

# SEXUALIZED VIOLENCE POLICY

## Executive Summary

### Background

The University occupies a special place in society as an intellectual community with a responsibility for the discovery and sharing of knowledge. This aspiration can only be fulfilled with a commitment from all members of the University community to a living, learning and working environment that is free of discrimination, harassment, and violence.

Sexualized violence undermines the full, free, and safe participation of all members of the university community by creating intimidating, hostile, or unsafe living, learning and working conditions, environments and experiences, which can negatively impact an individual's academic and/or employment performance and status.

This comprehensive Policy applies to all members of our Dalhousie Community including students, faculty, and staff, as well Visitors. This Policy is one of the main components for strategic action to prevent and respond to sexualized violence. The purpose of the Policy is three-fold:

1. To prevent sexualized violence by indicating the seriousness with which the University views and responds to this issue;
2. To be educational, in that its existence will increase awareness of the impacts of sexualized violence and of options, resources and services available to those who have experiences sexualized violence and members of University community generally; and
3. To provide timely, coordinated, consistent and fair response to disclosures and reports of sexualized violence

### 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 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. A Report must include the names of all parties; a detailed description of the behaviour and an indication of the redress sought.

**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)

- . 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.
- . In the event that systemic concerns of sexualized violence have been raised with the Sexualized Violence Advisor, the Advisor, in consultation with the appropriate Vice-President will determine whether and/or what further procedures or actions should be initiated to address the overarching concerns.

### **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 or Human Rights Commission 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.

### **INTERIM MEASURES (F4.3)**

- a. Interim measures are non-disciplinary conditions that may be imposed upon a Respondent where the allegations in a Report would, if proven, constitute sexualized violence, and
- (i) with regard to all of the circumstances, are necessary to ensure (a) the safety and wellbeing of the Complainant, Respondent, and other Members of the University Community or (b) the integrity of any potential investigation, or
  - (ii) where there is evidence that the Respondent poses a threat of disruption or of interference with the operations of the University or the activities of Members of the University Community.

### **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

### 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).

### 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 SVA acts as a liaison to the Investigator & support person to the Complainant throughout the Investigation.
- . 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).

\*Internal investigator recruitment and development planning is an ongoing process within HRES to ensure investigator development stays in line with evolving promising practice. Training for internal investigators will include bias- and trauma-informed investigative techniques along with standard administrative investigation skills.

## Outcomes & Disciplinary Measures

### 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.

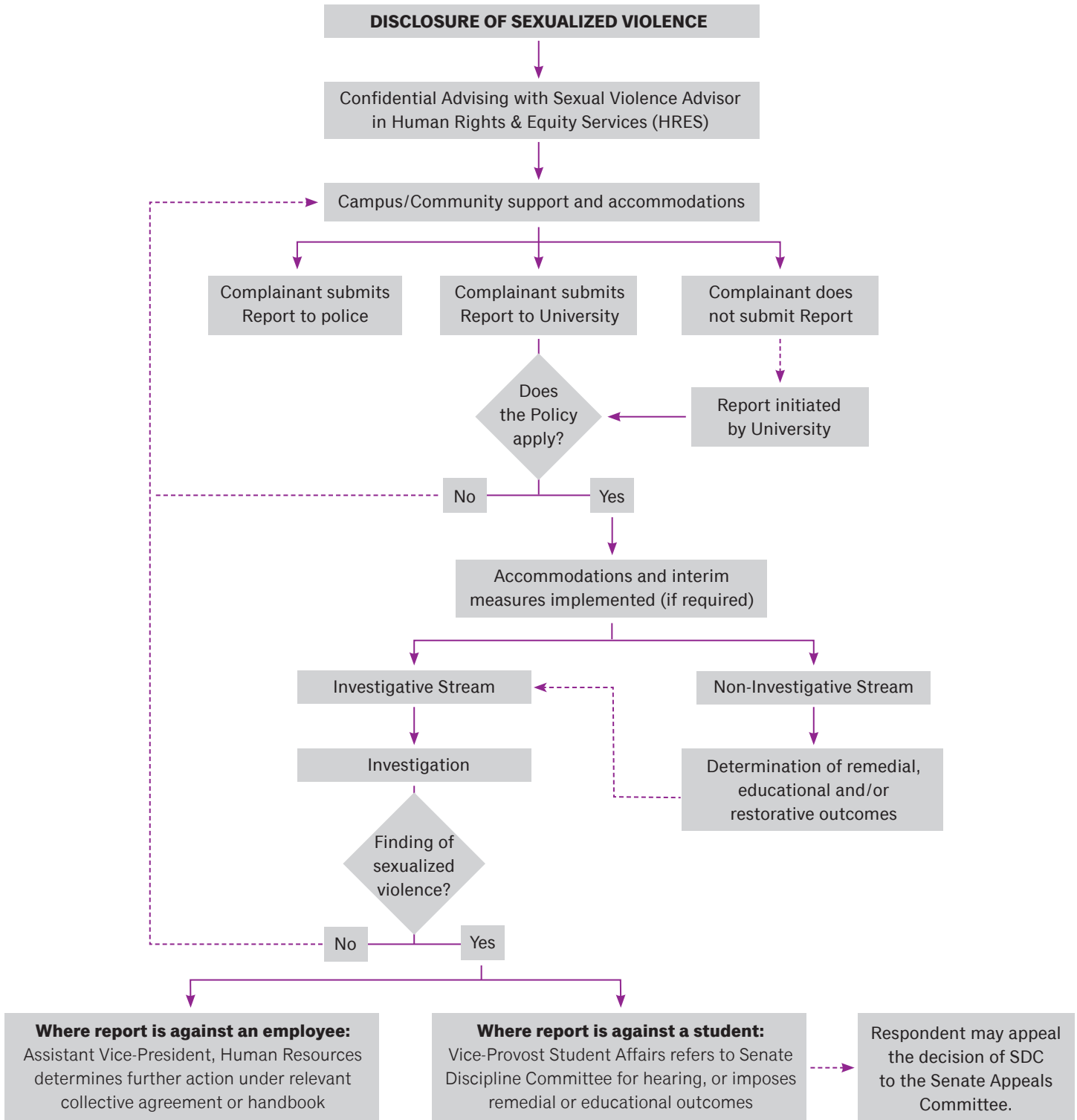
### EMPLOYEE RESPONDENT (F5.4)

- . 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.

*The University will not tolerate any retaliation or the threat of retaliation against any person on account of a Disclosure, Report, or an expressed intention to submit a Report under this Policy. (D.12)*

# APPLICATION OF SEXUALIZED VIOLENCE POLICY

(Reporting to the Sexualized Violence Advisor)



Note: - - - - - indicates an optional pathway

Please note: For the definitive process under the policy, please refer to the Sexualized Violence Policy at [dal.ca/hres](http://dal.ca/hres)