

## **University of King's College Sexualized Violence Awareness, Prevention and Response Policy**

### **1. Purpose of Policy**

1.1 The University of King's College is committed to ensuring an environment in which any form of Sexualized Violence will not be tolerated. The purpose of this policy is to outline an accountability framework for preventing and responding to Sexualized Violence through the following:

- (i) Coordinated, comprehensive, inclusive, and culturally relevant awareness, training, and education programs.
- (ii) Coordinated, comprehensive, inclusive, and culturally relevant support for students and other King's Community members who have been affected by Sexualized Violence including reasonable and appropriate counselling, health and medical care, peer support, academic accommodation, and other support and accommodations as available from prevailing health and wellness services and resources at the University.
- (iii) Coordinated, comprehensive, inclusive, and culturally relevant prevention programs that take action against Rape Culture within the King's Community.
- (iv) Clear, appropriate, and fair processes for handling Reports of Sexualized Violence covered by this and other University policies.

### **2. Policy Statement**

2.1 Sexualized Violence is a serious and pervasive problem in society and on university campuses. Sexualized Violence means any sexual act or act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical, psychological, or social in nature, that is committed, threatened, or attempted against a person without the person's Consent. Sexualized Violence includes such actions as Sexual assault, Sexual Harassment, cyber harassment, coercion, and sexual exploitation. Through this policy, King's is committed to addressing Sexualized Violence in the King's Community through, awareness, education, training, prevention programs, and support through appropriate response.

2.2 Acts of Sexualized Violence can also be acts of colonial violence, sexism, racism, classism, ableism, homophobia, transphobia, religious bias, or other forms of Discrimination. The University recognizes that there may be higher rates of Sexualized Violence against members of marginalized groups and will strive to implement this policy with an intersectional understanding of the experiences of Survivors/Victims.

2.3 Sexualized Violence can also occur among individuals regardless of sex, gender identity or expression, sexual orientation, racial, ethnic, or cultural background, age, ability, faith,

socioeconomic standing, or academic standing. In addition, Sexualized Violence can occur among individuals regardless of their reputations, social circles, and relationship to one another.

2.4 Sexualized Violence can have serious impacts on an individual's physical, mental, emotional, and spiritual health and wellness. The University of King's College recognizes the possible traumatic effects of Sexualized Violence and shall provide assistance to individuals seeking support as reasonable and appropriate, and as available from prevailing health and wellness services and resources at the University. A formal Report is not necessary in order to access supports.

2.5 This policy applies to all University of King's College Community Members inclusive of students, staff, administrators, faculty, librarians, members of the Board of Governors, and visitors; including adjunct and visiting faculty, volunteers, contractors, and alumni. The policy applies to individuals currently associated with the University in any of the aforementioned capacities, or who were associated with the University when Sexualized Violence occurred.

2.6 The Disclosing and/or Reporting process is available to all University of King's College Community Members and Visitors whether the Sexualized Violence occurred on campus, on other campuses, off campus, online, through various forms of multimedia (including but not limited to photos, videos, text messages, social media, etc.), or while representing or conducting University business.

2.7 Individuals who have experienced Sexualized Violence will receive support and / or accommodation as appropriate and reasonable with respect to disclosures and Reports of Sexualized Violence, regardless of the role of the Respondent in the King's Community. King's is committed to respecting the privacy and confidentiality of all individuals, including the Survivor/Victim, Respondent, and witnesses.

2.8 The University of King's College will take reasonable steps to protect every individual involved in a process included in this policy from Retaliation. The University reserves the right to address the potential for Retaliation by providing appropriate and reasonable accommodations and/or by imposing interim measures appropriate in the circumstances.

2.9 Other University policies and procedures relevant to the subject of Sexualized Violence include the following:

- (i) The University of King's [College Code of Conduct \(Yellow Book\)](#);
- (ii) Policy and Procedures for Prevention of Discrimination and Harassment (Yellow Book pp. 20-27);
- (iii) The University of King's College Employee Handbook (Red Book).

2.10 The University of King's College is a place of academic work. As such, none of the definitions in this Policy shall be construed in such a way to limit or hinder normal and expected academic freedom, expression, or practices, including professional Journalistic practices as set out in the Journalism Ethics Policy.

2.11 In the event of any conflict between this policy and other University policies or procedures, this policy will prevail. In the event that a conflict arises between the provisions of this policy and any relevant collective agreement, the terms of the collective agreement prevail.

### **3. Principles Guiding this Policy**

The University of King's College recognizes that universities can play a significant role in preventing Sexualized Violence, supporting Survivors/Victims, and holding Respondents accountable. The University of King's College is committed to providing and maintaining an environment in which Sexualized Violence is unacceptable and not tolerated and to ensuring procedural fairness.

#### **3.1 Survivor-Centered Approach**

This Sexualized Violence Policy is Survivor-Centered in that the University recognizes that individuals affected by Sexualized Violence are integral decision-makers in situations pertaining to themselves and should be allowed to determine whether and to whom they wish to Disclose or Report, including:

- (i) Whether to pursue formal criminal and/or internal avenues of redress; and,
- (ii) Whether to Disclose to a Support Person and seek out support services.

#### **3.2 Commitment to Survivors/Victims**

The University of King's College recognizes the traumatic effects of Sexualized Violence. The University is committed to a Trauma-Informed Sexualized Violence policy and process. Survivors/Victims at King's shall be treated with compassion, dignity, and respect.

#### **3.3 Supports and Services**

The University of King's College is committed to providing appropriate support and information about options available to Survivors/Victims. Survivors/Victims at the University of King's College shall:

- (i) Be provided with non-judgmental and empathetic supports free from discrimination;
- (ii) Be provided with timely safety-planning assistance;
- (iii) Have confidentiality maintained and any limits to confidentiality explained;

- (iv) Be informed of the procedures in place to address Sexualized Violence;
- (v) Be informed about on and off-campus supports and services available to them, and to receive Survivor/Victim-driven supports and services appropriate to their social identities including race, Indigeneity, economic status, gender identity and expression, sexual orientation, language, age, ancestry, ethnicity, ability, faith, and/or immigration status;
- (vi) Be provided with necessary academic, workplace, extracurricular, and/or housing/dining accommodations as appropriate and reasonable;
- (vii) Decide whether to pursue criminal or non-criminal Reporting options subject to the limits described in this policy;
- (viii) Determine what and how much they choose to Disclose and to whom;
- (ix) Have reasonable and necessary actions taken to prevent further unwanted contact with the Respondent(s);
- (x) Have options for Reporting and/or filing a complaint outlined clearly, and, wherever possible, retain control over the matter and any decision pertaining to their experience, including Reporting to police.

#### 3.4 Confidentiality

The University of King's College recognizes that confidentiality is key to creating an environment and culture where Survivors/Victims feel safe to Disclose and seek support and accommodation. See Section 7 on Confidentiality and the Limits of Confidentiality.

#### 3.5 Prevention and Ongoing Education

The University of King's College recognizes the extreme impact that Rape Culture has on society and will work collaboratively within its Community to develop programs around this serious systemic issue. King's is committed to providing ongoing training, education, prevention and awareness programs aimed at challenging attitudes and behaviours that perpetuate Sexualized Violence and uphold Rape Culture.

3.5.1 The University of King's College will ensure that these programs are communicated to the King's Community. It will maintain a dedicated webpage on Sexualized Violence to keep the King's Community up to date on all prevention and education programs, as well as training opportunities, so that the King's community is aware of the supports, services, and training available.

#### 3.6 University Resources

The University of King's College will support these initiatives through staff training, programming, and education, and related University resources. The University and associated

committees will broadly communicate these initiatives and effectively respond to the needs of the King's Community.

### 3.7 Timely Process

All University of King's College officials in any way associated with the implementation of this policy are required to ensure timeliness of response regarding access to appropriate and reasonable supports, services, and accommodations. Additionally, King's is committed to ensuring that its processes for addressing Sexualized Violence are procedurally fair and promote timely resolution for those making Reports and for Respondents.

### 3.8 Mandated Review

In recognition of evolving knowledge, standards, resources, and legislation, the University is committed to reviewing this Sexualized Violence policy within the first year of its implementation, and at least every **five** years thereafter. The Sexualized Violence Policy Implementation Advisory Committee or Equity Committee shall constitute a review committee that includes representatives from all constituencies of the King's Community. In reviewing the policy members shall consult and obtain comments from the various constituencies.

### 3.9 Yearly Reporting

The Sexual Health and Safety Officer will provide a yearly report to the University of King's College Board of Governors on the progress and implementation of this policy.

## 4. Definitions

**Board of Appeals and Discipline:** hears appeals of recommendations made by the Sexualized Violence **Outcomes** Panel. See Yellow Book p.16

**Complainant:** In law and in many Sexualized Violence policies, an individual directly impacted by Sexualized Violence who has brought forward a Report under this policy. This policy uses "Survivor/Victim" where other policies may use "Complainant."

**Coercion:** In general terms, Coercion occurs when one person puts pressure on another 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 individuals 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 Sexual Health and Safety.

d) For further discussion and guidance please refer to the document *Statement of Principles: Cultivating Healthy Boundaries & Guidelines for Healthy Relationships with Students*.

**Confidentiality:** Confidentiality is an essential principle in creating an environment in which Survivors/Victims of Sexualized Violence feel safe to Disclose, Report, and seek available supports and accommodation. The University will keep Disclosures and Reports of Sexualized Violence confidential to the greatest extent possible and in accordance with the *Freedom of Information and Protection of Privacy Act*. Those consulting this policy should be aware of the limits of Confidentiality as outlined in Section 7.

**Conflict of Interest:** A conflict of interest exists where there is a potential or actual divergence between the personal interests of a University member and that member's obligation to uphold the interests and mission of the University. In a conflict of interest situation, an impartial observer might reasonably question whether actions or decisions taken by the University member on behalf of the university are influenced by consideration of personal interests.

**Consent:** Means an active, direct, voluntary, unimpaired, and conscious choice and agreement to engage in sexual activity.

For clarity:

- (i) A person is incapable of giving Consent if they are incapacitated by drugs or alcohol, asleep, unconscious, or otherwise lacking the capacity to Consent;

- (ii) A person who has been threatened or coerced into engaging in the sexual activity is not Consenting to it;
- (iii) Consenting to one kind of sexual activity does not mean that Consent is given for another sexual activity, and Consent only applies to each specific instance of sexual activity.
- (iv) Consent cannot be given on behalf of another person;
- (v) Consent is active and not passive or silent;
- (vi) Consent cannot be given when there is an abuse of power or authority;
- (vii) Consent cannot be implied and it can be revoked at any time during the act or acts in question.

**Disclosure:** Occurs when a University Community Member or Visitor who has experienced Sexualized Violence confides in the Sexual Health and Safety Officer about the experience.

The University will keep Disclosures and Reports of Sexualized Violence confidential to the greatest extent possible and in accordance with the *Freedom of Information and Protection of Privacy Act*.

**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. At the time of this writing 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.

**Imminent Risk:** An urgent informed decision that an act of harm to an individual or individuals is about to occur or may occur.

**Instructor:** A person on campus whose role is to teach and / or supervise the academic work of students. This includes those who teach within the classroom and virtual classroom, such as professors, faculty fellows, people who teach in limited-term roles, and those who serve in support roles, such as guest lecturers, teaching assistants, and writing coaches.

**Intersectionality:** Intersectionality acknowledges the intersections of social identities and social oppressions. An intersectional approach considers the fact that Sexualized Violence can overlap and interact with experiences of colonialism, sexism, racism, classism, ableism, homophobia, or transphobia.

**Investigator:** Refers to an individual trained in best practices in the evolving field of investigating Sexualized Violence who may be external or internal to the University available to conduct investigations under this Policy.

**King's Community Member:** see University/University of King's College/King's Community Member.

**No-Contact Directive:** A requirement that a person have no direct or indirect contact, including but not limited to in-person, phone, text, email, social media, or through a third party, with a specified individual, individuals, or group as outlined in a written communication from the University.

**Notice of Prohibition:** A notice to a particular individual or to particular individuals that they are prohibited from all or a part of University Property.

**Rape Culture:** A culture that normalizes, trivializes, and excuses Sexualized Violence or blames Survivors/Victims for having experienced Sexualized Violence. Rape Culture can be expressed through dominant societal ideas, prevalent attitudes, social practices, media content, or through institutions that condone Sexualized Violence either implicitly or explicitly.

**Report:** Reporting to the University occurs when an individual who has experienced Sexualized Violence pursues a formal process (i.e. makes a Report) through the Sexual Health and Safety Officer. The Survivor/Victim should be made aware that a formal Report has the potential to initiate an investigation. Individuals affected by Sexualized Violence are not required to Report an incident of Sexualized Violence to access the supports, accommodations, or other resources outlined in this policy.

**Respondent:** The person or persons whose actions are Reported as constituting Sexualized Violence.

**Retaliation:** Retaliation refers to conduct that may prevent a person from making or responding to a Report or Disclosure or from otherwise participating in this policy. Retaliation may also refer to actions that cause or are reasonably perceived to cause adverse impacts on individuals because of their involvement in a Disclosure or Report under this policy. Retaliation is also referred to as reprisal.

**Sexual Assault:** Any physical contact made by a person or persons towards another without their Consent. It is characterized by a broad range of sexual acts, carried out in circumstances in which the persons have not freely Consented to or are incapable of Consenting to sexual



activity. Sexual Assault includes unwanted kissing, fondling, touching, penetration of any kind, or any unwanted act of a sexual nature. It is determined by a lack of Consent and not by the act itself.

For those seeking criminal recourse see the *Criminal Code*, RSC 1985, c C-46, s 271.

**Sexual Harassment:** a course of unwanted behaviours, communications, or remarks of a sexual nature and/or a course of unwanted behaviours, communications, or remarks based on gender in which the behaviours, communications, or remarks are unwanted. It includes, but is not limited to:

- (i) Sexual solicitations, advances, suggestive comments and gestures (including songs and chants), remarks; the inappropriate display of sexually suggestive pictures, posters, objects, or graffiti;
- (ii) Non-consensual sharing of pictures, aggressive comments, and slurs on any form of social media and multimedia;
- (iii) Physical contact of a sexual nature;
- (iv) Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.

**Sexualized Violence:** Any sexual act or act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical, psychological, or social in nature, that is committed, threatened, or attempted against a person without the person's Consent. Sexualized Violence includes such actions as Sexual assault, Sexual Harassment, cyber harassment, and sexual exploitation.

**Sexualized Violence Outcomes Panel:** A three-member panel appointed by the Chair of the Sexualized Violence Policy Implementation Advisory Committee each time an investigation is conducted. The Panel receives and reviews the investigation Report submitted by the appointed Investigator in order to provide recommendations for outcomes and/or sanctions to the President or delegate if there is a finding Sexualized Violence occurred, and to ensure procedural fairness. **Members of the Sexualized Violence Outcomes Panel are chosen from the members of the Sexualized Violence Policy Implementation Advisory Committee.**

**Sexual Health and Safety Officer:** The University officer with the primary responsibility to assist individuals affected by Sexualized Violence. The Sexual Health and Safety Officer provides coordination, support, and services for those who have experienced Sexualized Violence; receives Disclosures and Reports; facilitates safety planning and assists Survivors/Victims through the Disclosure and/or Report processes. (Former title: Sexualized Violence Prevention and Response Officer.)

**Sexualized Violence Policy Implementation Advisory Committee:** A committee composed of King's Community members and the Sexual Health and Safety Officer and tasked with overseeing Sexualized Violence awareness and prevention programming. **The SHSO, alongside the co-chairs, will organize a minimum of one professional development session a year, determined by the skills and expertise present on the committee, to enhance capacity.**

**Student:** In addition to individuals enrolled with the University of King's College the category of "student" includes;

- (i) exchange or study abroad students;
- (ii) students who are learning on King's campus for a specific class but are actually enrolled primarily at another institution, such as a Dalhousie Student who is taking a King's class, or a student from Nova Scotia College of Art and Design or another school who is taking a King's class on a Letter of Permission;
- (iii) students who are in high school and are temporarily learning on our campus as part of a specific program or event, such as Humanities for Young People.

**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 application of and / or adherence to this policy falls short of the goal for a fully Survivor-Centric approach. If and when this occurs the Sexual Health and Safety 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.

**Survivor/Victim:** In this policy, an individual who identifies their experience as Sexualized Violence shall be referred to as a Survivor/Victim. The University recognizes that experiences vary from person to person and that the use of the terminology "Survivor/Victim" may not adequately describe the experiences of some individuals who have been affected by Sexualized Violence. While Survivor/Victim is used throughout the policy, the University respects the right of the individual to identify with their preferred terminology. An individual does not need to identify with the terminology "Survivor/Victim" to be represented by this policy.

**Support/Resource Person:** An individual who accompanies another person Reporting, Disclosing, or Responding under this policy.

**Third Party:** A member of the University Community or Visitor who has witnessed, has knowledge of, or has reasonable concerns about an incident of Sexualized Violence but is not the Survivor/Victim.

**Trauma-Informed:** Trauma-Informed refers to an approach that takes into consideration the profound and complex physical, psychological, and social impacts of Sexualized Violence.

**University/University of King's College/King's Community Member:** For the purposes of this policy, University/University of King's College/King's Community Members are understood to include students, staff, administrators, faculty, librarians, and members of the Board of Governors. The policy applies to individuals currently associated with the University in any of the aforementioned capacities, or who were associated with the University when Sexualized Violence occurred.

**University Property:** University Property means property owned, rented, or otherwise used by the University of King's College.

**University Report:** In rare cases where King's has reason to believe there is an imminent risk to any member of the King's community, the Dean of Students/Vice President may decide to take responsive action, even if the survivor/victim decides not to Disclose or Report. If it is determined that the risk and/or impact of the information brought forward to the University necessitates a Report and/or Investigation this can proceed under the Sexualized Violence Policy. A University Report will be processed and responded to by the University in a manner that is consistent with the University's core values and principles set out in sections 2 and 3 of the Policy (including support and resources for any reporting Third Party). It will also be conducted in the same manner as a Report and/or Investigation in accordance with the procedures set out in sections 8, 9, 10, 11, and 12 of this Policy, with the following key differences:

- a. all references to Report shall be read as University Report;
- b. the person bringing forward information (i.e. Survivor/Victim who decides not to Disclose or Report formally, or a Third Party with direct information) will not be required to participate in any way;
- c. the person bringing forward information is entitled to support from the SHSO but will not have access to further Report documents (i.e. Respondent's response, Investigation Report, Outcomes Panel Report, final Presidential decision, etc.).

**Visitor:** The definition of Visitor is someone who is not a Member of the University Community but someone engaged in activities on the University's property or with Members of the University Community and includes, but is not limited to, contractors, agents, vendors, and visiting scholars.

## 5. Sexualized Violence Awareness, Education, and Training

The University, in collaboration with the Sexual Health and Safety Officer, will work with campus partners to develop and implement an annual education strategy to:

- (i) Promote a culture of Consent and healthy relationships;
- (ii) Address issues of Sexualized Violence and Rape Culture;
- (iii) Promote bystander intervention strategies;
- (iv) Facilitate access to supports for Community Members affected by Sexualized Violence;
- (v) Promote awareness of the Sexualized Violence Policy and procedures for responding to Sexualized Violence.

5.1 The Sexual Health and Safety Officer will collaborate with students, faculty, staff, and administration to adapt existing content and lead the development of new content and content delivery.

5.2 Awareness, education, and training initiatives will take an Intersectional approach to understanding Sexualized Violence.

5.3 The University will make training related to the policy and procedure therein available for staff, faculty, students, members of the Board of Governors, and administration.

## 6. Supports, Services, and Accommodations

Survivor/Victims can access certain supports and services on their own at any time without

Disclosing or Reporting at King's. See Appendix II for a list of supports and services, including contact information.

If and/or when a Survivor/Victim chooses to Disclose, the Sexual Health and Safety Officer or other designated and trained King's Community member can advise of supports and services,

as well as accommodations available to King's Community Members and Visitors. See Appendix I for a list of supports and services, including contact information.

A Survivor/Victim is not required to Report an incident of Sexualized Violence in order to access supports, services, and/or accommodations that do not involve the Respondent(s).

6.1 A Survivor/Victim can receive reasonable and appropriate accommodations, in consultation with the Sexual Health and Safety Officer and other University staff/faculty as necessary. Accommodations will follow the University procedures, policies, and precedents/standards. Such accommodations include, but are not limited to:

- (i) Safety planning;
- (ii) Referrals to counselling, legal, and or medical assistance;
- (iii) Academic accommodations (e.g. extensions on assignments, deferrals of exams, withdrawing from classes without academic or financial penalty, continuing studies from home, extensions on King's library book loans or forgiveness of library fines);
- (iv) Accommodations extending to communal spaces on the King's campus (e.g. laundry facilities, the Manning Room, Prince Hall, the Wardroom, the Wilson Common Room, King's Library, the King's Gym);
- (v) Alternative living accommodations, if a Survivor/Victim is living in a King's residence;
- (vi) Information about Reporting and other complaint options.

If the involvement of the Respondent(s) is required, see Section 9 for Interim Measures, since Reporting may be required.

6.2 King's Community Members who are supporting Survivor/Victims or are witnesses to Sexualized Violence may contact the Sexual Health and Safety Officer for support, resources, and information. See Appendix II for a list of supports and services, including contact information.

6.3 Respondent(s) also have access to supports and services, and can receive more information through the Vice-President or, if the Respondent is a student, the Dean of Students. See Appendix II for a list of supports and services, including contact information.

## **7. Confidentiality and Limits of Confidentiality**

7.1 Confidentiality is an essential principle in creating an environment in which Survivors/Victims of Sexualized Violence feel safe to Disclose, Report, and seek available supports and

accommodation. The University will keep Disclosures and Reports of Sexualized Violence confidential to the greatest extent possible and in accordance with the *Freedom of Information and Protection of Privacy Act*.

7.2 Information regarding Disclosures and Reports will be shared only with those individuals who need to know in order to address an incidence of Sexualized Violence, to provide support, or as required by law. The identity of the Survivor/Victim and the Respondent will be anonymized whenever possible. The Survivor/Victim will be notified of the limits of confidentiality at the first available opportunity when Reporting or Disclosing.

7.3 Recognizing that parties, particularly students, may benefit from personal and professional supports throughout the process of a Report, Survivor / Victims and Respondents may wish to share details and documents of a Report with professionals and other support people in their life (i.e. lawyers, parents, mental and physical health care professionals). In these instances, the Survivor / Victim / Respondent is asked to inform the SHSO what information they wish to share and with whom they wish to share the information. The SHSO will contact the individual(s) to sign a University of King's College Sexualized Violence Awareness, Prevention and Response Policy Confidentiality Agreement (see Appendix III) unless they are already covered by their own professional standards (i.e. a lawyer or therapist).

7.4 The University 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.

7.5 In cases where Confidentiality or anonymity cannot be maintained, the Survivor/Victim 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.

7.6 If the Survivor/Victim chooses to Report, this process will require the Respondent(s) be informed of the Survivor/Victim's identity and the material allegation(s) to maintain procedural fairness.

7.7 Participants in an Investigation, including the Survivor/Victim, Respondent(s), witnesses and Support Persons, will be advised of the need for Confidentiality to protect the integrity of the Investigation and will be advised to refrain from discussing the matter while the process is

ongoing. Any information shared with witnesses will be limited to what is reasonably necessary to conduct a fair and thorough Investigation.

7.7.1 The obligation to keep information confidential does not prevent a person from pursuing counselling and/or other support services.

7.8 Breaches of this obligation will be addressed by the University in accordance with the *Code of Conduct (Yellow Book)* and penalties may be applied.

7.9 The University through the Sexual Health and Safety Officer will collect anonymized data with respect to incidences of Sexualized Violence for the purposes of research, education, compliance with statutory recording requirements, Reporting or similar needs.

## 8. Disclosure and Reporting

8.1.1 The decision to **Disclose** and the decision to **Report** are separate decisions. Subject to the University's legal obligations, a Disclosure does not trigger a Report being made or initiate an investigation. An individual who has experienced Sexualized Violence can make a Disclosure and choose to Report at a later date.

8.1.2 The University recognizes that a Member of the University Community or Visitor may require time before deciding whether they wish to make a Disclosure or Report and as such there is no deadline to make a Disclosure or Report (see Sections 8.1.6 and 8.1.7).

8.1.3 The University recognizes that some individuals may be hesitant to Disclose or Report Sexualized Violence in cases in which they have been drinking, regardless of age, or using drugs at the time the incident of Sexualized Violence took place. A Survivor/Victim who Discloses or Reports Sexualized Violence will not be subject to actions for violations of the University's policies related to drug and alcohol use at the time that the incident of Sexualized Violence took place.

8.1.4 Reporting Sexualized Violence to the University does not prevent an individual from pursuing redress through the criminal justice system (i.e. Reporting the incident to the police) or through other available processes such as the Human Rights Commission in Nova Scotia, the Nova Scotia Criminal Injuries Compensation Board, or through the civil courts. Equally, Reporting through police or other mechanisms does not prevent an individual from also Reporting to the University.

8.1.5 Where there are external proceedings (e.g. police investigation or criminal proceeding, civil proceeding, investigation, or adjudication by the applicable human rights commission, an investigation or adjudication by the applicable provincial regulatory body, or a Report at another University) pending against a Member of the University Community for conduct related to a Report, the President of the University of King's College or Delegate (in consultation with the

Sexual Health and Safety Officer) may, but does not have to, defer the processing of a Report. That deferral will be on such terms and conditions as are appropriate in the circumstances (including an interim suspension and notice to the union where the Respondent is represented by a union) until the conclusion of all or part of the external proceedings. Conviction of a criminal offence or a finding that provincial human rights legislation has been breached will be considered on its face evidence of a parallel violation under this Policy.

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 Sexual Health and Safety 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

8.1.7 There is no time limitation for when someone can bring a report of Sexualized Violence to the Sexual Health and Safety Officer, providing it occurred after November 30, 2018. As long as one or more of the individuals involved in the incident are currently active King's community members (i.e. enrolled as a student or employed as faculty or staff), Survivor/Victims are encouraged to discuss with the Sexual Health and Safety Officer what the Reporting process could provide for them. If an incident of Sexualized Violence occurred within the King's community and none of the parties are currently active in the King's community, a Survivor / Victim is still encouraged to reach out to the Sexual Health and Safety Officer to discuss support and accommodations that may still be relevant and applicable to them.

## **8.2 Disclosure Procedures**

8.2.1 Disclosure occurs when a University Community Member or Visitor who has experienced Sexualized Violence confides in the Sexual Health and Safety Officer about the experience. Other Members of the University Community may be approached by a Survivor/Victim about an experience of Sexualized Violence. Such members are expected to listen compassionately and without judgement, and to inform the Survivor/Victim about this Policy, and refer the Survivor/Victim to the Sexual Health and Safety Officer for further information and options.

Disclosing can assist an individual in seeking out support and services, as well as in learning about options for assistance, including the procedure to make a formal Report. Survivors/Victims determine when, what, and how much they choose to Disclose, and to whom. Disclosure does not result in a Report being made or initiate an Investigation.

8.2.2 Those approached by a Survivor/Victim can access the Sexual Health and Safety Officer to receive further information to support the individual who has experienced Sexualized Violence and/or to receive supports for themselves (see Appendix I).



8.2.3 When a Disclosure is made, the Sexual Health and Safety Officer will ask the Survivor/Victim what their needs are and will inform the Survivor/Victim of supports and services available if they wish to access them. Those supports and services may include, but are not limited to the following:

- (i) Safety planning and protective measures;
- (ii) Referrals to and information about counselling, legal, and / or medical assistance, including those available through Dalhousie's Student Health and Wellness Centre for the University's students, and, in consultation with the King's Human Resources Manager, services available to the University's employees. Information about available resources external to the University Community (e.g. SANE, the Halifax Sexual Health Centre, Avalon Sexual Assault Centre) will also be shared;
- (iii) Academic accommodations (e.g. extensions on assignments, deferrals of exams, dropping classes, continuing studies from home, extensions on King's library book loans or forgiveness of library fines);
- (iv) Accommodations extending to communal spaces on the King's campus (e.g. laundry facilities, the Manning Room, Prince Hall, the Wardroom, the Wilson Common Room, King's Library, the Gym);
- (v) Alternative living accommodations, if a Survivor/Victim is living in a King's residence;
- (vi) Information about Reporting and other complaint options.

8.2.4 University Reports are possible when a) a Disclosure of Sexualized Violence is made by a Third Party with direct information or b) a Survivor/Victim decides not to Disclose or Report formally. The University will assess the Disclosure to identify any significant threat to the health and safety of Community Members. The University will determine how best to proceed in accordance with its legal obligations, including any relevant Collective Agreements.

Responsibility for decision-making and response for a University Report is shared between:

- i. The SHSO; and
- ii. The Dean of Students, if any of the immediate survivor/victim(s) or respondent(s) is a student; and/or
- iii. The Vice President, if any of the immediate the survivor/victim(s) or respondent(s) is a faculty or staff member.

In responding to information brought forward, King's will balance:

- i. The privacy, confidentiality, and wishes of any identifiable Survivor/Victim; and
- ii. King's legal duty to provide a safe learning, working, and living environment.

In rare cases where King's has reason to believe there is an imminent risk to any member of the King's community, the Dean of Students/Vice President may decide to take responsive action, even if the survivor/victim decides not to Disclose or Report. If it is determined that the risk and/or impact of the information brought forward to the University necessitates a Report and/or Investigation this can proceed under the Sexualized Violence Policy. A University Report will be processed and responded to by the University in a manner that is consistent with the University's core values and principles set out in sections 2 and 3 of the Policy (including support and resources for any reporting Third Party). It will also be conducted in the same manner as a Report and/or Investigation in accordance with the procedures set out in sections 8, 9, 10, 11, and 12 of this Policy, with the following key differences:

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

- b. the person bringing forward information (i.e. Survivor/Victim who decides not to Disclose or Report formally, or a Third Party with direct information) will not be required to participate in any way;
- c. the person bringing forward information is entitled to support from the SHSO but will not have access to further Report documents (i.e. Respondent's response, Investigation Report, Outcomes Panel Report, final Presidential decision, etc.).

### **8.3 Reporting Procedures**

8.3.1 Reporting to the University occurs when an individual who has experienced Sexualized Violence pursues a formal process through the Sexual Health and Safety Officer. The Survivor/Victim should be made aware that a formal Report has the potential to initiate an Investigation.

8.3.2 Formal Reports will normally be directed to the Sexual Health and Safety Officer, who is normally responsible for processing formal Reports.

8.3.3 At any meeting with the Sexual Health and Safety Officer to discuss submission of a Report, a Survivor/Victim may be accompanied by a Support or Resource Person of their choosing. Support and Resource Persons should be aware that they may be called as a witness if an Investigation is initiated.

8.3.4 The decision to Report Sexualized Violence is the choice of the person who has experienced Sexualized Violence. In addition, that individual has the right to subsequently withdraw the Report at any time and has the right not to participate in the University Investigation (see Section 10.6). If a Report is withdrawn, appropriate and reasonable University supports and accommodations are still available for the Survivor/Victim. In the event that a Report is withdrawn, a record of the Report will be retained by the Sexual Health and Safety Officer.

8.3.5 A formal Report is a written document submitted by the Survivor/Victim. The Survivor/Victim may meet with the Sexual Health and Safety Officer for guidance and assistance in writing and submitting this Report. The Survivor/Victim may ask the Sexual Health and Safety Officer to draft a Report for the Survivor/Victim to review and submit. A Report must include: the names of the Survivor/Victim and the Respondent(s); a detailed description of the behaviour that forms the basis of the Report; and a recommendation for the outcome sought by the Survivor/Victim.

8.3.6 Upon receipt of a Report, the Sexual Health and Safety Officer will determine the following:

- (i) Whether the incident(s) of Sexualized Violence involve(s) a University Community Member or Visitor;
- (ii) Whether the *Sexualized Violence, Awareness, Prevention and Response Policy* or another University Policy applies;
- (iii) Whether it is necessary to liaise with counterparts at Dalhousie to co-ordinate Reporting procedures.

8.3.7 If the Sexual Health and Safety Officer determines that no further action will be taken with respect to the Report, they will inform the Survivor/Victim in writing and, if possible, orally or in person, providing an explanation of the reason for this decision. The Sexual Health and Safety Officer will also advise the Survivor/Victim of appropriate and reasonable supports and resources. This communication will be made as soon as possible and within 10 university business days. If new information is subsequently provided, this decision may be re-evaluated.

8.3.8 If the Report can be acted upon, the Sexual Health and Safety Officer will consult with the Survivor/Victim and determine whether the Report will be placed under Investigation or processed with Non-Investigative Measures (i.e. informal resolution with restorative measures; see Section 10.8.a.1). In making such a determination, the following will be considered:

- (i) The informed and non-coerced choice of the Survivor/Victim: The Survivor/Victim's preference after receiving information about Investigations (see Section 10.9) and Non-Investigative Measures (see Section 10.2);
- (ii) The safety of all parties and Members of the University Community generally;
- (iii) Any necessary pre-conditions for restorative measures, as applicable; including the Respondent's willingness to participate in resolution options that require active voluntary participation (if such options are pursued);
- (iv) Any applicable collective agreement or employee handbook.

## 9. Interim Measures

Upon receipt of a Report of Sexualized Violence, the University, in consultation with the Sexual Health and Safety Officer, will consider and may impose interim measures that are appropriate to ensure a safe environment on campus for the Survivor/Victim, Respondent(s), other King's Community Members and Visitors.

### 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 the following:

- (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 the 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 Sexual Health and Safety Officer is there to assist a survivor-/victim to identify what interim measures are applicable to their specific situation and connect with the appropriate University personnel to implement those practices on campus.

9.2 Interim measures may include, but are not limited to the following:

- (i) A No-Contact Directive;
- (ii) Restriction or suspension of campus privileges;
- (iii) A Notice of Prohibition to alter or suspend a Respondent's access to all or part(s) of the University campus;
- (iv) Separation of academic and/or living situations of the Survivor/Victim and any Respondent;
- (v) Temporary administrative suspension;
- (vi) Other interim restrictions or measures permitted in relation to a Respondent under the University's Code of Conduct, College Regulations, and Policies and Procedures for the Prevention of Discrimination and Harassment as set out in the [Yellow Book](#) as well as Residence Guidelines and the Athletics Code of Conduct.

## **10. Assessment, Non-Investigative Measures, and Investigation**

10.1 Upon receipt of a Report under section 8.3, the Sexual Health and Safety Officer will consult with the Survivor/Victim and determine whether the Report should be placed under Investigation or processed with Non-Investigative Measures (i.e. informal resolution with restorative measures). This decision will be made as soon as possible and within 10 University business days given the considerations outlined in 8.3.

10.2. The Survivor/Victim will be notified in writing if the Sexual Health and Safety Officer determines that an Investigation or Non-Investigative measure is not feasible. The Sexual Health and Safety Officer will provide reasons for this determination and provide the Survivor/Victim the option of discussing the decision in person.

10.3 Every Survivor/Victim has the right not to participate in an Investigation, or to participate selectively in order to maintain a sense of personal comfort and safety. In any event, a Survivor/Victim is still entitled to access available supports and receive appropriate accommodations as outlined in this policy.

10.4 All Investigations will be conducted in accordance with principles of procedural fairness including the following:

- (i) the Survivor/Victim and Respondent will receive written notice of the investigation, with an option for an in-person discussion;

- (ii) the Respondent will know the nature of the allegations and be given an opportunity to respond to the allegations;
- (iii) the Survivor/Victim, Respondent, and any other witness(es) can be assisted at the investigation by a Support Person of their choice; and,
- (iv) the Respondent has the right to be apprised of, and to respond to, any new information obtained during the Investigation
- (v) The SHSO will provide notifications and updates on the progress of the Report to all parties and be a point of communication for questions.

10.5 At any point, the Survivor/Victim may request, through the Sexual Health and Safety Officer, that an Investigation not proceed, be paused, or be discontinued. The University may investigate the Report to the best of its ability if there is a significant threat to the health and safety of Community Members.

10.6.1 If this is the case, the University will inform the Survivor/Victim in writing, with the option of an in-person discussion, and include their reason for pursuing a separate Investigation.

10.7 At any point during the Investigation process, Non-Investigative Measures (see Section 10.8.a) may begin if feasible under section 8.3.8.

#### 10.8 Non-Investigative Measures:

- a. If the Report proceeds under Non-Investigative Measures, the Sexual Health and Safety Officer will determine culturally sensitive outcomes. Such outcomes will vary depending on the nature of the Report and may include but are not limited to the following:
  - (i) Address of Impact: The Survivor/Victim communicates to the Respondent in writing or in person in order to address the impact of the Respondent's behaviour on the Survivor/Victim and their community;
  - (ii) Apology and/or Statement of Accountability: The Survivor/Victim requests that the Respondent meaningfully communicate, in writing or in person, an apology to the Survivor/Victim and/or an acknowledgement of their behaviour and its impact on the Survivor/Victim and their community;
  - (iii) Commitment to Changed Behaviour: The Survivor/Victim communicates to the Respondent, in writing or in person, the expectations they have of the Respondent's behaviour moving forward and the Respondent agrees, verbally and in writing, to commit to changing their behaviour in the outlined ways;

- (iv) Facilitation: The Survivor/Victim requests that the Sexual Health and Safety Officer facilitates a discussion between themselves and the Respondent that is centred on constructive resolutions, addressing underlying causes of behaviour, and building a sense of community around shared community values;
- (v) Individual Accountability Measures: The Survivor/Victim requests, or the Respondent commits, to individual programming such as therapy;
- (vi) Other processes or interventions of a restorative nature.

- b. Where remedial or restorative outcomes are pursued, necessary pre-conditions for restorative measures will be met as applicable. These preconditions include the Respondent's willingness to participate in resolution options that require active voluntary participation (if such options are pursued);
- c. Further, the Respondent will be provided with the following:
  - (i) written notice that a Report has been brought against them and that at this time the Report will be proceeding under the Non-Investigative Measures;
  - (ii) a copy of the Report and this Policy; details of available resources for student Respondents and right to have present a Support Person of their choice throughout the process for employee Respondents;
  - (iii) a reminder that information learned under Non-Investigative Measures may be used if a Report subsequently moves to an Investigation;
  - (iv) a reminder that this Policy prohibits Retaliation.
- d. Where interim measures are required, the Sexual Health and Safety Officer will give written notice to the Respondent of any interim measures being imposed.
- e. The Sexual Health and Safety Officer will work with all applicable parties to identify outcomes desired and design processes to achieve those outcomes.
- f. Information shared by the Survivor/Victim and the Respondent under Non-Investigative Measures can be used if the matter subsequently proceeds under the Investigation. It will also be disclosed to outside parties, including police, if such disclosure is required by law.



g. If the Respondent is not willing to voluntarily participate in the desired remedial, or restorative outcomes, the Sexual Health and Safety Response Officer may, after considering the factors outlined in section 8.3 of this Policy, decide to proceed with an Investigation.

h. Where, after reasonable efforts have been made by the Survivor/Victim and the Sexual Health and Safety Officer to achieve the desired outcomes, those outcomes have still not been reached, the Sexual Health and Safety Officer may, after considering the factors outlined in section 8.3 of this Policy, decide to proceed with an Investigation.

#### 10.9 Investigations

- a. If the Report will proceed under an Investigation, the University will:
- (i) Provide written notice to the Respondent that a Report has been brought against them. That notice will include a copy of the Report, a copy of this Policy, details of procedures that will be followed, including the fact that an investigation will be proceeding. The notice will also include details of any interim measures imposed, support services available, the right to have present a Support Person of their choice throughout the process and a reminder that this Policy prohibits Retaliation.
  - (ii) Provide the Respondent ten (10) University business days to provide a formal written response to the Report;
  - (iii) Offer the Survivor/Victim the opportunity to receive a copy of the Respondent's written response to the Report, if one is received;
  - (iv) Appoint an Investigator; and
  - (v) Provide the Investigator with all materials submitted by the Survivor/Victim and the Respondent.

- b. If the Respondent does not provide a written response to the Report, the Sexual Health and Safety Officer will provide written notice to the Respondent that the allegations in the Report are unchallenged and that the University will proceed on that basis.
- c. All steps under Investigation will be completed in a timely manner, having regard to the circumstances surrounding a particular Report, this Policy, and requirements of fairness and due process. Wherever possible, the Investigation, including the submission of the investigation Report, will be completed within 60 calendar days of the receipt of the materials by the Investigator pursuant to section 10.9.a(v) of this Policy.
- d. The Investigator will conduct the Investigation in a manner that is consistent with this procedure and the principles set out in section 3 of this Policy. This procedure requires the following:
  - (i) The Investigator will treat all information received in the course of the investigation in accordance with the Confidentiality provisions outlined in section 7 of this Policy and will remind all individuals involved in the investigation of those provisions.
  - (ii) The Investigator will give written notice to the Survivor/Victim and Respondent that the allegations set out in the Report will be investigated;
  - (iii) The Investigator will not require the Survivor/Victim to participate in the investigation but may, however, request additional clarifying information or evidence to supplement the Report or names of any potential witnesses. **The Investigator is prohibited from asking the Survivor / Victim(s) irrelevant questions about their past sexual history.**
  - (iv) Where the Survivor/Victim has received the Respondent's written response to the Report, the Survivor/Victim will be provided an opportunity to submit any additional information they wish to provide;
  - (v) The Respondent will be given a reasonable opportunity to attend an interview with the Investigator and to provide names of any potential witnesses;
  - (vi) Following each interview, the individual interviewed will be provided with a written summary of the interview and provided a reasonable opportunity to provide comments on the accuracy of the summary;

- (vi) At the conclusion of the investigation, the Investigator will prepare a written confidential investigation Report that expresses an opinion as to whether or not, on a balance of probabilities (i.e. more likely than not), the Respondent has committed an act of Sexualized Violence against the Survivor/Victim and provide reasons for the opinion. Reasons will include opinions on credibility, a description of what information for consideration was accepted and was not, and a weighing of that information.
  
- (vii) 10.9 (vii) The Investigator will send the confidential investigation Report, which may be partially redacted to address any Confidentiality concerns, to the Sexual Health and Safety Officer to send to the Survivor/Victim and to the Respondent. When sending the Report, the Survivor/Victim and Respondent will be advised of available resources. The Survivor/Victim and Respondent will have a maximum of seven (7) business days to provide written comments on the Report.
  
- ~~(vii)~~(viii) The Sexual Health and Safety Officer, will then give a copy of these materials to the Sexualized Violence Outcomes Panel where the Survivor/Victim and Respondents are students and to the Equity Officer and/or the Vice-President where either the Survivor/Victim or Respondent is an employee.

## 11. Outcomes and Sanctions

11.1 The Chair of the Sexualized Violence Policy Implementation Advisory Committee or Delegate will nominate three Committee members to form a Sexualized Violence Outcomes Panel each time an Investigation is conducted. To the extent possible, the composition of the Panel will include representation reflective of the Survivor/Victim and Respondent(s).

11.1.1 No member of the Panel shall have a Conflict of Interest with the Survivor/Victim or the Respondent(s). In the event that a Conflict of Interest is brought forward, the Chair will inform the Panel member and the Chair or Delegate will nominate another member from the Sexualized Violence Policy Implementation Advisory Committee.

11.2 The Panel will receive and review the Investigation Report, including documents received and reviewed by the Investigators to conduct their Report, submitted by the appointed Investigator in order to provide recommendations for outcomes and/or sanctions to the President or Delegate if there is a finding Sexualized Violence occurred, and to ensure procedural fairness.

11.2.1 Depending on the affiliation of the Respondent(s) to the University, possible outcomes and/or sanctions may include but are not limited to:

- (i) Loss of privileges;

- (ii) Conditions imposed on an individual's continued presence on campus;
- (iii) Other outcomes pursuant to the University of King's College Code of Conduct (*Yellow Book*);
- (iv) Other measures or accommodations as outlined in Section 6;
- (v) Restorative measures as suggested in Section 10.8.a;
- (vi) Other outcomes pursuant to applicable collective agreement or employee handbook.

11.3 The Survivor/Victim and the Respondent(s) may make a personal statement to the Panel in response to the Investigation Report.

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 Sexual Health and Safety 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 Sexual Health and Safety 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 Policy 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 in accordance with this Policy and used only for training and to guide the Sexualized Violence Policy Implementation Advisory Committee towards best practices and consistency in decision making.

## **12. Appeals**

Appeals may be made to the Board of Discipline and Appeal, as outlined in the University of King's College Code of Conduct (*Yellow Book* appendix "Appeals and Discipline" (drawn from the By-laws, Rules and Regulations of the University of King's College (*Blue Book*) Part VII).

### **12.1 Grounds for Appeal**

12.1.1 A Respondent subject to sanctions following a decision under the policy may appeal the sanctions recommended by the Sexualized Violence Outcomes Panel if one or both of the following applies:

- (i) A denial of natural justice: A serious procedural error was made during the processing of the Report that caused prejudice to the Respondent and/or might have affected the final outcome;
- (ii) The decision is clearly unreasonable or unsupportable by the evidence.

12.1.2 A Survivor/Victim may appeal a finding and/or sanctions imposed by the Sexual Violence Outcomes Panel if one or both of the following applies:

- (i) A denial of natural justice: A serious procedural error was made during the processing of the Report that caused prejudice to the Survivor/Victim and/or might have affected the final outcome;
- (ii) The decision and/or sanction are clearly unreasonable or unsupportable by the evidence.

**12.2 Appeals by Respondent(s) or Survivor / Victim(s) must be submitted within 10 University business days of the receipt of the final Outcome Decision.**

### **13. Policy Review**

13.1 The University recognizes that Sexualized Violence on university campuses is an evolving issue. The University will revisit this policy, its associated resources and other related University policies as appropriate.

13.2 The University will review this policy within the first year and every two years as necessary thereafter, in consultation with constituencies, and will amend the policy as appropriate.

### **Appendix I: Other Applicable Policies**

Criminal Code of Canada  
Section 271 (Sexual Assault) - 273 (Aggravated Sexual Assault)  
See also Section 273.1 (Meaning of Consent)  
<http://laws-lois.justice.gc.ca/eng/acts/C-46/page-64.html#docCont>

Dalhousie University Sexualized Violence Policy  
[www.dal.ca/dept/university\\_secretariat/policies/human-rights---equity/sexualized-violence-policy.html](http://www.dal.ca/dept/university_secretariat/policies/human-rights---equity/sexualized-violence-policy.html)

University of King's College Yellow Book

- (i) University of King's College Code of Conduct (page 4)
- (ii) Policy and Procedure for Prevention of Harassment (page 20)
- (iii) Policy and Procedures for Concerns Regarding Accessibility and Requests for Accommodation (page 28)

<http://policies.ukings.ca/wp-content/uploads/2017/01/YellowBook.pdf>

Nova Scotia Human Rights Commission

Criminal Injuries Compensation Regulations

<https://novascotia.ca/just/regulations/regs/vrscomp.htm>

### **Appendix III: Confidentiality Agreement for Sexualized Violence Policy Implementation Advisory Committee**

#### **Confidentiality Agreement**

#### **University of King's College Sexualized Violence Awareness, Prevention and Response Policy Policy Implementation Advisory Committee / Outcomes Panel Members**

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The University of King's College recognizes that Confidentiality is key to creating an environment and culture where people who have experienced Sexualized Violence feel safe to disclose their experience and seek support and accommodation.

Members of the Sexualized Violence Policy 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 on 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.

Committee members will notify the Sexual Health and Safety Officer if they feel the need to disclose information received in the course of their work on the Policy Implementation Advisory Committee. The Officer will offer guidance regarding any such disclosures.

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.

Committee member name:

Committee member signature:

Date:

**Appendix III: General Confidentiality Agreement for the University of King's College Sexualized Violence Awareness, Prevention and Response Policy**

**University of King's College Sexualized Violence Awareness, Prevention and Response Policy Confidentiality Agreement**

**University of King's College**

The University of King's College recognizes that confidentiality is key to creating an environment and culture where people who have experienced sexualized violence feel safe to disclose their experience and seek support and accommodation. It is also integral to the procedural fairness all parties of a Sexualized Violence Policy Report are due.

As an individual who has had access to information and / or documents related to a Report of sexualized, you commit to keeping all such information and / or documents confidential to the greatest extent possible. Individuals 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.

Individuals will notify the Sexual Health and Safety Officer if they feel the need to disclose information learned in relation to Report documents. The Officer will offer guidance regarding any such disclosures.

Unauthorized breach of confidentiality may result in relevant consequence within University of King's College purview and policies.

This Agreement remains binding after the resolution of a Report.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix IV: Resource List**

Resource	Survivor/Victim				Support Person	Respondent
	Student	Faculty & Staff	Visitor	UKC Community Member		
<b>Medical</b>						
<i>Avalon SANE Response Line</i> 902-425-0122 avaloncentre.ca/ Available 24/7. Post-sexualized violence medical care. Serves: All Genders (Including Trans) and All Ages.	✓	✓	✓	✓		
<i>Avalon SANE Business Line</i> 902-422-6503 avaloncentre.ca/ Mon.-Fri: 8.30am-12.30pm; 1:30pm-4.30pm Post-sexualized violence medical care. Serves: All Genders (Including Trans) and All Ages.	✓	✓	✓	✓		
<i>EHS</i> 911	✓	✓	✓	✓		
<i>Dalhousie Health and Wellness</i> 902-494-2171 www.dal.ca/campus_life/health-and-wellness.html Serves: King's and Dalhousie Students	✓					
<i>Dal Purple Folder</i>	✓	✓	✓	✓		



A list of Dal and community resources for survivors/victims						
<i>Halifax Sexual Health Centre</i> 902-455-9656 hshc.ca/ Serves: All Genders, LBGTQQAAP positive, Youth and Adults.	✓	✓	✓	✓		
<b>Mental Health/ Counselling</b>						
<i>Mental Health Mobile Crisis Unit</i> 902-429-8167 or 1-888-429-8167 (toll-free) Available 24/7. Serves: Children, Youth, and Adults who are experiencing mental health distress or crisis.	✓	✓	✓	✓	✓	✓
<i>EHS</i> 911	✓	✓	✓	✓	✓	✓
<i>Dalhousie Health and Wellness</i> 902-494-2171 www.dal.ca/campus_life/health-and-wellness.html Serves: King's and Dalhousie Students	✓				✓	✓
<i>PEGaSUS</i> 902-494-2704 HRES@dal.ca www.dal.ca/dept/hres/sexual-violence/pegasus.html Psycho-Educational Group Serves: All Genders (Including Trans)	✓	✓	✓	✓		
<i>Dalhousie Blue Folder</i> www.dal.ca/campus_life/health-and-wellness/faculty-staff/blue-folder.html A list of resources at Dal and in the community for students in distress	✓	✓	✓	✓	✓	✓
<i>Avalon Sexual Assault Centre</i> 902-422-4240 avaloncentre.ca/	✓	✓	✓	✓	✓	

Individual and Group Counselling Serves: Female and Transgender Survivor/Victims; Support Persons.						
<i>Robert S. Wright</i> 902-491-4286 www.robertswright.ca/ Services: Man Talk (Group Counselling for Male Survivor/Victims); Individual Therapy for Individuals and Families; Free Counselling Clinics for Low Income Individuals.	✓	✓	✓	✓	✓	✓
<i>NS Mi'kmaq Crisis and Referral Line</i> 1-855-379-2099 (toll-free) www.eskasonimentalhealth.org/ Available 24/7 Serves: NS Mi'kmaq.	✓	✓	✓	✓	✓	✓
<i>Hope for Wellness</i> 1-855-242-3310 www.hopeforwellness.ca/ 24/7 mental health and crisis intervention Serves: Indigenous Canadians.	✓	✓	✓	✓	✓	✓
<i>New Start (Dartmouth)</i> 902-423-4675 www.newstartcounselling.ca Services: individual and group counselling for female survivors/victims; individual and group counselling for male respondents.	✓	✓	✓	✓		✓
<i>Bridges (Truro)</i> 902-897-6665 www.bridgesinstitute.org/ Services: anger management and domestic abuse counselling for male respondents; individual counselling for their partners.	✓	✓	✓	✓		✓

<b>Legal</b>						
<i>Halifax Regional Police – Emergency</i> 911	✓	✓	✓	✓	✓	✓
<i>King's Security</i> 902-430-7938	✓	✓	✓	✓	✓	✓
<i>Halifax Regional Police – Non-Emergency</i> 902-490-5020	✓	✓	✓	✓	✓	✓
<i>Dal Security</i> 902-494-4109 (Emergency) 494-6400 (General) <a href="http://www.dal.ca/dept/facilities/services/security-services/contact.html">www.dal.ca/dept/facilities/services/security-services/contact.html</a> Services: Can assist with police reporting options.	✓	✓	✓	✓	✓	✓
Legal Advice for Sexual Assault Survivors Program 211 <a href="http://novascotia.ca/sexualassault/legaladvice/">novascotia.ca/sexualassault/legaladvice/</a> Services: Free legal advice to sexualized violence survivors/victims	✓	✓	✓	✓		
<i>Victim Services</i> 902-424-3309 or 1-888-470-0773 (toll-free) <a href="http://novascotia.ca/just/victim_services/">novascotia.ca/just/victim_services/</a> Services: support to child and adult victims of crime and criminal injuries counselling	✓	✓	✓	✓		
<i>Dal Legal Aid Service</i> 902-423-8105 <a href="http://www.dal.ca/faculty/law/dalas.html">www.dal.ca/faculty/law/dalas.html</a> Serves: Those who would not otherwise be able to obtain legal advice.	✓	✓	✓	✓	✓	✓
<b>Peer Support</b>						
<i>Duty Don</i> 902-233-1994 Available Every Day 4pm-8am.	✓	✓	✓	✓	✓	✓
<i>Dean-on-call</i> 902-499-0071	✓	✓	✓	✓	✓	✓

Available Every Day 4pm-8am.						
<i>Dean of Students</i> Katie Merwin katie.merwin@ukings.ca 902-422-1271 ext. 131 Mon.-Fri. 9am-5pm	✓	✓	✓	✓	✓	✓
<i>Sexual Assault and Harassment Phonenumber</i> 902-425-1066 dsu.ca/survivorsupport Every Day 12pm-12am Anonymous active listening and support Serves: survivors/victims and those affected by sexualized violence.	✓	✓	✓	✓	✓	
<i>South House Sexual and Gender Resource Centre</i> 902-494-2432 southhousehalifax.ca/ Serves: women and all people dealing with oppression based on their sexuality; LGBTTTQQAAP Positive.	✓	✓	✓	✓	✓	
<i>Peer Support Workers</i> Select office hours on weekdays	✓				✓	
<i>Patrol</i> 902-225-4119	✓				✓	
<b>Equity Services</b>						
<i>King's Equity Officer</i>	✓	✓	✓	✓	✓	✓
<i>Dal Human Rights &amp; Equity Services</i> Melissa MacKay 902-494-2704 melissa.mackay@dal.ca	✓	✓	✓	✓	✓	✓
<i>Dal Ombudsperson</i> 902-494-2665 ombuds@dal.ca www.dal.ca/campus_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html	✓	✓	✓	✓	✓	✓
<i>King's Employee Assistance Program</i> Morneau Shepell		✓			✓	✓

1.844.880.9142 www.morneaushepell.com/ ca-en						
<b>Academic</b>						
<i>Dr. Sue Dodd</i> Associate Director of FYP 902-422-1271 ext. 209 susan.dodd@ukings.ca Serves: FYP students	✓				✓	✓
<i>Dalhousie Student Accessibility Centre</i> access@dal.ca 902-494-2836 www.dal.ca/campus_life/ac ademic- support/accessibility.html	✓				✓	✓
<i>Black Student Advising Centre</i> Oluronke Taiwo 902-494-2210 taiwooa@dal.ca www.dal.ca/campus_life/co mmunities/black-student- advising.html Serves: Black students of african descent.	✓				✓	✓
<i>Indigenous Student Centre</i> 902-494-8863 dal.ca/indigenous Serves: Indigenous Students.	✓				✓	✓
<i>International Student Services</i> 902-494-1566 international.centre@dal.c a www.dal.ca/campus_life/int ernational-centre.html Serves: International Students.	✓				✓	✓
<b>Shelters and Housing</b>						
<i>Bryony House Women and Children Shelter</i> Shelter Number: 902.423.7183; 24 Hour Distress Line: 902.422.7650 info@bryonyhouse.ca http://www.bryonyhouse.ca	✓	✓	✓	✓		

<p><i>Metro Turning Point Men's Shelter</i> 902.420.3282 www.shelternovascotia.co m/facilities-and- services/metro-turning- point</p>	✓	✓	✓	✓		
<p><i>Tenants Facing Domestic Violence Program</i> 1-888-470-0773 novascotia.ca/just/victim_S ervices/tenant_facing_dom estic.asp Serves: Victims of domestic violence with year-to-year or fixed term leases.</p>	✓	✓	✓	✓		