

Policy Against Sexual Violence

1.	Principles.....	2
2.	Definitions.....	3
3.	Sexual Violence Prevention and Response Team.....	7
4.	Scope and Application	8
5.	Disclosures of Sexual Violence.....	9
6.	Supports, Resources & Accommodations.....	10
7.	IMMEDIATE MEASURES	12
8.	Report of Sexual Violence.....	15
9.	Investigation of a Report of Sexual Violence	17
10.	Decision-Making Process, Remedies and Sanctions.....	19
11.	Right to a Support Person.....	20
12.	Consultation with Harassment & Discrimination Advisor and Experts	20
13.	Alternative Resolution	21
14.	Parallel External Investigation or Proceedings	22
15.	Right of Complainant not to Participate in a Report or Investigation.....	23
16.	Anonymous and Third-Party Reports of Sexual Violence.....	24
17.	Interruption in Respondent’s Relationship with the University.....	24
18.	Review of a Decision	25
19.	Confidentiality and Privacy	26
20.	Protection from Reprisal and Threat of Reprisal.....	26
21.	Protection from Disciplinary Action Respecting Use of Drugs or Alcohol.....	27
22.	Relationships Between University Employees and Students	27
23.	Education and Prevention.....	29
24.	Collection and use of information	29
25.	Policy Review	30
	APPENDIX A – List of Campus and Community Resources.....	31

1. Principles

- 1.01 All members of the Mount Saint Vincent University (MSVU) community have the right to a learning, working, and campus environment that is free from Sexual Violence.
- 1.02 MSVU recognizes Sexual Violence is a violation of the dignity, integrity, and autonomy of the Victim/Survivor and as harmful to the MSVU community as a whole.
- 1.03 MSVU recognizes that Sexual Violence is a serious problem in society and on university campuses. This societal problem is perpetuated by a culture in which prevalent attitudes, norms, social practices, and media, tolerate, normalize, justify, trivialize or excuse or outright condone Sexual Violence. These attitudes and social responses normalize sexual coercion and shift blame onto those who have experienced Sexual Violence. MSVU affirms its commitment to fostering a culture on campus where attitudes and behaviours that perpetuate Sexual Violence are discouraged and rejected.
- 1.04 MSVU recognizes that Sexual Violence impacts people of all genders. MSVU further recognizes that Sexual Violence is most often committed against women, and in particular women who experience the intersection of multiple identities such as, but not limited to, Indigenous women, racialized women, women of African descent, people of minority sexual orientations and gender identities, women with disabilities. Additionally, MSVU recognizes that those whose gender identity and gender expression does not conform to historical gender norms, including trans, Non-Binary or Two-Spirit people, are also at increased risk of Sexual Violence.
- 1.05 MSVU recognizes that Sexual Violence is inherently connected to inequality and power imbalances on campus and in our society, and that Sexual Violence and its harmful consequences are legacies of colonization, including the residential schools. MSVU recognizes that, in this context, Sexual Violence disproportionately impacts members of social groups who experience intersecting grounds of discrimination or marginalization.
- 1.06 MSVU is committed to responding to and addressing Disclosures and Reports of Sexual Violence involving its students and employees, and to ensuring that any member of the MSVU Community affected by Sexual Violence receives support.
- 1.07 In its response to incidents and reports of Sexual Violence, MSVU is committed to providing a fair, impartial, and timely process to all parties.
- 1.08 MSVU recognizes that Sexual Violence is underreported for a variety of reasons, including shame, stigmatization, or self-blame; fear of reprisals, isolation, ostracism,

or of being dismissed or disbelieved; or fear of experiencing racism or other forms of discrimination in the disclosing or reporting process. Where possible, this Policy will be interpreted and applied in a manner that reduces barriers to Disclosure and Reporting of Sexual Violence.

- 1.09 MSVU is committed to reducing the barriers to Disclosure and Reporting of Sexual Violence to every extent possible. This includes educational resources to address issues specific to international students and employees, accessibility supports for students and employees with disabilities, and a commitment to ensuring that survivors are not judged or blamed for experiencing Sexual Violence, for example because they were intoxicated, or how they were dressed.

2. Definitions

2.01 The following definitions apply to this Policy.

- a) **Accommodations:** are reasonable modifications, adjustments, or adaptations to the way an individual accesses services or information; participates in a living, learning or working environment; demonstrates skills or knowledge; or performs job duties; which are designed to minimize the impact of a Sexual Violence on the individual, having regard for their particular needs and circumstances.
- b) **Consent to Sexual Activity:** means the voluntary agreement to engage in Sexual Activity and to continue to engage in the Sexual Activity. Consent means that all persons involved demonstrate through words or actions that they freely and mutually agree to participate in the Sexual Activity.
- i. Consent must be obtained at the outset and at all stages of sexual activity on an ongoing basis.
 - ii. Consent to one type of sexual activity does not constitute consent to a different type of sexual activity.
 - iii. Consent can be withdrawn at any time.
 - iv. Silence or the absence of “no” is not consent.
 - v. Consent cannot be assumed from passivity, immobility or an absence of resistance or perceived resistance.
 - vi. Someone who is incapacitated cannot consent.
 - vii. Past consent earlier on the day or night in question or on previous occasions does not imply contemporary, ongoing or future consent.
 - viii. There is no consent where one person abuses a position of trust, power or authority over another person.
 - ix. There is no consent where there is coercion, force, threat, or intimidation towards any person or where there is fraud or withholding of critical information that could affect a person’s decision to consent.

- x. An individual cannot rely only on their subjectively held (mistaken) belief that the other person is communicating consent but must take active and ongoing reasonable steps to confirm that consent.
 - xi. An individual's state of intoxication is not a defence to sexual contact without consent.
 - xii. Canadian federal and provincial laws define legal age of consent for sexual activity in Canada.
- c) **Complainant:** refers to a Victim/Survivor of Sexual Violence who makes a Disclosure and requests Immediate Measures under this Policy, or chooses to file a Report pursuant to this Policy.
- d) **Disclosure:** refers to when a Victim/Survivor or a witness chooses to share information about an incident(s) of Sexual Violence. Victims/Survivors, and others, are encouraged to disclose to the Intake Counsellor, who provides counselling and information on options following a Disclosure, or to the Harassment & Discrimination Advisor, who coordinates accommodation, supports, Immediate Measures, Reports, and investigations under the policy. A Disclosure is different than a Report and does not automatically initiate a formal investigation by MSVU.
- e) **Immediate Measures:** are non-disciplinary orders, implemented to protect the safety, security or well-being of any member of the MSVU community. The implementation of Immediate Measures does not have bearing on any investigative processes or outcomes outlined in this Policy.
- f) **Incapacitated:** means a person who does not have the capacity to give consent because they are, for example, unconscious or asleep or their judgment is impaired (such as by alcohol and/or drugs), and as such cannot appreciate the risks or consequences of the sexual act. A person does not have the capacity to give consent when they cannot appreciate the who, what, when, where, why, or how of the Sexual Activity, or do not understand that they have the choice to participate or not participate in the Sexual Activity. It is the responsibility of the person initiating or continuing sexual contact with a person who is intoxicated or impaired to establish affirmative consent at all times.
- g) **Intake Counsellor** is a member of the Sexual Violence Prevention and Response team employed or retained by MSVU to be a single point of contact for those who have experienced Sexual Violence. The Intake Counsellor will provide individualized counselling and support and refer individuals requesting additional supports under this Policy to the Harassment & Discrimination Advisor, Director of Security Services, and the Health Office.
- h) **Investigation Report:** means a confidential, written report prepared by an impartial investigator appointed by a Responsible Authority to investigate a Report of Sexual Violence, which sets out the investigator's factual findings and opinion as to whether

the Report discloses a breach of this Policy.

- i) **MSVU community:** refers to all individuals who study, work, teach, instruct, conduct research, administrate, supervise, volunteer, or provide resources, services, or support to MSVU or otherwise participate in MSVU-sponsored organizations, activities or programs, whether on-campus, off-campus or through the use of communications technologies.
- j) **Non-Binary:** means an experience of gender that does not fit neatly into the categories of male/female, that blends elements of male and female genders, that is different than either male or female genders, or that does not identify with any gender.
- k) **Procedural Fairness:** means a process:
 - i. That is based on impartiality and absence of bias;
 - ii. Where the Respondent is informed of the allegations;
 - iii. Where the Complainant is informed of the Respondent's response;
 - iv. Which includes a meaningful opportunity for each party to know the evidence and arguments against them and respond;
 - v. In which both parties are given sufficient notice of interviews or meetings where they are expected to present or respond to information gathered or submitted as part of the process;
 - vi. The opportunity to be accompanied to interviews or meetings by a support person who is not a witness;
 - vii. Leading to a written decision that includes a sufficiently detailed explanation of the facts and analysis to enable the parties and any reviewing body to understand the decision and the basis for the decision.
- l) **Report:** means a formal complaint of Sexual Violence to Mount Saint Vincent University for the purposes of initiating an investigation and final decision, which could result in disciplinary action against the Respondent.
- m) **Respondent:** means a person who is alleged to have engaged in Sexual Violence in breach of this Policy.
- n) **Responsible Authority:** refers to the individuals designated under this Policy with the authority and responsibility to assess and impose Immediate Measures, receive Reports of Sexual Violence, appoint the investigator, review the investigator's report, and determine and impose discipline or remedial measures. The Responsible Authorities are:
 - i. The Associate-Vice President, Student Experience, where the Respondent is a student;
 - ii. The Director, Human Resources, where the Respondent is a staff member; or
 - iii. The appropriate Dean or University Librarian where the Respondent is a faculty member or librarian.

- o) Sexual Relations:** refers to a behaviour that involves sexual intimacy, but that may or may not include Sexual Activity. Examples of Sexual Relations include sexualized communications (including online, digital, or social media sexual communication), and relating in ways that could be reasonably interpreted as sexual in nature.
- p) Sexual Activity:** refers to physical sexual contact including but not limited to kissing, sexual touching, oral or anal sexual acts, intercourse or other forms of penetration.
- q) Sexual Violence:** means any act targeting a person’s sexuality, gender or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without that person’s consent, and includes the Criminal Code offences of sexual assault, criminal harassment (stalking), indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images. Sexual Violence can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, “hazing”, or through a third party), and includes cyber stalking. Sexual Violence also includes Sexual Harassment, including cyber harassment of a sexual nature. Sexual Harassment is prohibited by MSVU’s Harassment and Discrimination Policy, and all allegations of Sexual Harassment will be addressed under that Policy, not under this Policy.
- r) Sexual Assault:** means any Sexual Activity without consent, including kissing, fondling, touching, oral sexual contact, stealthing, or anal, vaginal or other forms of contact or penetration, without consent. Sexual Assault may be committed by a person of any gender against a person of any gender, regardless of sexual orientation, gender identity or expression, or relationship status. Condom stealthing (the removal of a condom without the express consent of the sexual partner), is a form of non-consensual sexual contact and is Sexual Assault.
- s) Sexual Harassment:** means unwelcome or unwanted sexual conduct or comment(s) directed at an individual when the person responsible for the conduct or comment(s) knows or ought to know that the attention is unwanted or unwelcome. Sexual Harassment includes jokes or remarks of a sexual nature (such as comments on a person’s appearance, body or clothing; questions about their sexuality or sexual history); leering, ogling or sexual gestures; sexual attention (such as persistent invitations for dates); reprisal for rejecting a sexual advance; and a single sexual solicitation or advance or a series of sexual solicitations made by a person who is in a position to confer or deny a benefit on the recipient and who knows or reasonably ought to know the solicitation is unwelcome. Sexual Harassment may also consist of unwelcome remarks based on gender or gender-related religious beliefs which are not of a sexual nature but which are demeaning, such as derogatory gender-based jokes or comments. Sexual Harassment is prohibited by MSVU’s Harassment and Discrimination Policy, and all allegations of Sexual Harassment will be addressed under that Policy, not under this Policy.

- t) **Teaching Staff:** means every person delivering any component of an academic program, including but not limited to undergraduate and graduate courses, supervision of graduate or undergraduate students, teaching assistants, program teaching staff, and services delivered by MSVU librarians.
- u) **Two-Spirit:** means a person who possesses both masculine and feminine spirits; or is a term to describe a variety of Indigenous concepts of gender and sexual diversity.
- v) **Victim/Survivor:** means an individual who has been subjected to Sexual Violence. They are referred to as a Complainant when they request Immediate Measures or file a Report under this Policy. For the purposes of this Policy, the term “Victim/Survivor” is used, although MSVU recognizes that people who have been subjected to Sexual Violence have the right to choose how they want to be referred to.

3. Sexual Violence Prevention and Response Team

3.01 The Sexual Violence Prevention and Response Team will ensure that the needs of members of the MSVU Community who have experienced Sexual Violence are met.

3.02 The Sexual Violence Prevention and Response Team will include an Intake Counsellor, the Harassment & Discrimination Advisor, the Manager of Security Services, the Mount Support Person for the Respondent, and any other individual appointed by the President. The supports services offered by the Sexual Violence Prevention and Response Team include:

- **Intake Counsellor**
 - Receiving Disclosures;
 - Providing information about confidentiality and privacy, and the limits on confidentiality;
 - Providing information about referrals to internal services, such as Harassment & Discrimination Advisor, Security Services, Health Office, Kin’masuti aqq Apoknamasuti [kee na ma sue tea ack apok nama sue tea] (Learning and Help) Indigenous Student Centre (ISC), Black Student Advisor, International Student Advisor, or those in similar advising roles;
 - Providing information about external organizations, such as the Sexual Assault Nurse Examiner (SANE) and Sexual Assault Centres.
- **Harassment & Discrimination Advisor**
 - Providing information about confidentiality and privacy, and the limits on confidentiality;
 - Identifying and co-ordinating appropriate academic, employment, or other accommodations in consultation with the Responsible Authorities and appropriate Mount departments;

- Providing information about internal options under this Policy, including:
 - Immediate Measures;
 - Formal Reporting and investigation;
 - Review of decisions made under this Policy;
 - Alternative resolution processes, where appropriate.
 - Receiving a formal Report, including supporting the individual in preparing any written statement, if and when the Victim/Survivor decides to take this action;
 - Receiving allegations regarding acts of retaliation relating to a Disclosure or a Report;
 - Providing information or referrals regarding reporting options external to MSVU (such as criminal or civil processes);
 - Ensuring accurate record maintenance and updates on cases;
 - Providing annual statistical report;
 - Remaining current on provincial and national initiatives as it relates to Sexual Violence.
- **Manager of Security Services**
 - Assessing and addressing safety issues for the MSVU Community;
 - Assisting with safety planning, accommodations and Immediate Measures
 - Information gathering to assist with safety planning, accommodations and Immediate Measures;
 - Conducting investigations as appointed by the Responsible Authority.
 - **Mount Support Person for Respondent**
 - Providing information about confidentiality and privacy and the limits of confidentiality;
 - Supporting the Respondent during Immediate Measures, investigation, or disciplinary or remedial measures;
 - Assisting the Respondent in preparing statement(s) or responses(s) related to Immediate Measures, re-consideration of Immediate Measures, investigation, or request for review of a decision under this Policy;
 - Coordinating accommodations arising from Immediate Measures;

Contact information for members of the Sexual Violence Prevention and Response Team will be made publicly available on the MSVU website, along with the Policy and educational resources for Sexual Violence prevention and responding to disclosures.

4. Scope and Application

- 4.01 This Policy applies to all members of the MSVU community. The MSVU community includes all individuals who study, work, teach, instruct, conduct research,

administrate, supervise, volunteer, or provide resources, services, or support to MSVU or otherwise engage in university activities, including activities of a student group or organization of MSVU, whether on or off campus.

- 4.02 This Policy applies to Disclosures and Reports of any incident(s) of Sexual Violence in which a Respondent is a member of the MSVU community, and which has an impact on the learning, working or campus environment at MSVU, regardless of whether the Sexual Violence occurred on campus or off campus, or through social or electronic media.
- 4.03 This Policy applies to the Disclosure of any incident(s) of Sexual Violence in which a Victim/Survivor is a member of the MSVU community, whether or not the Respondent is a member of the MSVU community.
- 4.04 MSVU has other policies that apply to forms of Sexual Violence, including the Harassment and Discrimination Policy, the Student Non-Academic Discipline Policy, and Regulations Governing Computer Use. This Policy supersedes the procedures of such other policies for Sexual Violence, except for Sexual Harassment, which is dealt with under the Harassment and Discrimination Policy.

5. Disclosures of Sexual Violence

- 5.01 Disclosure refers to when a Victim/Survivor or witness chooses to share information about an incident(s) of Sexual Violence. Victims/survivors are encouraged to disclose to the Intake Counsellor, who provides counselling and information following a Disclosure, or the Harassment & Discrimination Advisor, who co-ordinates accommodations, supports, Immediate Measures, processes for formal Reports and investigations under the Policy. A Disclosure is different than a Report and does not automatically initiate a formal investigation by MSVU.
- 5.02 Victims/survivors have the right to determine when, what, and how much information about an incident(s) of Sexual Violence they wish to disclose, and to whom. The University encourages any member of the MSVU community who is a Victim/Survivor of a Sexual Violence to make a Disclosure at any time.
- 5.03 When a member of the MSVU community makes a Disclosure, they are entitled to access supports, resources and accommodations, as outlined in Section 6 of this Policy. The primary consideration following a Disclosure is the safety, security and well-being of the Victim/Survivor.
- 5.04 Victims/survivors who have made a Disclosure will not be required or pressured to make a formal Report. For greater clarity, a Disclosure does not trigger an investigation or constitute a Report under sections 8 through 10 of this Policy.

Disclosures and Reports of Sexual Violence are separate actions that a Victim/Survivor can choose to take.

6. Supports, Resources & Accommodations

- 6.01 Victims/survivors of Sexual Violence are entitled to be treated with dignity and respect.
- 6.02 Any Victim/Survivor who has disclosed an incident(s) of Sexual Violence is entitled to information about, and assistance in obtaining, campus and community supports and resources, including:
- i. Safety planning and protective measures;
 - ii. Counselling;
 - iii. Medical services;
 - iv. Academic/classroom, living and/or workplace accommodations, such as:
 - class schedule changes
 - assignment or exam extensions or deferrals
 - late withdrawal from a course without penalty
 - temporary work, location or scheduling changes
 - v. The process to request Immediate Measures, or file a Report under this Policy;
 - vi. Other reporting options that may exist externally to MSVU.

A list of supports and resources available on campus and in the community is set out in Appendix A to this Policy.

- 6.03 To avoid the Victim/Survivor being required to make multiple Disclosures, accommodations and supports should be co-ordinated through the Harassment & Discrimination Advisor. The Harassment & Discrimination Advisor in collaboration with the appropriate Responsible Authority, will coordinate academic, workplace, and other accommodations and supports.
- 6.04 Emergency support is available 24/7 by:
- Seeing the Sexual Assault Nurse Examiner (SANE), 1-877-880-7263
 - The role of the SANE is to provide specialized medical care for sexual assault, as well as information and emotional support. They may also collect and preserve forensic evidence for the purposes of a criminal investigation if the Survivor wishes. Generally, DNA evidence can only be collected within 168 hours (7 days) of the sexual assault and should be collected as soon as possible.
 - Calling 911 (Police or Ambulance)
 - Calling Mount Campus Security 902-457-6111 (24 hours a day / 7 days a week)

- Calling or going to the emergency department at any local hospital.

- 6.05 For Mount students, Counselling Services may also be accessed during business hours and the Intake Counsellor offers same day appointments, where possible. MSVU will arrange for culturally relevant counselling for the Victim/Survivor where possible and available.
- 6.06 For Mount employees, the Employee and Family Assistance Program can also be accessed 24/7 at 1-800-387-4765 or workhealthlife.com.
- 6.07 A Victim/Survivor of Sexual Violence is entitled to supports, resources and accommodations whether or not they decide to request Immediate Measures or file a Report under this Policy, and whether or not a Report under this Policy proceeds to an investigation and/or is ultimately upheld.
- 6.08 A Victim/Survivor of Sexual Violence has the right to decide whether and when to access any of the available services, supports or accommodations.
- 6.09 Each Victim/Survivor's needs will be different, and different supports, services and accommodations may be required at different stages following Sexual Violence. The types and forms of support and accommodation will be tailored to the Victim/Survivor's needs on a case-by-case basis.
- 6.10 MSVU recognizes that individuals who have received a Disclosure of Sexual Violence may also need support as outlined above. See Appendix A for a list of campus and community resources available to access support.

Student Respondents:

- 6.11 A student who is alleged to have committed an act of Sexual Violence will be entitled to choose a support person to act in a confidential advisory capacity throughout any process under this Policy, and may request that the MSVU Support Person for the Respondent act in this capacity.

Employee Respondents:

- 6.12 An employee alleged to have committed an act of Sexual Violence will be entitled to choose a support person to act in a confidential advisory capacity throughout any process under this Policy. An employee who is subject to a collective agreement may be supported by a union representative pursuant to the terms of the relevant collective agreement.

Mount Support Person for the Respondent:

- 6.13 When acting as the support person, the MSVU Support Person for the Respondent will:

- i. Provide information to the Respondent on this Policy, including Immediate Measures, formal Reports, investigation, and review of decisions;
- ii. Act as a liaison and provide support and co-ordination in academic, workplace, or other accommodations requested by the Respondent or arising from any Immediate Measures;
- iii. Assist the Respondent in providing information to MSVU in any risk assessment or imposition of Immediate Measures, and/or to request a reconsideration of Immediate Measures;
- iv. Assist the Respondent in preparing the Respondent's statement(s) or responses(s) related to any Immediate Measure, investigation or request for review of a decision under this Policy;
- v. Provide information about confidentiality and privacy and the limits of confidentiality;
- vi. Remind the Respondent of the importance of confidentiality at all stages of the reporting process and assist with balancing confidentiality with the need for support and avoiding isolation;
- vii. Advise the Respondent of their responsibility to report to MSVU any criminal charges laid related to the incident;
- viii. Arrange for culturally relevant counselling services for the Respondent where possible and available.

7. IMMEDIATE MEASURES

- 7.01 Immediate Measures are non-disciplinary orders. The implementation of Immediate Measures does not have bearing on any investigative process or outcome outlined in this Policy.
- 7.02 The purpose of Immediate Measures is to deescalate tensions between both parties when a Disclosure or Report is made and address MSVU's duty to provide a safe learning, working, and living environment to all members of the MSVU community.
- 7.03 Immediate Measures may be imposed on a Respondent at any time following a Disclosure or Report of Sexual Violence. A formal Report is not required for Immediate Measures to be requested or imposed. The person who disclosed Sexual Violence will be referred to as the Complainant in this section.
- 7.04 In most cases, an assessment of whether to impose Immediate Measures will be initiated at the request of the Complainant. Such requests will be processed through the Harassment & Discrimination Advisor and the Responsible Authority.
- 7.05 Where a Complainant requests Immediate Measures following a Disclosure, the Complainant must consent to the release of their name and the general nature of the allegations to the Respondent. The release of the name and some information

about the allegations is necessary for the process to be procedurally fair.

- 7.06 Prior to the assessment and imposition of any Immediate Measures, the Complainant will be consulted and their reasonable input and concerns taken into account.
- 7.07 Notwithstanding, MSVU may impose Immediate Measures on its own initiative, where there is a risk of harm to the Complainant, the Respondent or to the MSVU community or any member of the MSVU community.
- 7.08 A breach of an Immediate Measure is a breach of MSVU's Non-Academic Discipline Policy, and may be the subject of disciplinary action under an applicable collective agreement or employment guideline.

Test for Imposing Immediate Measures

- 7.09 Immediate Measures may be imposed where there is reasonable cause to believe that Immediate measures are required:
- i. To protect the safety, security or academic or employment well-being of the Complainant or any other member of the MSVU community;
 - ii. To address any risk posed by the Respondent to the safety of the Complainant and/or to the MSVU community;
 - iii. To maintain confidentiality and/or the integrity of an investigation or anticipated investigation;
 - iv. To discourage or prevent retaliation;
 - v. To minimize disruption to the learning, working, or living environment at MSVU;
 - vi. To maintain and build community trust and confidence in MSVU;
 - vii. To maintain and promote a campus environment in which Sexual Violence is not tolerated.
- 7.10 In addition to the above factors, consideration will be given to:
- i. The interests and expressed needs of the Complainant;
 - ii. The views of the Respondent, if available, including any consent to Immediate Measures;
 - iii. The nature and seriousness of the alleged conduct;
 - iv. The impact of the conduct on the Complainant and/or on the MSVU community;
 - v. The impact of the proposed measures on the Respondent; and
 - vi. Whether the Respondent is in a position of trust or authority.
- 7.11 Any Immediate Measures imposed will be as minimally restrictive as possible in the circumstances to meet the above goals.

- 7.12 Notice in writing of the Immediate Measures will be provided to the Respondent through the appropriate Responsible Authority as soon as possible but no later than 24 hours after the decision was made. This notice will include the general nature of the allegations to the Respondent and the grounds for imposing the Immediate Measures.
- 7.13 Any party may request a reconsideration of the Immediate Measures through the Responsible Authority.
- 7.14 The Complainant will be provided with information about the terms of Immediate Measures as they impact the Complainant.

Mount Employee Respondents - Procedure for Imposing Immediate Measures

- 7.15 Where the Respondent to a Disclosure or Report of Sexual Violence is a Mount employee, Immediate Measures will be imposed by the appropriate Responsible Authority:
- Director, Human Resources (Respondent is a staff member)
 - Dean (respondent is a faculty member)
 - University Librarian (Respondent is a librarian)
- 7.16 The Immediate Measures will comply with the terms of any applicable collective agreement or contract of employment.
- 7.17 Immediate Measures may include, but are not limited to:
- i. No contact/communication orders;
 - ii. Arrangements to minimize encounters in working environments such as changes in work schedules or assignments;
 - iii. Restricting access by the Respondent to part or all of the University campus;
 - iv. Suspension of the Respondent.

Student Respondents - Procedure for Imposing Immediate Measures

- 7.18 Where the Respondent to a Disclosure or Report of Sexual Violence is a student, Immediate Measures will be imposed by the Associate Vice-President Student Experience.
- 7.19 Immediate Measures may include, but are not limited to:
- i. No contact/Communication orders;
 - ii. Arrangements to minimize encounters in learning or living such as changes in class schedules or sections or residence location;
 - iii. Suspension from a varsity athletic team or membership in a club or society;
 - iv. Restricting the Respondent's access to part or all of the University campus, up to and including a campus ban;

- v. Restricting or loss of other student or campus privileges of the Respondent;
- vi. Suspension of the Respondent.

- 7.20 If Immediate Measures include a substantial restriction on the rights and privileges of the student Respondent (such as a suspension or a campus ban), a formal investigation will be undertaken on an expedited basis, unless the Respondent has consented to the Immediate Measure or the investigation is being suspended pursuant to Section 14. The Victim/Survivor always has the option to decline to participate in the investigation.
- 7.21 Student Respondents may require academic accommodations arising from Immediate Measures (such as in the case of a campus ban) which may be requested through the Associate Vice-President, Student Experience.
- 7.22 Immediate Measures imposed on a student Respondent may remain in place for up to six (6) months where a Disclosure but no formal Report has been made and no investigation initiated. Immediate Measures may continue beyond six (6) months, if the Responsible Authority considers that they remain necessary to address the safety, remedial, and campus culture responsibilities of MSVU, and the Respondent has consented to the continuation of the Immediate Measures or an investigation has been initiated.

8. Report of Sexual Violence

A. Submitting a Report to the University under this Policy

- 8.01 A Report is the sharing of information by a Victim/Survivor with MSVU regarding an incident(s) of Sexual Violence experienced by that individual (the “Complainant”), for the purpose of initiating an investigation that could result in disciplinary action against the member of the MSVU community who is alleged to have committed the Sexual Violence (the “Respondent”).
- 8.02 The Victim/Survivor has the right to decide whether and when to make a Report under this Policy.
- 8.03 MSVU process in response to a Report is guided by the following:
- i. Trauma-informed practice;
 - ii. Avoidance of discriminatory assumptions and stereotypes about persons who experience and/or report Sexual Violence;
 - iii. Non-adversarial approaches to permitting the parties to test the evidence;
 - iv. Supports for the Complainant and the Respondent;
 - v. The rights of both the Complainant and the Respondent as parties to the Report;

- vi. Procedural Fairness;
- vii. Timeliness; and
- viii. Maintaining confidentiality to the extent possible.

8.04 A Complainant may file a Report with the the Harassment & Discrimination Advisor, who will explain the Policy and the Reporting and investigation processes to the Complainant, and consult with the appropriate Responsible Authority.

8.05 The Report may be initiated in a variety of ways, depending on the needs and circumstances of the Complainant. A Report may be made in writing via e-mail or letter, or through an in-person meeting with the Harassment & Discrimination Advisor, at which the Complainant is welcome to be accompanied by a support person (see Section 11). It may be initiated by:

- i. A brief written or oral Report that contains the name of the Respondent, the date(s) and general nature of the allegations, and a request that the details of the Report be taken by the investigator, as to avoid the Complainant having to tell their story on multiple occasions;
- ii. An oral Report to the Harassment & Discrimination Advisor, which is summarized by the Harassment & Discrimination Advisor, and signed and approved by the Complainant; or
- iii. A written statement by the Complainant providing a detailed description of the incident(s).

8.06 The Report must include the name of the Respondent(s), and should include a detailed description of the conduct that forms the basis of the Report, and an indication of the redress sought by the Complainant.

8.07 Upon receipt of a Report, the Harassment & Discrimination Advisor will transmit the Report to the appropriate Responsible Authority:

- i. Associate Vice-President, Student Experience (Respondent is a student)
- ii. Director, Human Resources (Respondent is a staff member)
- iii. Dean (respondent is a faculty member)
- iv. University Librarian (Respondent is a librarian)

B. Screening of Report

8.08 The Responsible Authority who receives the Report will first determine:

- i. That the conduct reported would satisfy the definition of Sexual Violence in this Policy;
- ii. That the Respondent is a member of the MSVU community;
- iii. That the conduct reported is not more appropriately dealt with under another University policy or procedure (e.g., Harassment & Discrimination Policy, Student Non-Academic Discipline Policy, or collective agreement); and
- iv. In accordance with Section 7, the appropriateness of Immediate Measures

(if they have not already been imposed).

8.09 If the Responsible Authority determines that any of the conditions in Section 8.07 (i-iii) are not met, they will not proceed any further with the Report under this Policy. They will inform the Complainant of their decision and refer the Complainant to seek recourse through another appropriate means, such as their collective agreement, another applicable Mount Policy or procedure, or an external process such as a police report. The Complainant may also access supports and accommodations as set out in Section 5 of this Policy.

8.10 The Responsible Authority must disclose any actual or apparent bias or conflict of interest of which they are aware in relation to a Report. The President may appoint a replacement to carry out the duties of the Responsible Authority in such cases.

C. Timeline for filing a Report

8.11 There is no deadline to make a Report under this Policy. MSVU recognizes that Victims/Survivors may require time to decide to make a Report. Victims/Survivors are encouraged to make a Report as soon as they feel able to do so.

D. Notice to Respondent

8.12 Within five (5) business days of receiving a Report, the Responsible Authority will provide written notice to the Respondent(s) of the Report. The notice will include of a summary of the allegations, a copy of this Policy, notice that an investigation will be initiated, and the contact information for the MSVU Support Person for the Respondent.

9. Investigation of a Report of Sexual Violence

9.01 Upon receiving a Report of Sexual Violence, the Responsible Authority will appoint an investigator, who may be internal or external to the University, to investigate the Report. In appointing an investigator, the Responsible Authority must consider:

- i. The nature, circumstances, and complexity of the Report of Sexual Violence;
- ii. The knowledge and experience of the investigator, including competency in trauma-informed processes;
- iii. The requirements of any applicable collective agreement or memorandum of understanding between MSVU and any certified bargaining agent representing a Respondent;
- iv. Any expressed preferences of a Complainant or Respondent; and
- v. The timeliness and impartiality of the investigation.

- 9.02 The Director, Human Resources; Associate Vice-President, Student Experience; and the Harassment & Discrimination Advisor will be jointly responsible for creating and maintaining a list of competent investigators.
- 9.03 Once appointed, the investigator will independently develop a plan for their investigation identifying the Policy issues raised by the Report and potential witnesses and documentary evidence. The investigator will conduct all interviews, including with the Complainant, Respondent and any other individuals the investigator considers likely to possess information relevant to the Report.
- 9.04 The investigator will follow any investigation process and comply with any timelines established in any collective agreement applicable to the employment of the Respondent.
- 9.05 The investigator will respect the requirements of Procedural Fairness, including each party's right to know, understand and respond to the Report. The investigator will provide the Respondent with a reasonable opportunity to respond in writing and/or orally to the allegations contained in the Report. The investigator will provide both parties with a reasonable opportunity to respond to any new information obtained during the investigation.
- 9.06 If a Respondent refuses to participate in an investigation, the investigation will continue and the investigator may determine the findings on the basis of the information provided by the Victim/Survivor, other witnesses, or MSVU.
- 9.07 Within forty-five (45) business days of the investigator's appointment, the investigator will submit to the Responsible Authority a confidential report in writing setting out the investigator's factual findings and opinion as to whether the Report discloses a breach of this Policy (the "Investigation Report"). The timeline for submitting the Investigation Report may be extended in exceptional circumstances, with the approval of the Responsible Authority.
- 9.08 A copy of the Investigation Report will be shared with the Complainant, the Respondent, the Harassment and Discrimination Advisor, the MSVU Support Person for the Respondent or any bargaining agent representing the Respondent, and the Responsible Authority who is responsible for taking disciplinary action against the Respondent. The report may be redacted to protect the privacy of other individuals.
- 9.09 The investigator must not consider any of the following when assessing the credibility of the Complainant, or when assessing whether the Complainant consented to sexual touching:
- i. Any other Sexual Activity on the part of the Complainant, including any prior sexual relations with the Respondent;

- ii. The Complainant's failure to physically, verbally, or in writing, object to the Sexual Activity;
- iii. Any perceived delay in making a Disclosure or filing a Report.

9.10 The investigator may ask questions on these topics if they consider this information to be relevant to another aspect of the investigation.

10. Decision-Making Process, Remedies and Sanctions

10.01 Within ten (10) business days of receiving the Investigation Report, the Responsible Authority must notify in writing the Respondent, and any union representing the Respondent, of their decision as to whether there has been a breach of this Policy, and, where appropriate, any sanction or remedial action.

10.02 At the same time, the Complainant will receive notice in writing of the outcome of the Report, including any sanction or remedial action.

10.03 A determination that a member of the MSVU community has violated this Policy may result in a number of possible outcomes. In determining disciplinary or remedial measures, the Responsible Authority may consider:

- i. The sanction or remedy sought by the Complainant;
- ii. The principle of progressive discipline;
- iii. The University's role as an educational institution;
- iv. The nature and severity of the incident(s);
- v. The impact of the conduct on the Complainant's continued education or employment at Mount;
- vi. The impact of the conduct on the Complainant and the MSVU community;
- vii. The university's commitment to zero tolerance of Sexual Violence;
- viii. The university's commitment to reducing the barriers to reporting.

10.04 Disciplinary measures for a finding of a breach of the Policy may include, but are not limited to the following:

For Students:

- i. Written warning or reprimand;
- ii. Probation;
- iii. Behavioural contract, the breach of which will result in discipline, including:
 - a. no contact/no communication directives;
 - b. restricting access to all or parts of the MSVU campus;
- iv. Suspension or denial of university privileges, including suspension or removal of a student from a sports team or residence; and/or
- v. Suspension or Expulsion from the University.

For Employees:

- i. Written warning or reprimand;
- ii. Suspension with or without pay; or
- iii. Termination from employment.

10.05 Remedial measures include:

For Students:

- i. Voluntary written apology;
- ii. Education or training;
- iii. Residence relocation;
- iv. Transfer from a course or section of a course.

For Employees:

- i. Letter of expectation/coaching letter;
- ii. Voluntary written apology;
- iii. Education, training, or coaching;
- iv. Employment relocation or reassignment, where permitted by collective agreement or employment contract;
- v. Restrictions on accessing all or parts of the MSVU campus;
- vi. Supervision or oversight of teaching/learning/work environment at MSVU.

10.06 If a Respondent is a member of a bargaining unit, any determination of discipline will be made in accordance with relevant provisions of the applicable collective agreement.

11. Right to a Support Person

11.01 Complainants, Respondents, and any witnesses are entitled to be accompanied by a support person or representative of their choosing present at any meetings, interviews or proceedings related to the investigation or handling of the Report of Sexual Violence. However, an individual who is likely to be interviewed as a witness in the investigation may not also act as a support person. A support person or representative may not speak on behalf of them during the investigation unless it is specifically approved as an accommodation for accessibility.

12. Consultation with Harassment & Discrimination Advisor and Experts

12.01 Any member of the MSVU community, including a person receiving a Disclosure or any Responsible Authority, may consult on a confidential basis with the Harassment & Discrimination Advisor for guidance on any aspect of this Policy, including referrals to appropriate resources, coordinating accommodations, screening Reports, Immediate Measures, and the investigation process.

12.02 Responsible Authorities may consult on a confidential basis with other internal or external experts as necessary and appropriate in responding to a Disclosure or Report under this Policy.

13. Alternative Resolution

13.01 In appropriate circumstances, a Complainant may wish to resolve the matter without a formal Report, or prior to the conclusion of the formal Reporting process. A Respondent may also seek to initiate an alternative resolution process. A Victim/Survivor or Respondent may request an alternative resolution process that reflects their cultural or community values, and MSVU will explore this option if possible.

13.02 In appropriate circumstances, Indigenous survivors may wish to resolve the matter without a formal Report, or prior to the conclusion of the formal reporting process, and seek alternative resolution through an Indigenous resolution process. An Indigenous Respondent may also seek to initiate an alternative resolution through an Indigenous resolution process. Each situation will be different and will require consultation through the Kin'amasuti aqq Apoknamasuti (Learning and Help) Indigenous Student Centre (ISC), on the appropriate resources available for the process either internally or externally.

13.03 Alternative resolution will only be explored with the express and informed consent of the Victim/Survivor, Respondent and MSVU.

13.04 Parties that engage in alternative resolution do so on a 'without prejudice' basis. In other words, either the Victim/Survivor or Respondent may withdraw from the process at any time and any information or admissions shared in the process cannot be relied upon by either party in a formal Report and investigation under this Policy or in any other proceeding at MSVU.

13.05 The goals of the alternative resolution process are acceptance of responsibility, mutual understanding, safety and education/remediation.

13.06 An alternative resolution process does not require any face-to-face/in-person interaction between the Complainant and the Respondent.

13.07 The outcomes of an alternative resolution process may include a voluntary apology letter from the Respondent, a written agreement that includes behavioural expectations, and/or education or training, such as related to anti-violence, anti-oppression or consent, cultural sensitivity, or a voluntary agreement by the Respondent to other measures.

- 13.08 Alternative resolution processes must be facilitated by a person with training appropriate to the seriousness and nature of the allegations and the context of the parties, and with training or experience in gender-based violence, trauma-informed practice, and mediation or counselling.
- 13.09 Alternative resolution is presumptively inappropriate where previous Reports have been made about the Respondent, where MSVU has received multiple Disclosures about the Respondent, or where there are other identified safety concerns.
- 13.10 Where a party to the alternative resolution is a student, a confidential record of the alternative resolution will be maintained by the Harassment & Discrimination Advisor for a period of four years or for as long as the student(s) is part of the MSVU community, whichever is longer. Where a party to the alternative resolution is an employee, the record will be retained in accordance with the terms of any collective agreement or applicable employee policies.
- 13.11 Any failure to comply with the terms of an alternative resolution may result in the Report being referred to the investigation and decision-making process, with all applicable sanctions.

14. Parallel External Investigation or Proceedings

- 14.01 A person who has experienced Sexual Violence can access other legal processes at any time, including criminal (reporting to the police), civil (legal action for damages), criminal injuries compensation (for counselling), professional regulatory, or human rights processes.
- 14.02 Where a student Respondent has been charged criminally for a Sexual Violence related offence, MSVU will suspend any investigation under this Policy until resolution of the criminal charge, unless:
- i. Neither the Crown nor the student Respondent objects to MSVU commencing or continuing the investigation; or
 - ii. Exceptional circumstances exist, such as relating to the health and safety of the Complainant or campus community that is not otherwise addressed by any criminal conditions or Immediate Measures imposed.
- 14.03 Where an employee of MSVU has been charged criminally for a Sexual Violence related offence, or where the Respondent is a student or employee and the Sexual Violence is the subject of another external legal process, MSVU may choose, after consultation with the Victim/Survivor, to continue or suspend any investigation or alternative resolution process under this Policy..

- 14.04 A Respondent is required to provide to MSVU information on any current criminal charges faced by the Respondent; any criminal conditions, such as bail or conditions of release; and any sentence relating to the incident(s) of Sexual Violence that is the subject matter of the Disclosure or Report. For student Respondents, this information is to be submitted to the Associate Vice-President Student Experience. For Employee Respondents, this information is to be submitted to the Director of Human Resources.
- 14.05 If Immediate Measures have been put in place pending a Report that has been suspended due to criminal charges or another external legal process, the Interim Measures will remain in effect until the external legal processes are complete and the internal process resumes.

15. Right of Complainant not to Participate in a Report or Investigation

- 15.01 A Victim/Survivor has a right to decide whether to participate in any investigation of their Report of Sexual Violence and may withdraw their Report of Sexual Violence at any time.
- 15.02 In rare circumstances, MSVU's legal and/or statutory duties to ensure the safety and well-being of the MSVU community may require it to proceed with an investigation of Sexual Violence, even if a Victim/Survivor has requested that MSVU not investigate or act, or has decided not to participate in a Report or investigation.
- 15.02.1 Examples of circumstances where MSVU may decide to investigate notwithstanding a Victim/Survivor's decision not to participate may include:
- i. Where MSVU has become aware of allegations suggesting a pattern of violations of this Policy by the same individual(s);
 - ii. where there is a serious risk of harm to self or others;
 - iii. Where MSVU has reasonable grounds to believe there is an ongoing risk to the safety or well-being of one or more members of the MSVU community;
 - iv. Where there is objective evidence of Sexual Violence that would allow the investigation to proceed in the absence of participation by the immediate Victim/Survivor, such as evidence of Sexual Violence in the public realm (e.g. a video posted on social media) or otherwise recorded or documented and available to MSVU.
- 15.02.2 In these rare circumstances, MSVU will proceed in a manner that:
- i. Prioritizes the safety of the Victim/Survivor; and
 - ii. Respects as much as possible the privacy and confidentiality of the Victim/Survivor.

- 15.03 Whether or not a Victim/Survivor chooses to request or participate in an investigation, the Victim/Survivor remains entitled to receive support and accommodations as outlined in Section 5 of this Policy.
- 15.04 MSVU will inform the Victim/Survivor when the investigation has been completed and provide the option to receive a report on the outcome of the investigation.

16. Anonymous and Third-Party Reports of Sexual Violence

- 16.01 Where a person witnesses or has reasonable concerns about an incident(s) of Sexual Violence, that person may submit a written allegation to the Harassment & Discrimination Advisor anonymously or in their own name.
- 16.02 Upon receiving a third-party or anonymous report, the Harassment & Discrimination Advisor will consult with the appropriate Responsible Authority and other experts as needed. The Responsible Authority will determine, considering all the circumstances and information available, whether the allegation provided by the third party or anonymous source may form the basis of a Report under this Policy initiated by MSVU. This determination will depend on a number of factors including the adequacy of the information available to investigate the allegation and to permit a fair process.
- 16.03 The Victim/Survivor of Sexual Violence has the right to decline to participate in any investigation that may occur as a result of an anonymous or third-party report. Sections 15.02 and 15.03 of this Policy apply equally to anonymous and third-party reports.
- 16.04 Information provided by a third party or anonymous source may inform a process aimed at addressing systemic concerns, such as education or training.

17. Interruption in Respondent's Relationship with the University

- 17.01 If a Respondent's relationship to MSVU ends, such that the Respondent is no longer a member of the MSVU community, MSVU may suspend any Report process under this Policy. If the Respondent later resumes being a member of the MSVU community, MSVU may reinstate the Report process with written notice to the Complainant and Respondent. A leave of absence or other temporary break from MSVU does not constitute the end of a relationship with MSVU for the purposes of this Policy.
- 17.02 If a Respondent student withdraws from MSVU or completes their program during an ongoing investigation and discipline process under this Policy, the investigation

will continue. If the Respondent student is found to have breached the Policy, the disciplinary measure may be noted on the student's transcript in accordance with the Academic Calendar.

18. Review of a Decision

- 18.01 The outcome of a Report of Sexual Violence may be reviewed as follows:
- i. Where the Complainant or Respondent is a staff or faculty member, the review may be brought by filing a grievance in accordance with the terms of the applicable collective agreement or employment guidelines.
 - ii. Where the Complainant or Respondent is a student, or in all situations other than those identified in (i), the review process under Section 18.02 will apply.
- 18.02 Reviews will be limited to the following grounds:
- i. Unreasonableness of the decision (a decision is "reasonable" as long as it falls within the acceptable range of outcomes defensible in light of the facts and the law); or
 - ii. New evidence that was not available to the investigation; or
 - iii. Denial of Procedural Fairness.
- 18.02.1 All reviews must be submitted in writing to the President, specifying the grounds of the review, within ten (10) business days of receipt of the final decision provided under Section 10 (Decision-Making Process, Remedies and Sanctions).
- 18.02.2 Within five (5) business days of receiving notice of the review, the President will provide notice of the review to any individual having a direct interest in the outcome ("interested party").
- 18.02.3 The appellant and interested party may provide information or make representations to the President within five (5) business days of receiving notice under Section 18.02.3. The President will immediately transmit a copy of any information or representation received to all parties.
- 18.02.4 The appellant and interested party will have an opportunity to comment on any information shared under Section 18.02.4 within five (5) business days of receipt.
- 18.02.5 The President or the President's delegate will determine if the request for review is well founded. The determination of the President will be based only on the information that was before the investigator and the decision-maker, with the exception of new information addressing an issue of Procedural Fairness.

- 18.02.6 The President or the President’s delegate in making their determination may confidentially consult with other persons regarding legal issues, policy interpretation, or process, as is necessary.
- 18.02.7 The President or the President’s delegate may confirm or vary the original decision, or allow the review and lift the sanction or remedial action. The decision of the President or the President’s delegate will be final and binding.

19. Confidentiality and Privacy

- 19.01 Disclosures and Reports of Sexual Violence must be treated in a confidential manner and in accordance with applicable privacy legislation. All persons involved in a Disclosure or Report of Sexual Violence are expected to maintain confidentiality.
- 19.02 The sharing of information regarding an incident(s) of Sexual Violence, a Disclosure, or a Report, will be limited to those who need to know the information for the purposes of implementing this Policy, including assessing and providing accommodation and Immediate Measures, including safety planning; coordinating and conducting the investigation, including ensuring Procedural Fairness; and making decisions about or implementing remedies or sanctions.
- 19.03 Confidentiality is not absolute, and information may need to be disclosed to address a risk to the health or safety of members of the MSVU community, or where MSVU is required by law to disclose the information. For example, confidentiality cannot be maintained where:
 - i. An individual is at risk of imminent and serious harm to themselves or others;
 - ii. Members of the MSVU community may be at risk of harm;
 - iii. Reporting or investigation is required by law (for example, under the *Children and Family Services Act* or *Occupational Health and Safety Act*); and/or
 - iv. To comply with an order of a court or tribunal.
- 19.04 Any documentation collected or produced in connection with a Disclosure or Report under this Policy will be retained and destroyed in accordance with MSVU’s policies regarding the retention and destruction of records.
- 19.05 Nothing in this section is intended to limit the ability of any party to access supports or accommodations as described in this Policy.

20. Protection from Reprisal and Threat of Reprisal

- 20.01 Any retaliation, reprisal, threat or intimidation against any Victim/Survivor, Complainant, witness, or other member of the MSVU community, for having accessed this Policy (including for having made or participated in any Disclosure or Report of Sexual Violence), is a violation of this Policy and may be the subject of a

Report under this Policy, and grounds for disciplinary action under the Student Non-Academic Discipline Policy, employment guidelines, or collective agreement, where applicable. Any retaliation, reprisal, threat or intimidation against any Respondent is a violation of this Policy and may be the subject of a Report under this Policy, and grounds for disciplinary action under the Student Non-Academic Discipline Policy, collective agreement, or employment guidelines, where applicable.

21. Protection from Disciplinary Action Respecting Use of Drugs or Alcohol

21.01 MSVU will not use information from a Disclosure or Report of Sexual Violence to initiate disciplinary proceedings against the Complainant, Respondent, or any other student for allegedly possessing or using alcohol or drugs contrary to Mount Policy.

22. Relationships Between University Employees and Students

Prohibition on Sexual Relations

22.01 Sexual Relations between a student and a member of the Teaching Staff are prohibited when the Teaching Staff:

- i. Is in a position of academic authority over the student;
- ii. Might in the foreseeable future be in a position to exercise authority over the student;
- iii. Has, may have, or reasonably appears to have an influence over the student's academic progression; or
- iv. Collaborates academically with the student.

This Article does not apply to students and Teaching Staff who are in a relationship or have marital status prior to the commencement of classes or academic collaboration (e.g., spouse taking a class) provided that the Teaching Staff has submitted a declaration of conflict of interest.

22.02 Sexual Relations between a student and a University leadership employee (President, Vice President(s), Associate Vice President(s), Dean(s) and Director(s)) are prohibited when the University leadership employee:

- i. Is in a position of authority over the student;
- ii. Might in the foreseeable future be in a position to exercise authority over the student
- iii. Has, may have, or reasonably appears to have an influence over the legal or practical interests of the student in relation to MSVU.

This Article does not apply to students and University leadership employees who are in a relationship or have marital status prior to the commencement of classes (e.g. spouse taking a class) provided that the University leadership employee has submitted a

declaration of conflict of interest.

- 22.03 Sexual Relations between student athletes and any member of the coaching staff of varsity athletic teams are prohibited. This Article does not apply to relationships that commenced prior to the individuals joining the coaching staff and/or athletic teams, provided the individuals are not part of the same team, and the member of the coaching staff has disclosed the relationship to the Director of Athletics.
- 22.04 Sexual Relations between a student and MSVU employee not included in Sections 20.01, 20.02 and 20.03 above may be prohibited where the duties and responsibilities of the position place the MSVU employee in a real or apparent position of authority over the student.

Other Sexual Activity Strongly Discouraged

- 22.05 Sexual Relations between Teaching Staff and students in circumstances other than those described and prohibited above in Section 22.01 are strongly discouraged.

Mandatory Declaration

- 22.06 If a member of the Teaching Staff and a student engage in Sexual Relations, the Teaching Staff must declare this relationship within five (5) business days of the first occurrence.
- 22.07 A declaration pursuant to Section 22.06 is to be made to the Dean who is the Responsible Authority in the prescribed form.
- 22.08 A declaration made pursuant to Section 22.06 shall not be disclosed or used without the consent of the Teaching Staff except:
- i. to ensure ongoing compliance with this Policy, and in particular Section 22.01
 - ii. to determine whether this Policy has been breached;
 - iii. in any investigation or proceeding arising out of a breach or potential breach of this Policy or any other University Policy or collective agreement; or
 - iv. as required by law.
- 22.09 Teaching Staff may request the Dean who is the Responsible Authority remove a Section 22.06 declaration from the Dean's file when all of the following conditions are met:
- i. It has been at least four years since the disclosure was made;
 - ii. The student is no longer a current MSVU student; and
 - iii. The Teaching Staff has not breached this Policy.
- 22.10 Upon the coming into effect of this Policy, all Teaching Staff must declare past and current Sexual Relations with any current Mount students in a timely manner in accordance with Section 22.06 above, whether or not the Sexual Relations occurred or commenced prior to the coming into force of this Policy.

Application to Relationships Among Students

- 22.11 This Policy does not apply to Sexual Relations between students who also hold teaching positions, provided neither student is in a position of authority over the other student.

Presumption of Policy Breach

- 22.12 Where a Teaching Staff fails to disclose Sexual Relations with a student in accordance with this Policy, it is presumed that the Sexual Relations are a breach of this Policy.

23. Education and Prevention

- 23.01 MSVU is committed to providing education and training to members of the MSVU community with respect to this Policy, recognizing that Sexual Violence education and prevention is a shared responsibility. MSVU will annually remind all employees and students to review this Policy.
- 23.02 MSVU has established a Sexual Violence Prevention Advisory Committee to coordinate education and training to members of the MSVU community with respect to this Policy, including:
- i. Sexual Violence awareness and prevention;
 - ii. Responding to Disclosures of Sexual Violence;
 - iii. Campus and community supports and resources for victims/survivors of Sexual Violence.

24. Collection and use of information

- 24.01 MSVU collects personal information under this Policy for the purposes of:
- i. Ensuring the safety of individuals and the MSVU community
 - ii. Respecting and protecting the rights of individuals at MSVU, including under the Nova Scotia *Human Rights Act* and *Occupational Health and Safety Act*;
 - iii. Respecting and enforcing the rights of persons who Disclose or Report Sexual Violence in accordance with the Nova Scotia *Human Rights Act*, including the right to an appropriate and fair procedure in response to a Report of Sexual Violence, the right to know the outcome of that process and the right to challenge the procedure or outcome, whether internally or through other legal remedies;
 - iv. Respecting and enforcing the rights of persons who are Respondents to Disclosures or Reports of Sexual Violence, including the right to an appropriate and fair procedure in response to a Report of Sexual Violence, the right to know the outcome of that process and the right to challenge the procedure or

- outcome, whether internally or through other legal remedies;
- v. Ensuring the integrity and fairness of the processes under this Policy;
- vi. Providing appropriate information to the Victim/Survivor, or Complainant and Respondent;
- vii. Receiving Disclosures and responding to Disclosures of Sexual Violence;
- viii. Conducting an investigation or proceeding that could lead to a disciplinary or remedial measure; and
- ix. Collection of data on Sexual Violence that will be de-identified/aggregated.

24.02 **Aggregate Data Collection** The Harassment & Discrimination Advisor will maintain an anonymized record of the Disclosures and Reports of Sexual Violence received by Harassment & Discrimination Office and report annually to the governing board, and also report on any observable trends.

The Harassment & Discrimination Advisor will maintain aggregate data, received by Harassment & Discrimination Office, which will be published annually, on:

- i. The number of Disclosures received;
- ii. The nature of the Disclosures in terms of whether they involved:
 - Sexual Assault;
 - Sexual Harassment;
 - social or electronic media;
 - on or off campus incidents (or other/not known);
 - whether the identity of the Respondent was disclosed;
 - alternative measures requested or accessed.
- iii. The number of Disclosures that involved allegations of student peer-on-peer Sexual Violence;
- iv. The number of Anonymous and Third Party Reports;
- v. The number of Disclosures that proceeded to a formal Report; and
- vi. The outcome of those Reports (finding/no finding) at the investigation stage and/or on Review.

25. Policy Review

25.01 The Sexual Violence Prevention Advisory Committee will be responsible for coordinating a review and, if appropriate, amendment of this Policy every three years. This review will include consultation with members of the MSVU community including students, faculty and staff.

APPENDIX A – List of Campus and Community Resources

Emergency: Dial 911 (toll free) 24/7 An emergency is any situation that requires immediate assistance from the police, fire department or ambulance.

MSVU CAMPUS RESOURCES

Counselling Services (On-Campus)

EMF 141 (Reception: EMF 108)

- Our counselling services team provides FREE personal and academic counselling to any registered Mount student in a relaxed and confidential environment. Client confidentiality is maintained according to the Canadian Counselling and Psychotherapy Association’s Code of Ethics and Standards of Practice. Full counselling sessions are 50 minutes, and students are eligible for up to 10 sessions per academic year.
- Counselling Services’ offers 30-minute intake appointments with our Intake Counsellor to determine students’ needs in counselling when accessing Counselling Services for the first time.
- Counselling Services also offers daily 30-minute same-day drop-in appointments for students who need an urgent counselling appointment. These appointments are at 11am and 3pm from Monday to Friday.
- Appointments can be scheduled by phone at 902-457-6567 or by email at counselling@msvu.ca.

Harassment & Discrimination Advisor (On-Campus)

- Evaristus Hall, Room 444
- respect.advisor@msvu.ca
- Phone: 902-240-9598

Campus Security: Safety Planning: (On-Campus)

- Assisi Hall, Main floor
 - Phone: 902-457-6111
 - Phone: 902-457-6412 (weekdays)
- *Campus Security is available 24 hours a day, 7 days a week.*

Health Services: (On-Campus)

- Assisi Hall, 2nd floor

- The Health Office offers a variety of services including sexual assault support, sexually transmitted infection (STI) screening, and referrals to specialists.
- 902-457-6354 (9:00a.m. - 5:00p.m. Monday - Friday)
- 902-448-3975 (call or text in the case of emergency) **This number connects to someone in the Health Office, and offers support for students which is available 24 hours a day/7 days a week*

Black Student Support Office

- Seton, Room 337
- Office hours are Mondays to Fridays, 10 am – 2 pm, for online or in-person meetings.
- Contact blackstudentsupport@msvu.ca to book an appointment outside of these times.

Kin'amasuti aqq Apoknamasuti (Learning and Help) Indigenous Student Centre (ISC)

- 46 Melody Drive (lower level)
- Phone: 902-457-6228
- A space where students can meet and have access to a part-time resident counsellor and Elder.

Responsible Authorities: Mount Saint Vincent University

- Associate Vice-President, Student Experience (Respondent is a student)
- Director, Human Resources (Respondent is staff)
- Dean of Arts and Science (Respondent is faculty)
- Dean of Education (Respondent is faculty)
- Dean of Professional and Graduate Programs (Respondent is faculty)
- University Librarian (Respondent is librarian)

COMMUNITY RESOURCES

Sexual Assault Nurse Examiner (SANE)(Avalon Sexual Assault Centre)

- 902-425-0122 (24-hour response line)
- Call after an immediate sexual assault (one that occurred within the past 168 hours/7 days).
- Services for all ages and genders; medical care and/or collection of forensic evidence at the hospital.
- SANE Nurse may be accessed by reporting to the emergency room at:
 - Halifax Infirmary, QEII Health Sciences Centre
 - Dartmouth General Hospital
 - Cobequid Community Health Centre
 - IWK Health Centre (16 and under)

- For Other Emergency Departments in Nova Scotia visit [https://www.nshealth.ca/service-details/Sexual%20Assault%20Nurse%20Examiner%20\(SANE\)%20Program](https://www.nshealth.ca/service-details/Sexual%20Assault%20Nurse%20Examiner%20(SANE)%20Program)

Avalon Sexual Assault Centre

- 902-422-4240 (*Avalon admin line, 8:30 a.m. - 4:40 p.m., M-F*)
- 1526 Dresden Row, Suite 401 (4th floor)
- Specialized therapeutic counselling available to women and trans/gender non-identified individuals 16 years and older who have experienced a recent or historical sexual assault, childhood sexual abuse, and/or sexual harassment.

Halifax Sexual Health Centre

- 7071 Bayers Road, Suite 302, Halifax
- Phone: 902-455-9656
- Hours: 9am – 8pm, Monday to Thursday
9am-5pm, Friday
- A non-judgemental sexual health centre for people of every race, ethnicity, culture, gender, sexual orientation, gender identity, age, ability, and income-level.

Bedford Basin Women's Health Clinic

- 967 Bedford Hwy, Suite 208B
- Phone: 902-444-8726
- Hours: 8am – 2:30 pm, Monday to Thursday
8am-1pm, Friday
- A women's wellness and sexual health clinic.

Legal Advice for Sexual Assault Survivors Program

- Offers up to 4 hours of free legal advice from a participating lawyer
- Register by calling 211
- Participants must be 16 years or older and the assault must have taken place in Nova Scotia
- Participants do not have to report to police or take legal action if they use this service

Victim Services (Halifax Regional Police)

- 902-490-5300 (*Monday - Friday 8:30am-4:30pm*)
- The Victim Services Unit of the Halifax Regional Police is comprised of civilian employees and volunteers. They support victims of crimes, including sexual assault, by providing information, emotional support, and referral information throughout the criminal justice process.

Gear's Indigenous Counseling and Consulting Services

- Website: <https://gearsindigenouscounselling.com/>
- Phone: 1-833-690-0609

Mi'kmaw Legal Support Network

- Mainland NS - 902-895- 1141
- A support system free of charge for Indigenous people involved in Nova Scotia's criminal justice system.
- Aboriginal Victim Support Workers can guide a Victim/Survivor throughout the court process, help them prepare for court, and assist with victim impact statements.
- Charges do not have to be laid in order to access services.

Mi'kmaw Friendship Centre

- 2021 Brunswick Street, Halifax
- Phone: 902-420-1576
- Hours: 9am – 4 pm, Monday-Friday
- The Mi'kmaw Native Friendship Centre is a focal point for the Urban Aboriginal community to gather for a variety of community functions, events and to provide social based programming.

Halifax Regional Police

1975 Gottingen Street, Halifax

- Phone: 911 for emergencies
- Phone: 902-490-5020 for non-emergency dispatch
- Phone: 902-490-5016 to file an incident report
- Phone: 902-490-5015 for general inquiries

South House Gender Resource Centre

- 1443 Seymour Street, Halifax
- Phone: 902-494-2432
- Hours: 10 am – 4 pm, Monday-Friday
- A gender inclusive space with a resource centre, library, free meeting space, and anti-oppression organizing and gathering, which offers referral services to a wide variety of services in the HRM.