure

1. Authority: This Policy falls under the joint authority of the Board of Governors and Senate.

2. Human Rights & Equity Services: Human Rights & Equity Services is the unit responsible for the administration of this Policy.

3. Sexualized Violence Advisor: The Sexualized Violence Advisor in Human Rights & Equity Services is trained to help individuals who have experienced Sexualized Violence. The Sexualized Violence Advisor offers confidential support, crisis intervention, liaises with medical/legal/police services as needed, coordinates safety plans with Security Services, refer Complainants to counselling and ongoing support, advises Complainants on possible accommodations and processes outlined in this Policy, and provides other consultation and case management services (including incident logging). They consult and liaise with Security Services, Student Health & Wellness, Advising & Access Services, as well as the Vice-Provost Student Affairs, and the Assistant Vice-President Human Resources, as appropriate.

4. President's Advisory Committee on Sexualized Violence: The President's Advisory Committee on Sexualized Violence is responsible for working through, and with, the Human Rights & Equity Services to provide advice on the strategic planning, implementation, monitoring and evaluation of this Policy and the University's Sexualized Violence Prevention and Response Strategy.

5. Annual Reporting by Human Rights and Equity Services: The Vice-Provost Equity and Inclusion will deliver an annual report to Senate and Board of Governors, through the President's Advisory Committee on Sexualized Violence, which will include:

    a. At the end of each academic year, the number of Disclosures and Reports;
    b. a representation of the Reports by type (Complainant or University-Initiated);
    c. representation of the Reports by kind of outcomes (e.g., dismissal of Reports, Non-Investigative Stream, Investigative Stream);
    d. a representation of Investigation Stream outcomes (e.g., no finding or finding of sexualized violence); and
    e. a representation of the sanctions applied as a result of a finding that an act of Sexualized Violence was committed.
    f. a representation of incident location, displayed as on-campus, Residence, and off-campus;
    g. a representation of incidents which were vs. were not deemed to have met the criteria in section B.2.d.;

h. a representation of the previous 5-academic years' data regarding the type of sexualized violence (e.g. sexual harassment, sexual assault, intimate partner violence) and voluntary, self-identified demographics of complainants (e.g. racially visible, SOGI, African Nova Scotian, person with a disability, etc.);
i. the average, median and maximum number of days a case is open.

The Report will be made available to Members of the University Community.

6. Record Keeping: Records of all Disclosures, Reports, and matters related thereto under this Policy will be kept separate from all other University records and will be maintained and stored securely and confidentially under the care and control of Human Rights and Equity Services.

7. Policy Review: This Policy will be reviewed every three years or earlier thereafter if deemed necessary by the Board of Governors, Senate, or Vice-Provost Equity and Inclusion.

F. Procedures:

F1. Confidentiality and Its Limits

1. Disclosures and Reports of Sexualized Violence will be kept confidential to the greatest extent possible, within the limitations described in this section.

2. Confidentiality is limited where those within the University Community need to know information to carry out their responsibilities under this Policy, including providing accommodations, determining what, if any, interim measures are required, investigating a Report, responding to a Report, and administering outcomes resulting from a Report. In all cases, the Sexualized Violence Advisor will share the least amount of information possible.

3. Confidentiality is limited in circumstances where a serious safety risk exists and/or the University has a legal obligation that requires it to act. Examples of such circumstances are:

   a. where the Sexualized Violence Advisor, in consultation with the Vice-Provost Student Affairs, Assistant Vice-President Human Resources, Director of Security, or any other appropriate Member of the University Community, determines that the Complainant and/or the Respondent poses serious and credible risk of harming themselves and/or another person;

b. where there are reasonable grounds to believe that one or more Members of the University Community or Visitors pose a serious and credible risk of harm based on information that has been provided;

c. where there is a legal obligation to report to authorities (for example where the Sexualized Violence was a visual depiction of sexually explicit conduct of a child under 18 years of age or where Sexualized Violence was committed against a child under 16 years of age); or

d. where there is a legal obligation to act or cooperate in an extra-University judicial processes.

Information that must be disclosed pursuant to this section will be limited to the least amount of information possible for the University to fulfill its legal obligation.

4. For educational purposes, Human Rights & Equity Services may discuss specific Disclosures and Reports, and their resolutions without identifying personal information or other information that may result in identifying individuals.

5. For reporting purposes, Human Rights and Equity Services may disclose general information about Disclosures and Reports so long as all information is provided without identifying personal information or other information that may result in identifying individuals.

F2. <u>Disclosures and Reports Generally</u>

1. A Disclosure and a Report are separate actions that a Complainant can choose to take. A Visitor can only make a Disclosure.

2. The sharing of information about an experience of Sexualized Violence by a Member of the University Community with another Member of the University Community other than the Sexualized Violence Advisor or other Member of the University Community designated under section F2.14, F2.15, or F2.16 does not constitute a Disclosure under this Policy. However, a Member of the University Community shall listen compassionately without judgment, inform the individual about this Policy, and refer the individual to the Sexualized Violence Advisor.

3. A Complainant who makes either a Disclosure or a Report, or a Visitor who makes a Disclosure about an incident that may constitute Sexual Assault will be provided with information about the option to report to the police.

4. Unless otherwise required by law, a Member of the University Community or Visitor's decision to report or not to report to the police shall be respected.

5. If a Member of the University Community or Visitor chooses to report a Sexual Assault to the police, they may also, at any time, choose to make a Disclosure or submit a Report under this Policy.

6. Where there are external proceedings (i.e. police investigation or criminal proceeding, civil proceeding, investigation or adjudication by the applicable human rights commission, an investigation or adjudication by the applicable provincial regulatory body) or internal proceedings (i.e. University process for addressing alleged failures to meet professionalism standards) pending against a Member of the University Community for conduct related to a Report, the Vice-Provost, Student Affairs in the case of a student Respondent and the Assistant Vice-President, Human Resources in the case of an employee Respondent may, but does not have to, defer the processing of a Report. That deferral will be on such terms and conditions as are appropriate in the circumstances (including an interim suspension and notice to the union where the Respondent is represented by a union) until the conclusion of all or part of the external proceedings. Conviction of a criminal offence or a finding that provincial human rights legislation has been breached will be considered on its face evidence of a parallel violation under this Policy.

7. The University recognizes that a Member of the University Community or Visitor may require time before deciding whether they wish to make a Disclosure or Report and as such there is no deadline to make a Disclosure or Report. Members of the University Community and Visitors are, however, encouraged to make a Disclosure and/or submit a Report as soon as they are able.

8. A Complainant can, at any time, choose to discontinue accommodations provided through the Disclosure or Report processes or to stop participating in the processing of their Report.

9. A Complainant can be accompanied by a support person or advocate at any time through the Disclosure or Report processes. When a Complainant makes a Disclosure or Report, they will be advised of assistance available from the Ombudsperson and the Dalhousie Students Advocacy Service.

10. Members of the University Community or Visitors who witness or have concerns about an act of Sexualized Violence are encouraged to contact the Sexualized Violence Advisor. They may provide the Sexualized Violence Advisor information on an anonymous basis. Unless a Report is received or the University initiates a University

Report under section F7. of this Policy, the University cannot pursue any steps against a Respondent, under this Policy.

11. The Complainant, the Respondent, and any other Member of the University Community or Visitor involved with a Disclosure or Report will be informed by the Sexualized Violence Advisor of their rights to confidentiality, as set out in section F1 of this Policy.

12. The Sexualized Violence Advisor will address all Disclosures and Reports in a transparent manner and will keep the Complainant and the Respondent informed of expected timelines.

13. In making any determinations with respect to a Disclosure, Report, or University Report, the Sexualized Violence Advisor, the Vice-Provost Student Affairs, the Assistant Vice President Human Resources, or other Member of the University Community designated under section F2.14, F2.15, and F2.16 of this Policy may consult with other appropriate University employees for advice. Any sharing of information as part of that consultation will be done in accordance with section F1.2 of this Policy.

14. If the Sexualized Violence Advisor is unable to discharge their responsibilities under this Policy due to an absence from the workplace, the Vice-Provost Equity and Inclusion will ensure that another employee within Human Rights & Equity Services who is trained to help individuals who have experienced Sexualized Violence is able to carry out the responsibilities assigned to the Sexualized Violence Advisor under this Policy.

15. In the event that the Respondent named in a Disclosure or Report is an employee within Human Rights & Equity Services, the responsibilities assigned to the Sexualized Violence Advisor under this Policy will be assumed by a Vice-President of the University selected by the President, and who can then in turn delegate as appropriate.

16. In the event that the Respondent named in a Disclosure or Report is the President or a Vice-President, all responsibilities assigned to the Sexualized Violence Advisor, the Vice-Provost Student Affairs, and the Assistant Vice-President, Human Resources under this Policy will be assumed by an ad hoc committee of the University's Board of Governors consisting of the Chair of the Board, the Chair of the Governance and Human Resources Committee, and the Chair of the Finance, Audit, Investment, and Risk Committee, who can then in turn delegate as appropriate.

17. The Sexualized Violence Advisor, the Vice-Provost Student Affairs, the Assistant Vice President, Human Resources, or any other member of the University Community who receives information to carry out their responsibilities under this Policy, shall disclose

any actual or potential conflict of interest with respect to a Disclosure or Report in accordance with the University's Conflict of Interest Policy.

18. Where the Complainant or Respondent is aware or has reasonable grounds to believe that an undisclosed actual or potential conflict of interest exists with respect to a Disclosure or Report, they shall report the matter to the Sexualized Violence Advisor. In such circumstances, the Sexualized Violence Advisor shall be deemed to be the Administrative Head for purposes of the University's Conflict of Interest Policy and the matter shall be addressed in accordance with that policy.

F3. Disclosure Process

1. A Disclosure does not result in a Report being made and does not initiate the Investigative or Non-Investigative Streams under this Policy.

2. The Sexualized Violence Advisor or other Member of the University Community designated under section F2.14, F2.15, or F2.16, where applicable, shall listen compassionately without judgement and inform the individual about this Policy.

3. The Sexualized Violence Advisor will ask the Complainant what their needs are and will inform the Complainant of support and services available. Those supports and services may include:

    a. safety planning and protective measures;

    b. information about counselling services, including those available through Dalhousie's Student Health and Wellness Centre for the University's students and the Employee & Family Assistance Program for some University employees;

    c. access to medical services;

    d. learning, living, and/or working accommodations, such as student residence relocation, class schedule changes, academic accommodations, temporary work location reassignment, and work scheduling changes; and

    e. faculty-level supports.

4. In the event that systemic concerns of sexualized violence have been raised with the Sexualized Violence Advisor, the Advisor, in consultation with the appropriate Vice-

President will determine whether and/or what further procedures or actions should be initiated to address the overarching concerns.

F4. Report Process for Members of the University Community against a Respondent

1. Submission of a Report

a. A Report shall be directed to the Sexualized Violence Advisor or other Member of the University Community designated under section F2.14, F2.15, or F2.16, where applicable.

b. A Report must be submitted by the Complainant in writing and include: the names of both the Complainant and the Respondent; a detailed description of the behaviour that forms the basis of the Report; and an indication of the redress sought by the Complainant. The Sexualized Violence Advisor will provide support, advice and/or referral to assist the Complainant with submission of the Report and to understand the reporting process under this Policy.

c. Upon receipt of a Report, the Sexualized Violence Advisor will determine:

(i) if the criteria in section B.2 of this Policy have been met; and

(ii) if based on the Report, there could be a finding that Sexualized Violence occurred under this Policy; and

(iii) if the allegations in the Report are not being heard and have not been heard through another University process.

d. If the Sexualized Violence Advisor determines that any elements in F4.1.c. have not been met, the Complainant will be advised of support and resources as appropriate, and that no further action with respect to the Report will be taken and why. If new information is subsequently provided, this decision may be re-evaluated.

e. If the Sexualized Violence Advisor determines that all of the elements in F4.1.c. have been met, the Sexualized Violence Advisor, in consultation with the Vice-Provost Student Affairs if the Respondent is a student or the Assistant Vice-President, Human Resources if the Respondent is an employee, determine whether the Report should proceed under the Investigative Stream or Non-Investigative Stream. In making that determination, the Sexualized Violence Advisor will consider the following criteria:

(i) The informed and non-coerced choice of the Complainant: The Complainant's preference after receiving information about the Investigative Stream and Non-Investigative Stream;

(ii) The safety of all parties and Members of the University Community generally;

(iii) The voluntary participation of the Respondent: To the extent that any resolution options involve the participation of the Respondent, the Respondent must be in agreement;

(iv) Any necessary pre-conditions for restorative approaches, as applicable; and

(v) Any applicable collective agreement or employee handbook.

f. The Sexualized Violence Advisor will notify the Complainant in writing of the decision made under F4.1.e as well as provide reasons for that decision and information on available resources, such as the Ombudsperson, faculty-level supports, and contact information for the appropriate employee group (where the Complainant is an employee).

2. Accommodations

a. When the Sexualized Violence Advisor receives a Report, they will arrange to meet with the Complainant to discuss available process options and to provide the Complainant with information about support and services, including information about interim measures that may be imposed upon the Respondent and accommodations with respect to the Complainant's own living, learning, and working environments that can be put in place.

b. Accommodations may include a student residence re-location, class schedule changes, academic accommodations, temporary work location reassignment, and work scheduling changes.

c. If the Complainant requests accommodations, the Sexualized Violence Advisor will assist the Complainant in requesting the accommodations pursuant to relevant University policies and procedures for requesting and granting accommodations, while maintaining the right of the Complainant to confidentiality.

3. Interim Measures

a. Interim measures are non-disciplinary conditions that may be imposed upon a Respondent where the allegations in a Report would, if proven, constitute sexualized violence, and

   (i) with regard to all of the circumstances, are necessary to ensure (a) the safety and wellbeing of the Complainant, Respondent, and other Members of the University Community or (b) the integrity of any potential investigation, or

   (ii) where there is evidence that the Respondent poses a threat of disruption or of interference with the operations of the University or the activities of Members of the University Community.

b. Where interim measures are imposed, they must be proportionate to the seriousness of the alleged act of sexualized violence and as minimally restrictive as possible upon the Respondent to achieve their purpose. In the case of employee Respondents, they must also be permissible under, and imposed in accordance with, any applicable collective agreement or handbook.

c. At any time following receipt of a Report, the Vice-Provost Student Affairs and Assistant Vice-President Human Resources (in consultation with the Respondent's Administrative Head) may determine there is a need for interim measures and which interim measures will be imposed, upon students and employees, respectively.

d. Where interim measures are required, the Sexualized Violence Advisor will give written notice to the Respondent of any interim measures being imposed.

e. Interim measures may include, but are not limited to:

   (i) Separating the Complainant and Respondent to minimize or prevent encounters in living, working, and learning environments;

   (ii) Implementing no-contact agreements;

   (iii) Prohibiting the Respondent from being on some or all of the University premises and University-affiliated activities;

   (iv) Imposing a suspension on a Respondent who is a student;

(v) Imposing on a respondent who is an employee any interim measures that are permissible under, and imposed in accordance with, any applicable collective agreement or handbook.

f. Interim measures may be challenged as follows:

(i) Where the person upon whom interim measures have been imposed is a student, the student may appeal in writing to the Provost within ten (10) calendar days of the interim measures being imposed. The Vice-Provost Student Affairs will be given an opportunity to respond to the appeal in writing and the Provost will deliver a written decision on the appeal;

(ii) Where the person upon whom interim measures have been imposed is a unionized employee, that employee may take steps under the provisions of the applicable collective agreement; and

(iii) Where the person upon whom interim measures have been imposed is a nonunionized employee, that employee may raise their concern in writing with the Vice President, Finance and Administration within ten (10) calendar days of the interim measures being imposed.

g. Alleged breaches of interim measures are to be reported to the Sexualized Violence Advisor, who will then refer the matter to the Vice-Provost Students in the case of student respondents or the Assistant Vice-President Human Resources in case of employee respondents to take appropriate steps to determine (a) whether the interim measures have in fact been breached and (b) if so, what action will be taken as a result of any such breach. Where there is an immediate concern of risk to safety alleged breaches should be reported to Security Services.

F5. University Response to Report Submitted by Members of the University Community against a Respondent

1. Non-Investigative Stream

a. If the Sexualized Violence Advisor determines that the Report will proceed under the Non-Investigative Stream, the Sexualized Violence Advisor will determine appropriate remedial, educational and/or restorative outcomes. Such outcomes vary depending on the nature of the Report. Examples of these outcomes include, but are not limited to:

(i) Impact Statement, Letter, or Video: The Complainant communicates to the Respondent the harm that they have experienced, that the Respondent's behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;

(ii) Facilitation: The Complainant may request that the Sexualized Violence Advisor facilitate a discussion between themselves and the Respondent;

(iii) Notification: The Sexualized Violence Advisor notifies the Respondent that the behaviour must stop immediately;

(iv) Education: The Sexualized Violence Advisor arranges coaching, support, and educational opportunities for the Respondent and other Members of the University Community as appropriate through Human Rights and Equity Services; and

(v) Other processes or interventions of a restorative nature.

b. Where a remedial, educational or restorative outcome requires the voluntary participation of the Respondent or will otherwise impact the Respondent in any way, prior to being required to advise the Sexualized Violence Advisor if they will voluntarily participate or engage in any process whatsoever, the Respondent will be provided with:

(i) written notice that a Report has been brought against them and that at this time the Report will be proceeding under the Non-Investigative Stream;

(ii) a copy of the Report and this Policy;

(iii) details of available advocacy and support services (including an appropriate advisor on campus and the right to access the Dalhousie Student Advocacy Services and other support persons throughout the process for student Respondents and right to have present a support person of their choice throughout the process for employee Respondents);

(iv) a reminder of the use that can be made of the information learned while proceeding under the Non-Investigative Stream (as set out in section F5.1.d. below); and

(v) a reminder that this Policy prohibits retaliation.

c. The Sexualized Violence Advisor will work with all applicable parties to identify outcomes desired and design processes to achieve those outcomes.

d. Information shared by the Complainant and the Respondent under the Non-Investigative Stream can be used if the matter subsequently proceeds under the Investigative Stream (as set out in section F5.1.e). It will also be disclosed to outside parties, including police, if such disclosure is required by law.

e. If the Respondent is not willing to voluntarily participate in the desired remedial, educational or restorative outcomes, the Sexualized Violence Advisor may, after considering the factors outlined in section F4.1.e of this Policy, decide to proceed under the Investigative Stream.

f. Where after reasonable efforts have been made by the Complainant and the Sexualized Violence Advisor to achieve the desired outcomes, those outcomes have still not been reached, the Sexualized Violence Advisor may, after considering the factors outlined in section F4.1.e of this Policy, decide to proceed under the Investigative Stream.

2. <u>Investigative Stream</u>

a. If the Sexualized Violence Advisor determines that the Report will proceed under the Investigative Stream, the Sexualized Violence Advisor will:

(i) Provide written notice to the Respondent that a Report has been brought against them. That notice will include a copy of the Report, a copy of this Policy, details of procedures that will be followed, including the fact that an investigation will be proceeding, details of any interim measures imposed, details of available advocacy and support services (including an appropriate advisor on campus and the right to access the Dalhousie Student Advocacy Services and other support persons throughout the process for student Respondents and the right to have present a support person of their choice throughout the process for employee Respondents), a reminder that this Policy prohibits retaliation, and contact information for someone to whom questions can be addressed;

(ii) Provide the Respondent fifteen (15) calendar days to provide a formal written response to the Report;

(iii) Offer the Complainant the opportunity to receive a copy of the Respondent's written response to the Report, if one is received;

(iv) Appoint an Investigator; and

(v) Provide the Investigator with all materials submitted by the Complainant and the Respondent.

b. If the Respondent does not provide a written response to the Report, the Sexualized Violence Advisor will provide written notice to the Respondent that the allegations in the Report are unchallenged and that the University will proceed on that basis.

c. All steps under the Investigative Stream will be completed in a timely manner, having regard to the circumstances surrounding a particular Report, this Policy, and requirements of fairness and due process. Wherever possible, the investigation, including the submission of the investigation report, will be completed within 60 calendar days of the receipt of the materials by the Investigator pursuant to section F5.2a(v) of this Policy.

d. The Investigator will conduct the investigation in a manner that is consistent with this procedure and the principles set out in section D.4. of this Policy. This procedure requires:

(i) The Investigator will treat all information received in the course of the investigation in accordance with the confidentiality provisions outlined in section F1 of this Policy and will remind all individuals involved in the investigation of those provisions.

(ii) The Investigator will give written notice to the Complainant, and Respondent if the Respondent submitted the written response to the Report requested under section F5.2a(ii), that the allegations set out in the Report will be investigated;

(iii) The Investigator will not require the Complainant to participate in the investigation but may, however, request additional clarifying information or evidence to supplement the Report or names of any potential witnesses. Where the Complainant has received the Respondent's written response to the Report, the Complainant will be provided an opportunity to submit any additional information they wish to provide;

(iv) The Respondent will be given a reasonable opportunity to attend an interview with the Investigator, to provide names of any potential witnesses, and to submit any additional information they wish to have considered as a part of their response;

(v) Following each interview, the individual interviewed will be provided with a written summary of the interview and provided a reasonable opportunity to provide comments on the accuracy of the summary;

(vi) At the conclusion of the investigation, the Investigator will prepare a written confidential investigation report that makes a finding as to whether or not, on a balance of probabilities (i.e. more likely than not), the Respondent has committed an act of Sexualized Violence against the Complainant and provide reasons for the finding. Reasons will including findings of credibility, a description of what evidence was accepted and was not, and a weighing of that evidence.

(vii) The Investigator will send the confidential investigation report, which may be partially redacted to address any confidentiality concerns, to the Complainant and to the Respondent, where the Respondent has provided a written response to the Report or otherwise participated in the investigation. When sending the report, the Complainant and Respondent will be advised of available resources, such as the Ombudsperson, Dalhousie Student Advocacy Service, faculty-level supports, and contact information for the appropriate union.

(viii) The Complainant and the Respondent will be given ten (10) calendar days to provide written comments on the report, including but not limited to:

(a) Challenging the report's finding based upon jurisdiction, a denial of natural justice, or unfairness in the application of the policy. For added clarity, this is the only stage at which the finding of sexualized violence made by the Investigator can be challenged.

(b) Commenting on appropriate outcomes and sanctions.

e. The Investigator will submit the investigation report and any comments received to the Sexualized Violence Advisor, who will then give a copy of those materials to the Vice-Provost Student Affairs where the Respondent is a student and to the Assistant Vice-President, Human Resources where the Respondent is an employee.

3. Outcomes and Disciplinary Measures where Respondent is a Student

a. The investigation report and any comments received will be reviewed by the Vice Provost Student Affairs.

b. The Vice-Provost Student Affairs will decide whether the respondent has breached this policy and if so whether the matter should be referred to the Senate Discipline Committee for a hearing to determine sanctions or if any remedial, educational or restorative outcomes should be imposed.

c. The following factors will be weighed by the Vice-Provost Student Affairs and Senate Discipline Committee when determining appropriate outcomes and sanctions:

(i) Nature of the act of Sexualized Violence;
(ii) Needs of and impact on the Complainant and other Members of the University Community;
(iii) Safety of Members of the University Community;
(iv) Prevention of further acts of sexualized violence;
(v) Education and well being of Respondent; and
(vi) Any mitigating or aggravating circumstances.

d. The Vice-Provost Student Affairs will advise the Complainant and Respondent in writing of their decision, along with reasons for the decision. Information on available resources, such as the Ombudsperson, Dalhousie Student Advocacy Service, and Dalhousie Student Health and Wellness will be included in the letter from the Vice-Provost Student Affairs.

e. If the matter is referred to the Senate Discipline Committee, the matter will be conducted in accordance with the Senate Discipline Committee Jurisdiction and Procedures.

f. The following sanctions may be imposed by the Senate Discipline Committee:

i. mandatory training and education;

ii. probation for a designated period of time, including the possibility of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period;

iii. denial of specified privileges or imposition of certain conditions upon the Respondent, which may include but are not limited to restricting access to

Dalhousie property, equipment or resources, and not being permitted to register in any classes the Complainant is enrolled, for a specified period of time;

iv. suspension of the student from Dalhousie for a specified period of time, after which the student is eligible to return. Conditions for readmission may be specified; and

v. expulsion from Dalhousie;

vi. any other remedy that is within the power of Senate to grant;

g. Once the Senate Discipline Committee has decided the sanctions to be imposed upon the Respondent, the decision will be communicated in writing to the Respondent. The Complainant will be informed of the disciplinary outcomes that have a direct impact on them.

h. The Respondent may appeal the Senate Discipline Committee's decision to the Senate Appeals Committee in accordance with the Senate Appeals Committee – Jurisdiction and Appeals Procedures.

4. Outcome and Disciplinary Measures where Respondent is an Employee

a. The investigation report and any comments received will be reviewed by the Assistant Vice-President, Human Resources and the Respondent's Administrative Head in order to determine what further procedures or actions, including those under the relevant collective agreement or handbook, should be initiated. The Assistant Vice-President, Human Resources will advise the Complainant and Respondent, with a copy to the Sexualized Violence Advisor, in writing of that decision. At the same time as they receive the decision, they will also be provided with information on available resources, such as Dalhousie's Employee & Family Assistance Program, and contact information for the appropriate union where the employee is represented by a union.

b. The Complainant will be informed of any disciplinary outcomes imposed upon an employee Respondent that have a direct impact on them. They will also be provided with information on available resources, such as Dalhousie's Employee & Family Assistance Program, and contact information for the appropriate union where the employee is represented by a union.

c. Documents received by the Assistant Vice-President, Human Resources pursuant to section F5.4a will be retained by the Assistant Vice-President, Human Resources in accordance with the applicable collective agreement or handbook.

F6. <u>Report Process for Members of the University Community against a Visitor</u>

1. A Report against a Visitor shall be directed to the Sexualized Violence Advisor or other Member of the University Community designated under section F2.14, F2.15, or F2.16, where applicable.

2. A Report against a Visitor must be submitted by the Complainant in writing and include: the name of the Visitor; a detailed description of the behaviour that forms the basis of the Report; an indication of the redress sought by the Complainant. The Sexualized Violence Advisor will provide support, advice and/or referral to assist the Complainant with submission of the Report.

3. Upon receipt of a Report against a Visitor, the Sexualized Violence Advisor will determine if the criteria in section B.2 of this Policy have been met and if the allegations in the Report are proven true, there could be a finding that Sexualized Violence occurred under this Policy.

4. If the Sexualized Violence Advisor determines that any elements in F6.3 have not been met, the Complainant will be advised of support and resources as appropriate, and that no further action with respect to the Report will be pursued. If new information is subsequently provided, this decision may be re-evaluated.

5. If the Sexualized Violence Advisor determines that all of the elements in F6.3 have been met, the Sexualized Violence Advisor, in consultation with the appropriate Vice-President, will determine whether and/or what further procedures or actions should be initiated. Possible further actions include banning the Visitor from Dalhousie property or activities, terminating any contract or agreement pursuant to which the Visitor is on Dalhousie University's property or participating in Dalhousie University activities, and advising the Visitor's employer or home academic institution of the Report.

F7. <u>University Report</u>

1. The University may initiate a University Report where:

   a. a Complainant has previously submitted a Report and has requested that the University take no further steps regarding their Report;

b. a Complainant has made a Disclosure but no Report and does not wish to participate in the processing of a Report;

c. a Visitor has made a Disclosure;

d. one or more Members of the University Community or Visitors, by name or anonymously, have provided information about an act of Sexualized Violence against a Member of the University Community; or

e. there has been more than one Disclosure made about more than one alleged act of Sexualized Violence allegedly committed by the same Respondent.

2. No University Report shall be initiated unless one of the circumstances set out in section F7.1 above applies and the Vice Provost Student Affairs in the case of a student Respondent and the Assistant Vice President Human Resources in the case of an employee Respondent, determines that:

   a. proceeding with the processing of the University Report is in the interest of the health and safety of Members of the University Community or consistent with its obligations and responsibilities; and

   b. it is reasonably likely that sufficient evidence can be obtained to determine if the Respondent has committed an act of Sexualized Violence without the Complainant or Visitor's ongoing involvement.

3. A University Report will be processed and responded to by the University in a manner that is consistent with the University's core values and principles set out in section D.4. of this Policy and in the same manner as a Report and in accordance with the procedures set out in sections F4 and F5 of this Policy except that:

   a. all references to Report shall be read as University Report;

   b. the Complainant will not be required to participate in any way;

   c. there will be no communication with the Complainant about the University Report unless the Complainant has indicated they wish to be kept informed; and

   d. any information that would have been sought from the Complainant that may be known by Security Services will be obtained from Security Services.

G. Resources and Related Policies, Procedures, and Legislation

G1. Supports within the Dalhousie University Community:

- Human Rights & Equity Services https://www.dal.ca/dept/hres.html
- Security Services https://www.dal.ca/dept/facilities/services/security-services/contact.html
- Dalhousie Employee & Family Assistance Program (for employees) https://www.workhealthlife.com/
- Dalhousie Student Advocacy Service https://www.dsu.ca/student-advocacy-service
- Dalhousie Student Health & Wellness Centre (for students) https://www.dal.ca/campus_life/health-and-wellness/services-support/studenthealth-and-wellness.html
- Dalhousie Student Union Survivor Support Centre https://www.dsu.ca/survivor-support
- Ombudsperson (independent and impartial support) https://www.dal.ca/ombudsperson
- South House Sexual and Gender Resource Centre https://southhousehalifax.org/
- Union or employee group (for employees) https://www.dal.ca/dept/hr/EmployeeResources/Employee-Groups.html

G2. Additional Resources in the Broader Community:

- Halifax Regional Police https://www.halifax.ca/fire-police/police/programs-services/victim-services-halifax/sexual-assault
- Town of Truro Police https://www.truro.ca/police-service.html
- Royal Canadian Mounted Police – Colchester County detachment https://www.rcmp-grc.gc.ca/detach/en/d/371
- Avalon Sexual Assault Centre http://avaloncentre.ca/
- Colchester Sexual Assault Centre http://www.colchestersac.ca/

- Sexual Assault Nurse Examiner http://avaloncentre.ca/services/sexual-assault-nurse-examiner/#

- Healing Narratives (Free counselling for men who have experienced sexual assault) https://www.newstartcounselling.ca/other-programs

- Nova Scotia Legal Advice for Sexual Assault Survivors Program https://novascotia.ca/sexualassaultlegaladvice/?gclid=EAIaIQobChMI2biW1cbu2AIVyeDICh2aaw-QEAAYASAAEgKXVPD_BwE

- Sexual Violence Prevention and Supports – Nova Scotia Department of Community Service http://www.breakthesilencens.ca/

- Provincial Mental Health Crisis Support https://mha.nshealth.ca/en

G3. Related Policies and Procedures

- Applicable collective agreement or handbook (for employees) https://www.dal.ca/dept/hr/labour-relations/collective-agreements.html

- Code of Student Conduct https://www.dal.ca/dept/university_secretariat/policies/student-life/code-of-student-conduct.html

- Senate Appeals Committee Jurisdiction and Appeals Procedures https://www.dal.ca/dept/university_secretariat/university_senate/standing_committees/sac.html

- Senate Discipline Committee Jurisdiction and Procedures https://www.dal.ca/dept/university_secretariat/university_senate/standing_committees/sdc.html

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