

# DALHOUSIE UNIVERSITY

# SEXUALIZED VIOLENCE POLICY

## EXECUTIVE SUMMARY

### BACKGROUND

In 2016 a Memorandum of Understanding between the Province of Nova Scotia and Nova Scotia universities was signed and the Province established a Sexual Violence Prevention Committee tasked with making recommendations to universities by 2017. Its report, "Changing the culture of acceptance: Recommendations to address sexual violence on university campuses," includes 10 recommendations. Recommendation #9 addresses the need to support post-secondary institutions in developing standalone policies to address sexual violence.

Dalhousie created a Sexualized Violence Policy Advisory Group that worked from January 2017–January 2018 to develop the Policy. This group included members from across the University and worked in consultation with faculty and the Dalhousie community.

The purpose of the Policy is to prevent sexualized violence; to increase awareness of the impacts of sexualized violence and the options, resources, and services available to those who have experienced it; and to provide a timely, coordinated, consistent, and fair response to disclosures and reports of sexualized violence.

The University created this Policy through specific committee work, campus-wide consultation of faculty, staff and students and multiple opportunities for the community to provide feedback on successive versions.

### POLICY APPLICATION *(Section B)*

- The Policy applies to all students, faculty and staff of the University and visitors.
- This Policy applies to alleged incidents that occur on campus or off campus during University-related programs, operations, or activities; through the use of university-owned property or equipment; or in the case of non-University activities where the conduct has a substantial connection to the University.
- This Policy replaces the Sexual Harassment Policy and falls under the joint authority of the Board of Governors and Senate.
- Human Rights & Equity Services (HRES) is responsible for the administration of the Policy. The Sexualized Violence Advisor (SVA) in HRES is trained to help individuals who have experienced sexual violence.

### DEFINITIONS *(Section C)*

**Complainant:** the member of the University community who has made a Disclosure or Report of an experience of sexualized violence.

**Disclosure:** the sharing of information by a member of the University community or visitor with the SVA, about an experience of sexualized violence.

**Investigative Stream:** the process where a Report is investigated, and where disciplinary, remedial or educational outcomes may result.

**Investigator:** refers to the person selected from a pool of individuals trained to conduct investigations under the Investigative Stream of this Policy.

**Member(s) of the University Community:** faculty, staff, and students of Dalhousie University and others engaged in activities under the auspices of the University.

**Non-Investigative Stream:** the process where a Report is addressed without an investigation through remedial, educational and/or restorative outcomes.

**Report:** a written statement of allegations submitted to the SVA by the Complainant about an experience of sexualized violence.

**Respondent:** a Member of the University Community who the Complainant is alleging committed an act of sexualized violence.

### SEXUALIZED VIOLENCE *(C1)*

Sexualized violence is a physical or psychological act of violence that attempts to threaten, intimidate, coerce, or engage any unwelcome behaviour of a sexual nature against someone without that person's consent. Sexual assault and sexual harassment are subsets of sexualized violence.

Sexualized violence undermines the full, free, and safe participation of everyone learning, and working conditions, environments, and experiences.

# PROCEDURES *(Section F)*

## DISCLOSURES & REPORTS *(F2)*

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- A member of the University community may choose to make a Disclosure or submit a Report to the University, and/or report a sexual assault to the Police.
- There is no deadline to make a Disclosure or Report.
- A Complainant can, at any time, choose to discontinue accommodations provided through the Disclosure or Report processes or to stop participating in the processing of their Report.
- Members of the University Community or Visitors who witness or have concerns about an act of sexualized violence are encouraged to contact the SVA, and can do so anonymously.

## DISCLOSURE PROCESS *(F3)*

- A Disclosure does not result in a Report being made and does not initiate the Investigative or Non-Investigative Streams.
- The SVA will listen compassionately without judgment and inform the Complainant about this Policy.
- The SVA will ask the Complainant what their needs are and will inform them of support and services available.
- Once the Complainant has made a Disclosure, they have the option of submitting a Report.

## REPORT PROCESS *(F3)*

- When a Complainant makes a Report to the University, the SVA determines whether the Report will be addressed through Investigative or Non-Investigative Process Streams. The SVA makes this determination using the criteria (section F4.1.e) that prioritizes the choice of the Complainant and safety of Members of the University Community generally. Before being asked to engage in any process, the Respondent will receive a copy of the written Report provided by the Complainant and a copy of the Policy as well as referrals to appropriate advocacy and supports. Interim measures may be imposed on a Respondent to ensure safety and wellbeing or if there is evidence of a threat posed by the Respondent.
- A Complainant may also Report to Police.
- Reporting to the Police and University are not mutually exclusive. In the event of simultaneous Reports to Police and the University, the University may pause processing the Report until the criminal process is complete. When doing so, conditions may be imposed by the University.
- In the event that the Policy does not apply, the SVA may still be accessed as a resource for supports and accommodations.
- Under some circumstances (section F7.2) the University may choose to proceed with a Report without the consent or active participation of the Complainant. The Complainant is not required to participate but may choose to be informed of the process.

## CONFIDENTIALITY *(F1)*

Disclosures and Reports of sexualized violence will be kept confidential to the greatest extent possible, within the limitations described in section F1 (p.8).

# PROCEDURES *(Section F)*

## PROCESS STREAMS

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### NON-INVESTIGATIVE STREAM *(F5.1)*

- No investigation is performed.
- Outcomes will typically be remedial, educational, and/or restorative and will vary depending on the nature of the Report. See examples in section F5.1.a (p.15).
- The SVA will consult with all parties to identify desired outcomes.
- A report proceeding under the non-investigative stream may shift to investigative if the Respondent is unwilling to participate or unable to achieve the outcomes of the process (after reasonable efforts by the SVA and Complainant).

\*Internal investigator recruitment and development planning is currently underway by a working group including members from the Office of the Ombudsperson, Student Affairs, Security Services, and HRES. Training for internal investigators will include bias- and trauma-informed investigative techniques along with standard administrative investigation skills.

### INVESTIGATIVE STREAM *(F5.2)*

- The Respondent is notified of the Report and given an opportunity to respond in writing within 10 days (the response is disclosed to the Complainant who also has a chance to respond).
- An Investigator is assigned. It may be an internal or external investigator with appropriate training\* and skills to undertake an investigation.
- The Investigator receives materials (Report and responses) and will contact the parties or witnesses for interviews. The Complainant is not required to participate but may choose to.
- The Investigator will submit a confidential Investigation Report within 60 days that includes a finding as to whether the Respondent has committed an act of sexualized violence against the Complainant.
- This is distinct from criminal justice investigations. It is an administrative justice model, with the standard of proof being the balance of probabilities (i.e. more likely than not) rather than beyond a reasonable doubt.
- Copies of the Investigation Report (redacted for confidentiality) will be provided to the parties and both have an opportunity to respond. The Investigation Report and responses go to the Vice-Provost Student Affairs (if the Respondent is a student) or Assistant Vice-President, Human Resources (if the Respondent is an employee).

## OUTCOMES & DISCIPLINARY MEASURES

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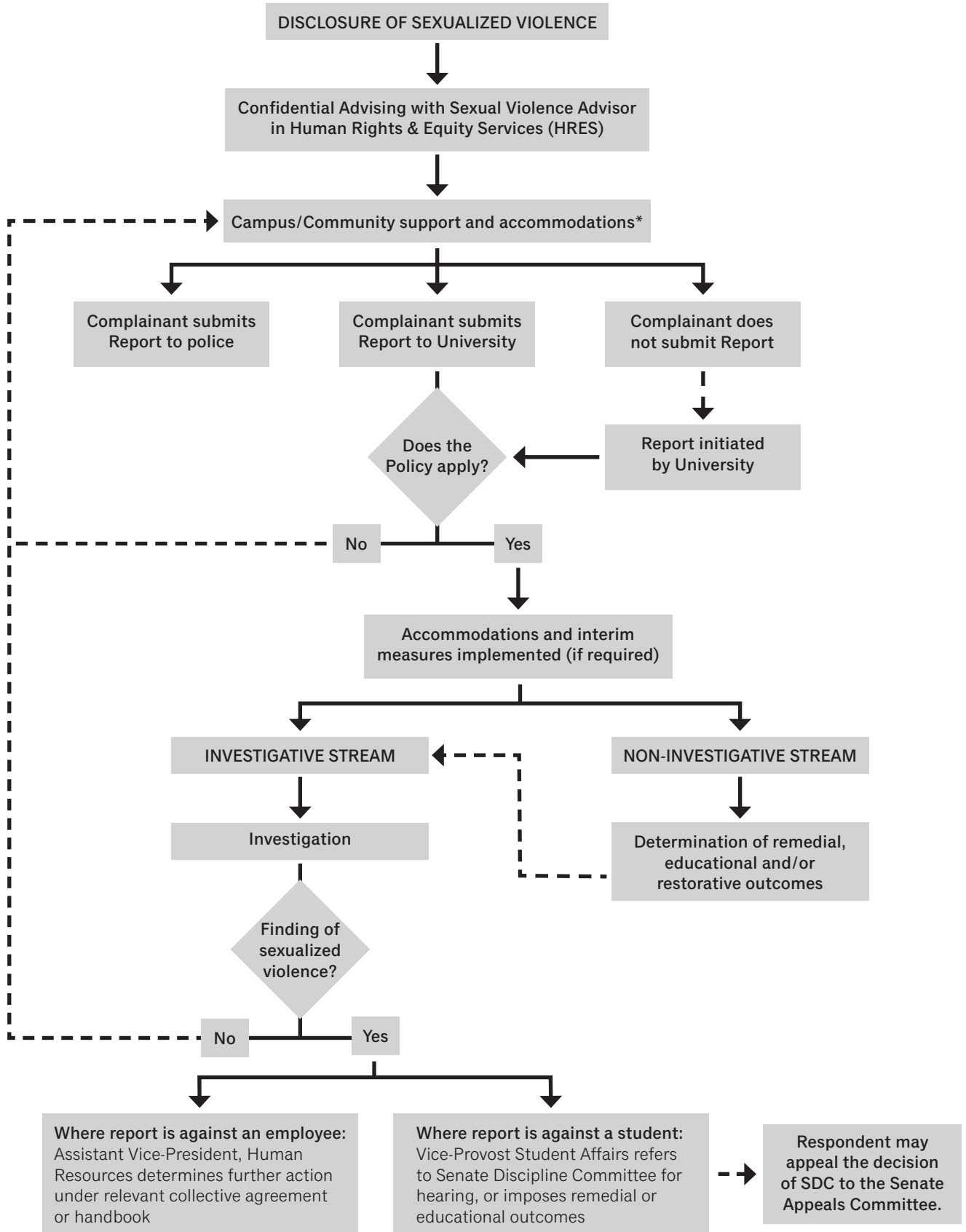
### STUDENT RESPONDENT *(F5.3)*

- If the Investigation does not find that the Policy has been breached, the process ends. Supports and resources continue to be available to the Complainant and Respondent.
- In the case of a finding of sexualized violence, the Vice-Provost Student Affairs may choose to impose remedial or educational outcomes, or refer the matter to the Senate Discipline Committee (SDC) for a hearing. The Complainant and Respondent will be advised of the decision in writing.
- SDC hearings will be conducted in accordance with SDC procedures. Potential sanctions are listed in section F5.3.e (p.19). The Complainant and Respondent will be advised of the decision in writing.
- The Respondent may appeal the SDC's decision to the Senate Appeals Committee.

### EMPLOYEE RESPONDENT *(F5.4)*

- The Assistant Vice-President, Human Resources and the Respondent's administrative head will review the Investigation Report and determine what further actions should be taken, under the relevant collective agreement or handbook.
- The Assistant Vice-President, Human Resources will advise the Complainant and the Respondent in writing of their decision, and provide them with information on available resources.

# APPLICATION OF SEXUALIZED VIOLENCE POLICY



Notes:

\*Support offered through employee agreements and handbooks is available throughout the process to complainants and respondents.

- - - - Indicates an optional pathway