

The King's Sexualized Violence Implementation Advisory Committee is in the consultation process of their 2020 University of King's College Sexualized Violence Awareness, Prevention and Response Policy review. This review fulfills the mandate and direction given when the Policy was first created in November of 2018.

The following paragraphs outline the revisions the committee hopes to submit to the Board of Governors at their December 10<sup>th</sup> meeting to be voted on. Before this submission, we want to share the additions and revisions with the broader King's community for feedback and questions. In addition to reading about the review here there will be two live virtual gatherings where members of the Committee will be present to go over these points, answer any questions, and receive feedback. The full draft of the Policy is also available as a document alongside this summary. New inclusions are marked with red lines alongside the text.

Faculty and staff session: Wednesday November 4, 11:00 am – 12:30 pm (Hfx time) via Zoom  
<https://us02web.zoom.us/j/87675948691>

Student session: Wednesday November 4, 2:00 pm – 3:30pm (Hfx time)  
<https://us02web.zoom.us/j/87216288569>

If you cannot attend these sessions or want to provide feedback and ask questions in a more confidential environment, you can contact the Sexualized Violence Prevention and Response Officer directly to share your thoughts on the draft and revisions. Jordan Roberts – [jordan.roberts@ukings.ca](mailto:jordan.roberts@ukings.ca) - 902 229-6123. The deadline for feedback is November 6, 2020.

The Committee wants to express thanks to the King's community for their participation in the surveys and feedback process underwent in April 2020 that was able to shape and guide our review process.

Three notes before getting into revisions;

- 1) The following revisions have to do with clarifying or adding to the Policy as it was created. No supports, accommodations, or other forms of response are being taken away or re-written.
- 2) This review does not mark the end of evolving the Policy to meet the needs of the King's community. While this review process fulfills the mandate and direction given at the time of incorporation the Sexualized Violence Implementation Advisory Committee will continue to work on ways to improve the Policy; researching best practices, responding to feedback, and bringing future revisions to the King's community and Board of Governors when there are pieces to be formalized.
- 3) In any of the following that discusses Reports please note that the King's Sexualized Violence Policy distinguishes between *Disclosures* and *Reports* of Sexualized Violence. As the policy states; "The decision to Disclose [informal seeking of support] and the decision to Report [formal documenting of an incident to the University] are separate decisions... Disclosure

occurs when a University Community Member or Visitor who has experienced Sexualized Violence confides in the Sexualized Violence Prevention and Response Officer about the experience... Reporting to the University occurs when an individual who has experienced Sexualized Violence pursues a formal process through the Sexualized Violence Prevention and Response Officer.

### **Coercion Definition**

A definition of coercion was added to the King's Sexualized Violence Policy. The goal of this was twofold; 1) to highlight coercion as a specific and common form of Sexualized Violence and to clarify that the presence of coercion meets the threshold of Sexualized Violence under the Policy. 2) To highlight boundaries around romantic or sexual relationships among members of the King's Community where coercion and / or an imbalance of power dynamics may be present. This added definition, and highlighting note, reads;

**Coercion:** *Occurs when one person puts pressure on someone to do something they might not want to do otherwise. When people are coerced, they are not saying "yes" on their own terms. This looks very different from consensual sexual activity (see definition for "Consent" below). Coercion can be explicit, as it is when verbal forms of pressure or intimidation are used. In the context of sexualized violence, explicit coercion is using manipulation against someone until they give in to sexual advances or romantic encounters. Coercion often takes on less explicit forms as well. For instance, a substantial power imbalance between the involved people suggests coercion is being used by the more powerful person or persons, regardless of their own intention or expressed claims.*

*Related to Coercion and Consent (defined below) is this note on **Romantic or Sexual Relationships Among Members of the King's Community**;*

*a) The purpose of the King's Sexualized Violence Policy is to ensure an environment where sexualized violence is not tolerated. To this end this policy will address sexual and romantic relationships amongst members of the University community. These include, but are not limited to, relations among Undergraduate Students and Dons, TAs, Instructors, Facilities/Hospitality/Cleaning Staff, and Staff employed in administrative capacities. As a general proposition, the University believes sexual or romantic relationships that involve an asymmetrical power dynamic or an imbalance of authority, because of their inherently coercive (see definition of "Coercion" above) nature, are inconsistent with the Sexualized Violence Policy. They have the potential to cause harm to the educational, residential, and/or employment environment of the individual involved and those who work and study with them. The university therefore strongly discourages sexual or romantic relationships where such a power dynamic presents itself.*

*b) In particular, the teaching and learning relationship between an Instructor and a Student must be protected from influences or activities that interfere with learning and personal*

*development. Engaging in romantic or sexual relationships with students is a Conflict of Interest for Instructors and Instructors are to avoid such relationships.*

*c) Any member of the King's community with a complaint or charge of sexual harassment, sexual assault or any other form of sexualized violence involving any other member of the King's Community, which may or may not arise from a romantic or sexual relationship, may seek the support of the Sexualized Violence Prevention and Response Officer.*

### **Discrimination Definition**

Discrimination was not defined in the first iteration of the Policy. There is now an added definition that reads;

***Discrimination:*** *means a difference in treatment and/or attitude--whether from an individual, group, or institution--in response to an individual or group's personal characteristics, such as age; race; colour; religion; creed; ethnic, national or indigenous origin; family status; marital status; sex; sexual orientation; gender identity; physical or mental disability; an irrational fear of contracting an illness or disease; source of income; or political belief, affiliation or activity. In keeping with intersectional principles, the Policy recognizes that Sexualized Violence can be a form of Discrimination against an individual or a group. Intention is not a requirement for discrimination to occur. It is important to note that Universities are spaces historically built on anti-Black, anti-Indigenous, racist, and sexist discrimination. This is a history that persists and impacts the present. King's is working to address this legacy through initiatives like King's & Slavery: A Scholarly Inquiry, the creation of an Equity Officer staff position, and work within and around this Sexualized Violence Policy.*

### **Survivor-Centric Definition**

Being Survivor-Centred is a guiding principle of the King's Sexualized Violence Policy. While this term is used throughout the Policy it was not included in the opening list of definitions. There is now an added definition that reads;

***Survivor-Centric:*** *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. King's recognizes that the limitations and bureaucracy of policy means that there may be times when the enactment of this policy falls short of the goal for a fully Survivor-Centric approach. If and when this occurs the Sexualized Violence Prevention and Response Officer and other relevant campus supports will work with the Survivor/Victim to ensure additional supports and accommodations that can work to fill these gaps.*

### **Incidents Prior to Nov 30, 2018**

Clarification was written to address incidents of Sexualized Violence within the King's community prior to the adoption of the Policy. Incidents before November 30, 2018 cannot be brought to Report due to legal and procedural restrictions. There are still many avenues for safety, accommodation, support, and other responses available for those who bring a

Disclosure of Sexualized Violence that occurred before this date to the Sexualized Violence Prevention and Response Officer. This restriction is for incidents within the King's community that could be brought to Report. Incidents taking place off campus or outside of an individual's time at King's can still be brought to the SVPRO for supports and accommodations.

The added clarification reads;

*8.1.6 The University recognizes that a Member of the University Community or Visitor may have experienced an incident of sexualized violence before this policy took effect (i.e. prior to November 30, 2018), either on or off campus. In these cases, the Member of the University Community or Visitor can avail themselves of the Supports, Services, and Accommodations offered by the University (see section 6). They may also Disclose to the Sexualized Violence Prevention and Response Officer and receive support, academic accommodations, and learn more about options available to them. Incidents which took place before the policy took effect cannot be brought to Report.*

### **Clarifying Purpose and Goals of Interim Measures**

Language was added that clarifies the purpose and goals of any Interim Measures implemented in advance of an Investigation or while Non-Investigative Measures take place. The added clarifications read;

#### *9.1 Purpose and Goals of Interim Measures*

*Interim Measures are not the same as an outcome or a finding. Rather, they are put in place during an Investigation so that a survivor / victim has a safer campus environment to look at their options for accommodations, reporting, and next steps. In some cases, it may be possible for Interim Measures to increase the safety of the Survivor/Victim. Putting these Measures in place quickly once a Report is made can serve several purposes. These include:*

- (i) Supporting the Survivor/Victim's ongoing access to education, work, and residency.*
- (ii) Minimize disruption in the lives of both the Survivor/Victim and the Respondent during the ensuing assessment or investigation.*
- (iii) Minimize challenges for both the Survivor/Victim and the Respondent in emotionally difficult period immediately following a report, to avoid escalating tensions between these parties.*
- (iv) Where appropriate – and with the consent of both parties – the use of Interim Measures may lead to a non-investigative measure at times and avoid the necessity of further investigation. In such a case, the parties and the University may agree that the Interim Measures are implemented permanently.*
- (v) The SVPRO is there to assist a survivor / victim identify what interim measures are applicable to their specific situation and connect with the appropriate University personnel to instill those practices on campus.*

### **Clarifying who has access to documents surrounding Reports of Sexualized Violence under the Policy**

Clarifying language was added in three sections of the Policy to make clear what documents

who be seen by whom throughout a Reporting process. The addition of these clarifications is to uphold and enhance the guiding principles of the King's Sexualized Violence Policy that focus on a Survivor-Centred approach, a commitment to Survivors / Victims, and confidentiality. Being fully informed of who will read documents related to a Report is important for the informed consent of a Survivor / Victim as they decide if they want to initiate a Report. The Sexualized Violence Prevention and Response Officer's role includes ensuring that Survivor / Victims are fully aware of how documents are handled throughout a Report and are supported through this process.

The added clarifications read;

*10.9 (vii) The Investigator will send the confidential investigation report, which may be partially redacted to address any confidentiality concerns, to the Survivor/Victim and to the Respondent, and give them a maximum of seven (7) business days to provide written comments on the report. When sending the report, the Survivor/Victim and Respondent will be advised of available resources.*

*11.4 "Once the majority of the Panel have reached consensus, the Panel will submit a report to the President or Delegate detailing their recommendations for outcomes and/or sanctions. The Sexualized Violence Prevention and Response Officer will inform the Survivor/Victim of any outcomes and/or sanctions to be imposed. The President or Delegate will inform the Respondent(s) of any outcomes and/or sanctions to be imposed. Both the Survivor/Victim and Respondent(s) will receive copies of the Outcome Panel report, which may be partially redacted to address any confidentiality concerns".*

*11.5 The Sexualized Violence Prevention and Response Officer will create a high-level summary after a reporting process and outcome that does not name any of the individuals involved and removes any identifying information. The purpose of this high-level summary is not to focus on the incident of sexualized violence or individuals involved but rather what the Outcomes Panel weighed, considered, and placed importance on while coming to their decision. These summaries will be for members of the Sexualized Violence Implementation Advisory Committee only to act as training and a guide towards consistency in decision making and best practices. These summaries will be kept confidential under the confidentiality provisions of this policy as well as the confidentiality agreement that is signed by all SVIAC members.*

### **Confidentiality Agreement for members of the SVIAC**

A Confidentiality Agreement has been written and approved by King's legal supports for all members of the Sexualized Violence Implementation Advisory Committee to sign. The addition of this Confidentiality Agreement is to uphold and enhance the guiding principles of the King's Sexualized Violence Policy that focus on a Survivor-Centred approach, a commitment to Survivors / Victims, and confidentiality.

The added Confidentiality Agreement reads, in part;

*Members of the Implementation Advisory Committee will occasionally take part in Outcomes Panels, requiring that all information reported under the Sexualized Violence Awareness,*

*Prevention and Response Policy (i.e. names, details, information and outcomes) will be kept confidential to the greatest extent possible. This confidentiality is in accordance with the Freedom of Information and Protection of Privacy Act, and includes:*

*(i) Situations where members are given information but are ultimately unable to sit on the Outcomes Panel for reasons including practical constraints or conflict of interest;*

*(ii) Situations where members are given briefings of a report and outcomes process.*

*Committee members may not be able to maintain confidentiality in situations such as the following:*

*(i) An individual is at risk of harming themselves and/or others;*

*(ii) There is a concern for the health, safety and security of the University community or the broader community;*

*(iii) There is a legal obligation to report to authorities (e.g. incidents of sexualized violence involving a person under 16 years of age) or to cooperate in an extra-University judicial process...*

*In cases where confidentiality cannot be maintained, the person who has disclosed an experience of sexualized violence will be notified of what information will be shared and with whom before the confidentiality has been broken, where it is practical to do so. Efforts will be made to limit the amount of information that is shared and the number of individuals with whom it is shared.*

*Unauthorized breach of confidentiality may result in a Committee member being removed from the Committee or other relevant consequence within University of King's College purview. This Agreement remains binding after the member completes their term on the Committee.*