

# MSVU's Policy Against Sexual Violence

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A quick reference guide



[msvu.ca/sexualviolence](https://msvu.ca/sexualviolence)

## Policy Against Sexual Violence

MSVU is committed to sexual violence prevention and providing a trauma-informed, survivor-centered response. As an MSVU student, you have the right to a campus environment that is free from sexualized violence, including sexual assault.

**Sexual violence** is 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 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 is a form of non-consensual sexual contact and is sexual assault.

## Consent

**Consent** is a voluntary, willing, knowing, and coherent agreement to engage in specific sexual activity. Consent must be ongoing and relate to each sexual activity in an encounter. Consent may be withdrawn at any time.

**There is no consent where:**

- A person expresses, by words or conduct, a lack of agreement to engage or continue to engage in a sexual activity;
- A person is asleep or unconscious at the time of the sexual activity;
- A person is incapable of consenting to sexual activity, including due to the influence of alcohol, drugs, or other substances;
- The person initiating the sexual activity occupies a position of trust or authority. Faculty, staff, coaches and TAs are prohibited from having relationships with students when they are in (or may be in the future) a position of authority over the student or otherwise have influence over their success at MSVU.
- Any apparent consent is obtained through force, coercion, threat, or fraud.

## Disclosing Sexual Violence

Victims/survivors of sexual violence are encouraged to speak to a specially trained member of the MSVU community, such as a member of our Counselling Services, Health Office or Residence Life teams.

Disclosures and reports of sexual violence are separate actions that victims/survivors may choose to take. A disclosure (telling someone about the experience) does not trigger an investigation and it will usually not be reported unless the victim/survivor makes that decision.

See section 19 of our policy for a full understanding of the scope of privacy and confidentiality.

Victims/survivors are entitled to receive supports and resources, which may include:

- Safety planning and protective measures;
- Counselling;
- Medical services;
- Academic/classroom, living and/or workplace accommodations;
- Information on filing a report under this policy or external to MSVU.

Our primary concern following a disclosure is the safety, security and well-being of the victim/survivor. They have the right to determine how much information is disclosed, when it's disclosed and to whom it's disclosed.

## Reporting Sexual Violence

A report is a formal complaint of sexual violence to the university for the purposes of initiating an investigation, which could result in disciplinary action against the respondent. Throughout an investigation, and regardless of the outcome, the victim/survivor will continue to be supported by the university.

A report may be made in writing via email or letter, or through an in-person meeting with the Associate Vice-President, Student Experience (AVPSE) or the Harassment & Discrimination Advisor. Victims/survivors are welcome to bring a support person to this meeting.

The AVPSE or Harassment & Discrimination Advisor will determine:

- If the reported conduct satisfies the definition of sexual violence in this policy;
- That the respondent is a member of the MSVU community; and
- That the reported conduct would best be dealt with under this policy.

MSVU recognizes that victims/survivors may require time to make decisions. There is no deadline. Victims/survivors are encouraged to make a report when they feel comfortable doing so.

Within five (5) business days of receiving a report, the AVPSE will provide written notice to the respondent(s) that an investigation will be initiated. It will include a summary of the allegations and a copy of the Policy Against Sexual Violence. The respondent will be assigned a support person who has been trained to act in a confidential advisory capacity throughout this process.

The AVPSE may impose immediate measures where they have reasonable cause to believe there is risk to the safety, security or well-being of the complainant or any other member of the MSVU community.



Upon receiving a report of sexual violence, the AVPSE will appoint an investigator, who may be internal or external, to investigate the report.



The investigator will independently conduct all interviews, including with the complainant, respondent and any other individuals they consider likely to have information relevant to the report.



Within forty-five (45) business days of being appointed, the investigator shall submit to the AVPSE a confidential report setting out their factual findings and their opinion as to whether the report constitutes a breach of this policy.



Within ten (10) business days of receiving the investigation report, the AVPSE will notify both parties of the outcome, including any sanction or remedial action.



At any time before a final decision is made, the complainant may request an informal resolution process. The complainant or respondent may request an alternative resolution process that reflects their cultural or community values, and MSVU will explore this option if possible.

## Frequently Asked Questions

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**Who can I disclose to?**

You can disclose to whomever you feel most comfortable. We recommend speaking to MSVU Counselling Services or the MSVU Health Office.

**What happens if I disclose?**

You will not be required or pressured to make a formal report.

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**Will it be confidential if I talk to someone?**

Disclosures of sexual violence are treated in a confidential manner. However, confidentiality is not absolute and there are times when information may have to be shared, such as if other members of the MSVU community may be at risk of harm. See section 19 of our policy for a full understanding of privacy and confidentiality.

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**Do I have to share the name of the perpetrator if I just want to talk to someone?**

Our main priority is providing you with ongoing support regardless of how you choose to proceed or how much information you decide to share. Most times, you will not be asked for specific information about the perpetrator. In exceptional circumstances, when we believe there may be further risk to you or the broader community, you may be asked for more information.

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**When is sexual violence reported to police?**

You may choose to report to the police at any time. We will not pressure you, nor discourage you from reporting sexual violence to the police. Where sexual violence has been reported to the police, MSVU may temporarily suspend the internal investigation pending the completion of the police interviews.

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**What if I wish 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. Alternative resolution will only be explored with the express and informed consent of the victim/survivor, respondent and MSVU.

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What kinds of support will be available to me?

Whether you choose to make a report or not, you are entitled to receive support on campus such as safety planning, counselling, medical support, and potential accommodations to your living arrangements or academics.

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What if I'm not sure what happened was sexual violence?

If you're unsure, we would recommend you speak with a professional, such as a member of the MSVU Counselling Services or Health Office teams. Having a conversation with a friend or relative that you are comfortable with may help as well.

If you think it was sexual violence, consider speaking with a professional. More information about resources are on the back of this guide.

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What is the difference between sexual harassment and sexual assault?

Sexual harassment is an incident or series of incidents of vexatious or disrespectful comments, or behaviours of a sexual nature that demean, belittle, humiliate, embarrass, degrade or attempt to exclude, which is known or ought reasonably to be known to be unwelcome or offensive.

Sexual harassment is prohibited by MSVU's Harassment and Discrimination Policy.

Sexual assault is any sexual activity without consent, including kissing, fondling, touching, oral sexual contact, stealthing, or anal, vaginal or other forms of penetration, without consent. **It requires physical/sexual contact.**

Sexual assault is prohibited by MSVU's Policy Against Sexual Violence.

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What if I was intoxicated or under the influence of drugs at the time?

Please know that if you report an incident of sexual violence, you will not face any disciplinary action related to your intoxication. Being intoxicated is not an invitation for sexual activity and you may not have had the capacity to consent (see section 21 of our Policy Against Sexual Violence).

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## Resources

### **MSVU Counselling Services**

902 457 6567

EMF 141 (Library, lower level)

### **MSVU Health Services**

902 457 6354

Assisi Hall, 2nd floor

### **Avalon Sexual Assault Centre/ Sexual Assault Nurse**

**Examiner**

902 425 0122

24-hour response line

### **Legal Advice for Sexual Assault Survivors Program**

Register for free by calling 211  
or emailing [help@ns.211.ca](mailto:help@ns.211.ca)



## Waves of Change Bystander Intervention Program

Waves of Change is an education program designed to address sexual violence on university and college campuses in Nova Scotia. The program was developed by the Antigonish Women's Resource Centre and Sexual Assault Services Association in collaboration with Nova Scotia post-secondary institutions. Now, it is offered for free to MSVU students who can learn consent skills, bystander intervention skills, and the value of supporting survivors of sexual violence. This program draws on participants' existing skills, knowledge, and creativity to facilitate broader strategies for social change.

**The full policy, as well as additional resources, can be found at:**

[msvu.ca/sexualviolence](https://msvu.ca/sexualviolence)

**The Harassment and Discrimination Policy can be found at:**

[msvu.ca/respect](https://msvu.ca/respect)