

## **POLICIES and PROCEDURES**

Responsible Unit	Human Resources
Last Reviewed/Updated	November 2020
Approving Sector Head	Vice-President Finance & Administration and CFO
Policy	<b>Sexualized Violence Policy</b>

### **1 Purpose and Scope**

- I. Sexualized violence is not tolerated by Acadia University. Anyone who comes forward with a disclosure or report of having experienced sexualized violence will be believed and respected in their choices as to how to proceed. They will be entitled to decide whether they wish to access available services, which services they believe will be most beneficial, and whether or not to report to police or University authorities.
  
- II. Acadia recognizes that sexualized violence is a serious and systemic problem, including on university and college campuses. This societal problem is perpetuated by oppression and power, within a culture in which prevalent attitudes, norms, and social practices tolerate, normalize, justify, excuse or outright condone sexualized violence. These attitudes and social responses normalize sexual coercion and shift blame onto those who have experienced sexualized violence. Acadia will work to implement and maintain an environment of safety and equity and to dismantle these attitudes, norms, and social practices that exist in society. The University will engage in education and prevention activities, including specialized training of relevant campus leaders, to build an environment of safety and equity.
  
- III. The University will strive to provide sexualized violence response and support that is:
  - a. confidential, within the limits defined in this Policy
  - b. respectful of the dignity and privacy of individuals
  - c. non-judgmental, empathic, and compassionate
  - d. trauma-informed
  - e. timely
  - f. transparent
  - g. accessible
  - h. culturally relevant and intersectional
  - i. survivor-centred
  - j. respectful of the rights of all parties
  - k. adherent to principles of due process and procedural fairness
  
- IV. As a result of the historical trauma inflicted by colonization in Canada, all Indigenous people – women, girls, gender-diverse people, men, and boys – face higher rates of violence and death due to all forms of violence. The legacies of this colonial history and trauma are detailed in *Reclaiming Power*

*and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* (2019). Acadia University is located in Mi'kma'ki, the homeland and unceded territory of the Mi'kmaq People, and is part of this colonial history. Acadia is committed to providing culturally safe and appropriate responses and supports for Indigenous people.

- V. Given inequitable power structures in society, some individuals and groups experience sexualized violence at higher rates. Every effort to address sexualized violence should be grounded in an intersectional understanding that each person's experience is unique. These experiences may be shaped by many factors, including but not limited to unequal power relations within the University Community, societal hierarchies, oppression, toxic masculinity, and privilege. Survivors can also experience many and varying barriers to disclosing, reporting, and/or seeking support. These barriers can differ based on the lived experience of the survivor. Acadia strives to reduce these barriers in order to better support survivors.
- VI. The Acadia University Sexualized Violence Policy applies to all members of the Acadia University Community: faculty, staff, administrators, students, contracted employees working on university property or on behalf of the university, and visitors and guests of Acadia University or of members of the University Community. It is meant to provide an overarching framework to guide members of the Acadia Community who are survivors, who have been accused, witnesses, bystanders, and anyone who is supporting a person in this process.
- VII. The Sexualized Violence Policy is inclusive of all Acadia University property and events hosted, sponsored by, controlled by or associated with Acadia University, university related travel including but not limited to travel by sports teams and study, experiential education, teaching or research conducted off-campus. This Policy also extends to private events off-campus where the university may have an interest. Acadia University cannot monitor the environment external to the campus, however, university organizations/teams/clubs or representatives of Acadia may be held responsible for their actions off-campus.
- VIII. Acadia University has other policies and procedures in place that pertain to sexualized violence, including the Acadia University Policy against Harassment & Discrimination. The Acadia University Sexualized Violence Policy is intended to complement these policies and does not assume precedence over any other university policy, collective agreement, or prevailing laws.
- IX. For further clarity, the procedures described in this Policy will be followed in all instances when the Complainant and Respondent are both students and for all Complainants who are members of the University Community. When the Respondent is a faculty member, the procedures described in Article 14 of AUFA's Fifteenth Collective Agreement will be followed. When the Respondent is an employee and a member of SEIU, the procedures described in Article 13 of the SEIU's Collective Agreement will be followed.
- X. The Sexualized Violence Policy in no way negates or impedes an individual's right to pursue a course of action through legal means, including pursuant to the Nova Scotia *Human Rights Act* or through the criminal justice system. All elements of this Policy comply with, and are subject to applicable laws, including the Nova Scotia *Human Rights Act*, the Nova Scotia *Occupational Health and Safety Act* and the *Criminal Code of Canada*.

## Table of Contents

1	Purpose and Scope	1
2	Definitions	5
3	Administrative Structure	11
4	Confidentiality	13
5	Rights of Those Who Have Experienced Sexualized Violence	14
6	Rights of the Respondent	14
7	Protection from Reprisal and Threat of Reprisal	15
8	Amnesty Provisions for Alcohol and Other Substance Use	15
9	Procedures	15
9.1	Process of Disclosure	15
9.1.1	Disclosure Initiated by Complainant (Internal Disclosure)	15
9.1.2	Disclosure Initiated by Other Party	16
9.2	Reporting Process	16
9.2.1	Reporting Process Following an Internal Disclosure	16
9.3	Accommodations	17
9.4	Interim Measures	17
9.5	Investigative Stream	18
9.5.1	Investigative Process	18
9.5.2	Outcomes and Disciplinary Measures	20
9.5.3	Process of Appeal	21
9.6	Non-Investigative Stream	22
9.7	University Report Process	23
9.8	Parallel Criminal Proceedings (External Reporting)	24
10	Training and Preventative Measures	24
10.1	Training to Administer and Implement Sexualized Violence Policy	24
10.1.1	Sexualized Violence Response and Education Coordinator	25
10.1.2	Other Staff Responsible for Administering Policy	25
10.1.3	Faculty, Students, Staff	25
10.2	Education and Preventative Measures Around Rape Culture and Consent	25
11	Collection and Use of Information	25
11.1	Aggregate Data Collection	26
12	Community Alert Program	26
13	Resources and Related Policies, Procedures, and Legislation	27

13.1	Internal Resources	27
13.2	External Resources	28
13.3	Related Policies and Procedures	30
13.4	Legislation	30
14	Transition Between Versions of the Sexualized Violence Policy	31
15	Executive Summary	32

## 2 Definitions

- I. In this policy,
  - a. 2SLGBTQIA+: An acronym used to represent individuals who identify as two-spirited (as well as questioning, pansexual or unsure), lesbian, gay, bisexual, transgender, queer, intersex, or asexual. Sexual orientation exists on a continuum and, therefore, there are other identities individuals may use which are not listed under this term.
  - b. Accessibility: Accessibility can include, but is not limited to, providing appropriate services and supports to people with disabilities, accessible infrastructure, and maintaining plain language documentation, in order to ensure that equitable care and services are provided.<sup>1</sup> Acadia is committed to making all protocols, procedures, outreach, and support spaces related to this Policy accessible to all members of the University Community, including those who have visible disabilities, deafness or are hard of hearing, intellectual or developmental learning and mental health disabilities.
  - c. Administrative Head: The appropriate Dean, Director, Chair, Associate Vice-President, Provost, Vice-President, President, or other administrator normally responsible for initiating disciplinary action against an employee.
  - d. Advocate: An individual who serves to help support and assist a survivor of sexualized violence, including providing assistance and support throughout the investigative and non-investigative stream processes. The advocate will typically be the Sexualized Violence Response and Education Coordinator or someone of the survivor's choosing.
  - e. Anti-oppression: An action that requires giving up power, being inclusive of all groups, of all marginalized groups, having representation from these groups and having joint decision-making about policy, procedures and practices (source: [www.oacas.org](http://www.oacas.org)).<sup>2</sup>
  - f. Appeals Report: A written document submitted by an external third-party appeals person to the Sexualized Violence Response and Education Coordinator that summarizes findings and recommendations from an Appeals investigation following a decision resulting from the Investigative Stream process about a sexualized violence allegation.
  - g. Balance of Probabilities: The standard legal threshold (i.e. more likely than not) by which an Investigator will determine whether or not a Respondent has committed an act of sexualized violence according to Acadia University's Sexualized Violence Policy.
  - h. Complainant: The member of the University Community who has made a disclosure or report of an experience of sexualized violence.
  - i. Conflict of Interest: Conflict of interest shall refer to any instance where a responsible authority, as described under section 3 of this Policy, has existing or reasonably foreseeable interests that impair or

---

<sup>1</sup> Khan, F., Rowe, C. J., and Bidgood, R. 2019. "Courage to Act: Developing a National Framework to Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada." Toronto, ON: Possibility Seeds.

<sup>2</sup> Ontario Association of Children Aid Societies. 2010. "An Anti-Oppression Framework for Child Welfare in Ontario."

appear to impair their independent, unbiased judgment in the discharge of their responsibilities under this Policy; or where a responsible authority is aware that a member of their family has interests that would impair or appear to impair their independent, unbiased judgment in the discharge of their responsibilities under this Policy. In instances where a conflict of interest has been identified between a responsible party under this Policy and the Complainant and/or Respondent, the President and Vice-Chancellor will appoint a replacement to carry out the duties of the responsible authority. The Complainant, Respondent, or any other party, may notify the Sexualized Violence Response and Education Coordinator if a conflict of interest is believed to exist. For the purposes of this provision, a "family member" is defined as spouse, parent, sibling, or child of the responsible party; or the parent, sibling, or child of the spouse of the responsible party; or the spouse of a child of the responsible authority or the responsible party's spouse. For the purposes of this definition, a "spouse" includes persons married to each other; or persons who have gone through a form of marriage and have lived together as spouses within the preceding twelve (12) months (common-law); or persons who are living together as spouses.

- j. Consent: Consent is "an agreement to engage in a sexual activity". It must be fully voluntary, clearly communicated, and ongoing. All sexual activities, including cyber sexual activity (e.g. sending/sharing/posting nude images or sexually explicit texts), that are engaged in must be consented to: if there is consent given for a particular sexual activity, this consent does not automatically extend to other sexual activities. Consent can be withdrawn at any time, including during a sexual activity that had previously been consented to. An individual's state of intoxication is not a defence to sexual contact without consent. Consent can be invalidated in certain circumstances involving sexual coercion. The Criminal Code (s. 273.1) defines consent, for the purposes of the sections prohibiting sexual assault, as "the voluntary agreement of the complainant to engage in the sexual activity in question." Consent does not legally exist if:
- Sexual activity is agreed to by someone other than the persons directly involved,
  - The person is incapable of consenting to the sexual activity (for example, because they are under the influence of alcohol or drugs),
  - An abuse of power, authority, or trust is used to coerce the complainant to engage in sexual activity, or
  - One party expresses (through their words, conduct, inaction, or absence of words) a lack of agreement to engage in the activity,
  - The person, having consented to engage in sexual activity, expresses (through their words, conduct, inaction, or absence of words) a lack of agreement to continue to engage in the activity.
- k. Disclosure: The sharing of information by a student with the Sexualized Violence Response and Education Coordinator about an experience of sexualized violence that individual has had.
- l. Equality/Equity: Equality is the process of providing everyone in society with equal resources. Equity involves ensuring that everyone has access to the resources, opportunities, power, and responsibility they need to reach their full potential as well as making changes so that unfair differences may be understood and addressed.
- m. Gender Expression: Gender expression is the external appearance of one's gender identity, usually expressed through behaviour, clothing, haircut or voice, and which may or may not conform to socially defined behaviours and characteristics typically associated with being masculine or feminine (although can be a blend of both or neither) and may not align with gender identity.

- n. Gender Identity: Gender identity is one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.
- o. Gender Sensitivity and Inclusivity: A gender sensitive approach recognizes that sexualized violence is part of a broader spectrum of gender-based violence and violence against women and girls. Although, individuals of all genders experience sexual violence, it is a crime primarily perpetrated against women. A gender inclusive approach recognizes that individuals of any gender identity or sexual orientation may perpetrate and experience sexualized violence.<sup>3</sup>
- p. Gender-based Violence: Gender-based violence is any form of behaviour - including psychological, threats, coercion, economic or educational deprivation, physical, and sexual behaviour - that is based on an individual's gender identity, gender expression or perceived gender and is intended to control, humiliate, or harm the individual. This form of violence reflects an attitude or prejudice at the individual or institutional level that aims to subordinate an individual or group on the basis of sex and/or gender identity. In Canada, GBV disproportionately impacts women and girls, as well as other diverse populations such as Indigenous Peoples, 2SLGBTQIA+, and gender non-binary individuals, those living in northern, rural, and remote communities, people with disabilities, newcomers, children and youth, and seniors.
- q. Intersectionality: The complex, cumulative way in which the effects of multiple forms of discrimination combine, overlap, or intersect, resulting from the intersection of various identities, especially in the experiences of marginalized individuals or groups.

Note: Intersectionality is a term used to observe and analyze power imbalances that was coined by Dr. Kimberlé Crenshaw, and which emerged from the ideas debated in critical race theory. This term is colloquially used to describe a theory for understanding the complex and intersecting identities of individuals, and how the whole individual is more than simply the sum of their identities.<sup>4</sup>

Intersectionality recognizes that a person's experience will be impacted by many social factors, including their positions within the structures of their campus. This approach recognizes that the unique social locations of those who have been impacted by gender-based violence will influence their experiences and healing process. When gender-based violence occurs, an individual's social location impacts the services they have access to, if they are believed, and how they are treated in their community. Their social location impacts their experiences with situations such as the medical, legal and education systems. This is why it is imperative to recognize that no single approach to justice, support, and education will not meet the needs of all.<sup>5</sup>

---

<sup>3</sup> Salvino, Caitlin, Kelsey Gilchrist, and Jade Cooligan-Pang. 2017. "Our Turn: A National Action Plan to End Campus Sexual Violence." Montreal, QC: Student's Society of McGill University, p. 11.

<sup>4</sup> CSA Z2003 Psychological Health and Safety for Post-Secondary Students, 2020.

<sup>5</sup> Khan, F., Rowe, C. J., and Bidgood, R. 2019. "Courage to Act: Developing a National Framework to Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada." Toronto, ON: Possibility Seeds.

- r. Investigation Report: A written confidential document prepared and submitted by the Investigator that summarizes findings as to whether or not the Respondent has committed an act of sexualized violence against the Complainant.
- s. Investigative Stream: The process where a Report is investigated by an Investigator and where disciplinary, remedial educational and/or restorative outcomes may result.
- t. Investigator: The person selected from a pool of qualified, experienced and trained individuals who may be external or internal to the University available to conduct investigations under the Investigative Stream of this policy.
- u. Non-investigative Stream: The process where a Report is addressed without an investigation through remedial, educational and/or restorative outcomes.
- v. Rape Culture: Rape culture is a term that describes an environment where rape is pervasive, normalized and accepted as inevitable. Rape culture does not necessarily mean that society or individuals promote sexualized violence in an outward, active manner.

“Rather rape culture is largely perpetuated via unexamined and false beliefs. Some examples of rape culture include myths about sexual violence, victim blaming, language that trivializes rape, jokes, sexual objectification in ads, images that glamourize sexual violence, song lyrics that send confusing and harmful messages about consent, and more.”<sup>6</sup>

“Rape culture contributes to societal skepticism of reports of sexual assault compared to reports of other criminal offences despite evidence that false reports of sexual assault are no more common than false reports for other types of crime (as low as 2%)”.<sup>7</sup>

Rape culture also contributes to the normalization of male perpetrated violence and toxic masculinity. Furthermore, it is well recognized that rape culture permeates systems and institutions such as the legal and criminal justice systems, as well as universities and colleges; this often results in the re-traumatization of survivors and is a main deterrent to reporting sexualized violence.

- w. Report: A formal, written statement of allegations submitted to the Sexualized Violence Response and Education Coordinator by a complainant about an experience of sexualized violence that individual has had.
- x. Respondent: A member of the University Community who the Complainant is alleging committed an act of sexualized violence. In instances when a Complainant alleges that an act of sexualized violence has been committed by more than one individual, this Policy will treat references to Respondent in the plural (“Respondents”).

---

<sup>6</sup> Break the Silence Nova Scotia. Sexual Violence Prevention & Supports, Nova Scotia Department of Community, <https://breakthesilencens.ca/what-is-sexual-violence>.

<sup>7</sup> Lisak, Gardinier, Nicksa, & Cote, 2010, p. 12 as cited in Ending Violence Association of BC, 2016.



- y. Sexual Orientation: Sexual orientation is a term used to describe a person's emotional, romantic, or sexual attraction. Sexual orientation may include attraction to the same gender (homosexuality), a gender different than your own (heterosexuality), both men and women (bisexuality), all genders (pansexual), or neither (asexuality).<sup>8</sup>
- z. Sexualized Violence: Sexualized violence is any sexual act, attempt to obtain a sexual act, or other act (touching, verbal, and physical intimidation) directed against a person's sexuality, gender identity, or gender expression, including use of coercion or under circumstances in which consent cannot be given (e.g. alcohol or drug intoxication), by any person regardless of their relationship to the individual in any setting. Sexualized violence may include sexual assault, sexual harassment, sexual cyber-bullying, stalking, indecent exposure, threats, voyeurism, and sexual exploitation.
1. Sexual Assault: Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent. Sexual assault includes any form of sexual contact where consent has not been given (ranging from non-consensual touching that is sexual in nature, kissing, fondling, oral or anal sex, intercourse, other forms of penetration, or any other unwanted contact of a sexual nature. Sexual assault also includes removal of a condom without consent or lying about using a condom. For further clarity, sexual assault includes rape.

The Criminal Code (s. 265(1)) explains that a person commits assault when:

- without the consent of another person, the individual applies force intentionally to that other person, directly or indirectly;
  - the individual attempts or threatens, by an act or a gesture, to apply force to another person, if the individual has, or causes that other person to believe on reasonable grounds that the individual has, present ability to affect the individual's purpose; or
  - while openly wearing or carrying a weapon or an imitation thereof, the individual accosts or impedes another person or begs
2. Sexual Coercion: An individual's use of manipulative tactics including, but not limited to, pressure, threats, bribes, positions of power, guilt, that results in the other person engaging in unwanted sexual activity. Sexual coercion can in certain circumstances invalidate consent.
3. Sexual Harassment: Sexual harassment is vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome; a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance. Sexual harassment is a type of sex discrimination, and is prohibited under International and Canadian human rights legislation, including the Nova Scotia Human Rights Act.
4. Sexual Cyber-bullying: Sexual cyber-bullying is an electronic communication of a sexual nature, direct or indirect, that causes or is likely to cause harm to another individual's health or well-being

---

<sup>8</sup> Sexual Orientation, HealthLinkBC, Government of British Columbia, <https://www.healthlinkbc.ca/health-topics/abj9152>.

where the person responsible for the communication maliciously intended to cause harm to another individual's health or well-being or was reckless with regard to the risk of harm to another individual's health or well-being. Sexual cyber-bullying can also include non-consensual sexual contact online (e.g. sending/posting nude images or pornography) even if it was not intended to be malicious.

- aa. Student: An individual who is registered in a course or course of study at Acadia University or who was so registered at the time an incident of sexualized violence is alleged to have occurred.
- bb. Survivor: A survivor is anyone who has experienced an act of sexualized violence.
- cc. Survivor-Centred Approach: The UN Women Virtual Knowledge Centre to End Violence against Women and Girls (2011) defines a survivor-centred approach as one that prioritizes the rights, needs, and wishes of the survivor. According to this approach, "The survivor has the right to:
- be treated with dignity and respect instead of being exposed to victim-blaming attitudes;
  - choose the course of action in dealing with the violence instead of feeling powerless;
  - privacy and confidentiality instead of exposure;
  - non-discrimination instead of discrimination based on gender, age, race/ethnicity, ability, sexual orientation, HIV status or any other characteristic;
  - receive comprehensive information to help (them) make (their) own decision instead of being told what to do."<sup>9</sup>
- "(A survivor-centred) approach helps to promote the survivor's recovery and (their) ability to identify and express needs and wishes, as well as to reinforce (their) capacity to make decisions about possible interventions."<sup>10</sup>
- dd. Transparency: The work to address campus sexual violence should be done in a transparent manner – demonstrated by clear, open, and regular communication between administration, staff, student leaders, faculty representatives, and the broader campus community.
- ee. Toxic masculinity: Refers to the socially-constructed norms, attitudes, and beliefs that describe the masculine gender role as violent, unemotional, sexually aggressive, devaluing of women, and so forth. These norms perpetuate negative stereotypes of men, and do not give opportunities for alternative forms of masculinity. Any policy that purports to actively be engaged against sexualized violence should also seek to create and maintain alternative forms of positive masculinity.
- ff. Trauma-Informed: "Trauma-informed practice (TIP) is a universal and systemic approach to service provision. It is based on an understanding of the prevalence of many forms of violence and trauma among children and adults – developmental, historical, simple/complex, weather-related, war-related, (sexual violence related), gender-based – and the wide range of adaptations people make to cope."<sup>11</sup>

---

<sup>9</sup> UN Women Virtual Knowledge Centre to End Violence against Women and Girls, 2011.

<sup>10</sup> UNICEF, 2010, as cited by the UN Women Virtual Knowledge Centre to End Violence against Women and Girls, 2011.

<sup>11</sup> IWK Health Centre, Nova Scotia Health Authority, Province of Nova Scotia, 2015, p. 5.

TIP aims to make interactions, services, and systems receptive and supportive of people who have experienced trauma.<sup>12</sup> Policies and practices must aim to minimize the potential for harm and re-traumatization, and should enhance safety, comfort, healing, and resilience for all parties involved. A trauma-informed approach to support services, education, and reporting recognizes the connections between violence, trauma, and negative health outcomes.<sup>13</sup>

- gg. University Community: Members of the University Community include faculty, staff, administrators, students, contracted employees working on university property or on behalf of the university, and visitors and guests of Acadia University or of members of the University Community. The Acadia University Sexualized Violence Policy applies to all members of the University Community.
- hh. University Report: A written statement of allegations submitted to the Sexualized Violence Response and Education Coordinator by the University about an act of sexualized violence against a member of the University Community or multiple reported acts of sexualized violence allegedly committed by the same Respondent.
- ii. Victim: A victim is a survivor who has experienced some form of violence and identifies as such.
- jj. Victim Blaming: Victim blaming occurs when the survivor of sexualized violence is held responsible - in whole or in part - for the harms that they have experienced. Many institutions, including the media, criminal justice and post-secondary institutions, engage in victim blaming. This form of thought and actions towards the person who experienced the sexualized violence perpetuates negative myths and stereotypes and goes against a survivor-centered approach; the approach that Acadia University follows.
- kk. Visitor: Persons who are not members of the University Community who are engaged in activities on Acadia University's property or with members of the University community and includes, but is not limited to, contractors, agents, vendors, alumni, donors and visiting scholars.

### 3 Administrative Structure

- I. **Executive Director, Student Services**: The Executive Director, Student Services will work with the Sexualized Violence Response and Education Coordinator and Investigator during the investigative process as described under the Investigative Stream of Acadia's Sexualized Violence Policy (see section 9.5). At the conclusion of an investigation, the Executive Director, Student Services will review and make determinations as to whether or not the Respondent has breached the Sexualized Violence Policy. The Executive Director, Student Services will also make determinations regarding whether or not sanctions or remedial or educational outcomes should be imposed. The Executive Director, Student Services will advise the Complainant and Respondent in writing of their decision and reasons for this decision, and will provide both parties with information on available University resources.

---

<sup>12</sup> Ibid.

<sup>13</sup> Khan, F., Rowe, C. J., and Bidgood, R. (2019). "Courage to Act: Developing a National Framework to Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada." Toronto, ON: Possibility Seeds.

- II. External Third-Party Appeals Person:** As described under section 9.5.3(IV) of this policy, if the Provost and Vice-President Academic determines that an appeal regarding the decision made by the Executive Director, Student Services following a sexualized violence investigation reasonably meets the grounds for appeal as stated in section 9.5.3(II), then the Provost and Vice-President Academic will appoint an external third-party appeals person to review all relevant information pertaining to the appeal. The external third-party appeals person will prepare an Appeals Report with recommendations about whether or not to confirm or vary the original decision, or allow the appeal and lift or modify the sanction or remedial action. This Appeals Report will be provided to the Provost and Vice President Academic as described under section 9.5.3(XI).
  
- III. Investigators:** Members of the Department of Safety and Security and the Equity, Diversity, and Inclusion Officer serve as the pool of Investigators available to undertake an investigation under the investigative stream of the Sexualized Violence Policy. The Sexualized Violence Response and Education Coordinator is responsible for appointing an Investigator. The Equity, Diversity, and Inclusion Officer will not serve as Investigator if already serving as a support person for the Respondent. In instances of conflict of interest or at the request of the Complainant or Respondent, an external investigator may be provided, as determined by the Sexualized Violence Response and Education Coordinator. These investigators have survivor-centered training in investigating and reporting on incidents of sexualized violence. The Investigator will conduct the investigation in a manner that is consistent with the procedures and principles set out in this Policy. At the conclusion of an investigation, the Investigator will prepare a written confidential Investigation Report that makes a finding 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 Complainant and provide reasons for the finding. This Investigation Report is forwarded to the Executive Director, Student Services who is responsible for final determinations as to whether or not the Respondent has breached the Sexualized Violence Policy.
  
- IV. President and Vice-Chancellor:** In instances of a conflict of interest between a responsible authority as described under section 3 of this Policy and the Complainant and/or Respondent, the President and Vice-Chancellor will appoint a replacement to carry out the duties of the responsible authority.
  
- V. Sexual Health Working Group:** Working with the Sexualized Violence Response and Education Coordinator, the Sexual Health Working Group annually reviews the Sexualized Violence Policy and reports on any recommended revisions. The Sexualized Violence Response and Education Coordinator maintains aggregate data (detailed in section 11) and will present it to the Sexual Health Working Group annually by May 15.

Members of the Sexual Health Working Group will include, but are not limited to: the Sexualized Violence Response and Education Coordinator; the Director of Health, Counselling and Accessibility; the Equity, Diversity and Inclusion Officer; the Executive Director, Student Services; a representative of the Department of Safety and Security; the Coordinator of Student Community Development; two student representatives selected by the Acadia Students' Union; two faculty representatives selected by AUFA; an employee representative selected by SEIU; an employee representative selected by AUPAT; and a community member selected by the other members of the Sexual Health Working Group.

- VI. Sexualized Violence Response and Education Coordinator:** The Sexualized Violence Response and Education Coordinator is intended to be a single point of contact, support, and liaison for members of the University Community who have experienced sexualized violence. The Sexualized Violence Response and Education Coordinator offers confidential support, crisis intervention, liaises with medical/legal/police services as needed, coordinates safety plans with the Department of Safety and Security, refers Complainants to counselling and ongoing support, advises Complainants on possible accommodations and processes outlined in this Policy, and provides other consultation and case management services (including incident logging). They consult and liaise with the Department of Safety and Security, Counselling Services, Accessible Learning Services, the Equity Office, as well as the Executive Director, Student Services, and the Vice-Provost Students, Recruitment and Enrolment Management.
- VII. Support Person for the Respondent:** A Respondent has the choice of obtaining a support person. The support person can be selected from within the University, such as the Coordinator of Student Community Development, the Equity, Diversity, and Inclusion Officer, the Black Employment and Cultural Navigator, the Coordinator of Indigenous Affairs, the Coordinator of International Student Advising, or the Respondent may select a support person external to the University, including, but not limited to, a lawyer, counsellor, guardian, etc. The Equity, Diversity, and Inclusion Officer will not serve as the Support Person if already serving as the Investigator. When requested, the Support Person can attend meetings with the Investigator or other meetings that are part of the investigative and non-investigative streams outlined in this Policy.
- VIII. Provost and Vice-President Academic:** The Provost and Vice-President Academic oversees Investigative Stream decision appeals (see section 9.5.3 of this policy). After receiving a written appeal, the Provost and Vice-President Academic will determine if the appeal reasonably meets the grounds for appeal as stated in section 9.5.3(II) and, if so, will appoint an external third-party appeals person to review all relevant information pertaining to the appeal. The Provost and Vice-President Academic will modify or add interim measures during the appeals process, as specified in section 9.5.3(V), and will communicate with all parties involved in the appeals process. The Provost and Vice-President Academic will review the Appeals Report prepared by the external third-party appeals person and make a determination as to whether or not the original decision is upheld or varied, or allow the appeal and lift or modify the sanction or remedial action.

#### **4 Confidentiality**

- I. Confidentiality means to refrain from disclosing personal information to others. Every effort will be made to respect the wishes of persons who have experienced sexualized violence and to protect the privacy and anonymity of any person who discloses an incident of sexualized violence. Prior to disclosure of information reported relating to incidents of sexualized violence, the expressed informed consent of the individual who made the report of sexualized violence will be required. This includes, but is not limited to, healthcare, psychological, or counselling information. Only in the circumstances set out below may limits to confidentiality be placed.
- II. Limits to Confidentiality: The following circumstances may require the University to take immediate action in relation to a disclosure of sexualized violence; including, but not limited to the University directly contacting law enforcement authorities:

- a. an individual is at imminent risk of severe or life-threatening self-harm;
  - b. an individual is at imminent risk of harming another person; and
  - c. there are reasonable grounds to believe that others in the University Community may be at significant risk of harm based on the information provided;
  - d. circumstances in which there is a legal obligation to report suspected abuse or neglect of an individual as defined under the *Nova Scotia Children and Family Services Act* and *Adult Protection Act*.
- III. The University has a responsibility to balance the wishes of the person who has disclosed an experience of sexualized violence with the obligation to protect the wider University Community.
- IV. The confidentiality of all participants in the process as set out in the Sexualized Violence Policy, including the Complainant, Respondent and any witnesses, will be protected and respected to the fullest extent possible within the parameters of section 4 of the Policy.

## **5 Rights of Those Who Have Experienced Sexualized Violence**

- I. People who disclose or report an experience of sexualized violence have the following rights:
  - a. to have their confidentiality protected;
  - b. to have limits of confidentiality explained prior to disclosure, where possible;
  - c. to be treated with dignity, respect, and compassion;
  - d. to not have their past sexual history questioned in any way, including prior sexual activity with the Respondent;
  - e. to be informed about on- and off-campus services and resources;
  - f. to be informed about the procedures in place to address sexualized violence and reporting options;
  - g. to decide whether or not to access available services and to choose those services they believe will be most beneficial;
  - h. to make an informed decision regarding whether to report the incident to campus authorities and/or local police;
  - i. to have an on-campus (internal) investigation with the University's full cooperation;
  - j. to have a plan to protect their safety;
  - k. to have reasonable and necessary actions taken to prevent further unwanted contact with the Respondent;
  - l. to receive a copy of the Investigation Report (redacted by the Sexualized Violence Response and Education Coordinator of irrelevant and/or personally identifying information and/or personal information of third parties); and
  - m. to be informed of the outcome of the investigation, including any discipline or remedial measures imposed;
  - n. to appeal the investigation decision and any disciplinary or remedial measures following the investigation.

## **6 Rights of the Respondent**

- I. People who have been accused of sexualized violence have the following rights:

- a. to have their confidentiality protected;
- b. to have limits of confidentiality explained prior to providing response to Complainant, where possible;
- c. to be treated with dignity, respect, and compassion;
- d. to be informed about on- and off-campus services and resources;
- e. to be informed about the procedures in place to address sexualized violence;
- f. to decide whether or not to access available services and to choose those services they believe will be most beneficial;
- g. to participate fully in an on-campus (internal) investigation with the University's full cooperation;
- h. to have reasonable and necessary actions taken to prevent further contact with the Complainant;
- i. to receive a copy of the Investigation Report (redacted of irrelevant personal information and/or personal information of third parties); and
- j. to be informed of the outcome of the investigation, including any discipline or remedial measures imposed;
- k. to appeal the investigation decision and any disciplinary or remedial measures following the investigation.

## **7 Protection from Reprisal and Threat of Reprisal**

- i. Any retaliation, reprisal, threat or intimidation against any survivor, Complainant, witness, Respondent, or other member of the University Community, for having accessed this Policy (including for having made or participated in any disclosure or Report of sexualized violence), is a violation of this Policy and may be the subject of a Report under this Policy, and grounds for disciplinary action. This includes making or filing complaints against the Complainant, witness, Respondent, or other member of the University Community for retaliatory purposes.

## **8 Amnesty Provisions for Alcohol and Other Substance Use**

- i. 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 other substances at the time the incident of sexualized violence took place. A Complainant who discloses or reports sexualized violence will not be subject to actions for violations of the University's policies related to substance and alcohol use at the time that the incident of sexualized violence took place. It is important to note that an individual's state of intoxication is not a defence to sexual contact without consent.

## **9 Procedures**

### **9.1 Process of Disclosure**

#### **9.1.1 Disclosure Initiated by Complainant (Internal Disclosure)**

- i. A disclosure does not result in a Report being made and does not initiate the investigative or non-investigative streams under this Policy.

- II. The Sexualized Violence Response and Education Coordinator shall listen compassionately without judgement and inform the individual about this Policy.
- III. The Sexualized Violence Response and Education Coordinator will ask the Complainant what their needs are and will inform the Complainant of support and services available.
- IV. Those supports and services may include:
  - a. access to medical and mental health services;
  - b. safety planning and protective measures;
  - c. information about counselling services, including those available through Acadia's Counselling Centre and other off-campus counselling centres;
  - d. learning, living, and/or working accommodations, such as student residence relocation, class schedule changes, academic accommodations, temporary work location reassignment, and work scheduling changes; and
  - e. faculty-level supports.

#### 9.1.2 Disclosure Initiated by Other Party

- I. Anonymous and Third-Party Disclosure: Where a member of the University Community or visitor witnesses or has reasonable concerns about an act of sexualized violence, such member may submit a written allegation to the Sexualized Violence Response and Education Coordinator. This written allegation can be anonymous. Whether or not an allegation can proceed in the absence of an identified Complainant will be determined by the Sexualized Violence Response and Education Coordinator, in consultation with the Executive Director, Student Services. In instances where a possible survivor of sexualized violence has been identified through an anonymous or third-party disclosure, the Sexualized Violence Response and Education Coordinator will make efforts to reach out to this person, while maintaining the principles of confidentiality set out in section 4, in order to offer information on available supports as well as resources under the Sexualized Violence Policy. Information provided by a third-party or anonymous source may also be used as the basis to decide to engage a process aimed at addressing systemic or cultural concerns.

## 9.2 Reporting Process

### 9.2.1 Reporting Process Following an Internal Disclosure

- I. A Report shall be directed to the Sexualized Violence Response and Education Coordinator.
- II. A Report must be submitted in writing by the Complainant, with the support and guidance of the Sexualized Violence Response and Education Coordinator as appropriate and with the consent of the Complainant. The Report should include: the names of both the Complainant and the Respondent; a detailed description of the behaviour that forms the basis of the Report; and an indication of the redress sought by the Complainant. The Sexualized Violence Response and Education Coordinator will provide support, advice and/or referral to assist the Complainant with submission of the Report and to understand the reporting process under this Policy.
- III. Upon receipt of a Report, the Sexualized Violence Response and Education Coordinator will determine:
  - a. if this Policy applies; and



- b. if based on the Report, there could be a finding that sexualized violence occurred under this Policy; and
  - c. if the allegations in the Report are not being heard and have not been heard through another University process.
- IV. If the Sexualized Violence Response and Education Coordinator determines that any of these elements have not been met, the Complainant will be advised of support and resources as appropriate, and that no further action with respect to the Report will be taken and why. If new information is subsequently provided, this decision may be re-evaluated.
- V. If the Sexualized Violence Response and Education Coordinator determines that all of the elements have been met, the Coordinator, in consultation with the Executive Director, Student Services, will determine whether the Report should proceed under the Investigative Stream or Non-Investigative Stream. In making that determination, the Sexualized Violence Response and Education Coordinator will consider the following criteria:
  - a. The informed and non-coerced choice of the Complainant: The Complainant's preference after receiving information about the Investigative Stream and Non-Investigative Stream;
  - b. The safety of all parties and members of the University Community generally;
  - c. The voluntary participation of the Respondent: To the extent that any resolution options involve the participation of the Respondent, the Respondent must be in agreement.
- VI. The Sexualized Violence Response and Education Coordinator will notify the Complainant in writing of the decision, as well as provide reasons for that decision and information on available resources.

### **9.3 Accommodations**

- I. When the Sexualized Violence Response and Education Coordinator receives a Report, they will arrange to meet with the Complainant to discuss available process options and to provide the Complainant with information about support and services, including information about interim measures that may be imposed upon the Respondent and accommodations with respect to the Complainant's own living, learning, and working environments that can be put in place. All accommodations, where possible, will be administered in a survivor-centred and trauma informed fashion. This means prioritizing the survivor when making decisions that impact both the Complainant and the Respondent.
- II. Accommodations may include a student residence re-location, class schedule changes, academic accommodations, temporary work location reassignment, and work scheduling changes.
- III. If the Complainant requests accommodations, the Sexualized Violence Response and Education Coordinator, in collaboration with the Executive Director, Student Services, will assist the Complainant in requesting the accommodations pursuant to relevant University policies and procedures for requesting and granting accommodations, while maintaining the right of the Complainant to confidentiality.

### **9.4 Interim Measures**

- I. 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
  - a. 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
  - b. 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.
- II. Where interim measures are imposed, they must be proportionate to the seriousness of the alleged act of sexualized violence and as minimally restrictive as possible upon the Respondent to achieve their purpose.
- III. Where interim measures are required, the Sexualized Violence Response and Education Coordinator will consult with the Complainant and Respondent. Following consultations, the Sexualized Violence Response and Education Coordinator will give written notice to the Complainant and Respondent of any interim measures being imposed. The Sexualized Violence Response and Education Coordinator is responsible for coordinating interim measures with the relevant University offices, departments, and academic units. Interim measures may include, but are not limited to:
  - a. Separating the Complainant and Respondent to minimize or prevent encounters in living, working, and learning environments;
  - b. Implementing no-contact agreements;
  - c. Prohibiting the Respondent from being on some or all of the University premises and University-affiliated activities;
  - d. Imposing a suspension on a Respondent.
- IV. Interim measures may be challenged as follows: The Respondent, upon whom interim measures have been imposed, may appeal in writing to the Executive Director, Student Services. The Sexualized Violence and Response and Education Coordinator will be given an opportunity to respond to the appeal in writing and the Executive Director, Student Services will deliver a written decision on the appeal.
- V. Alleged breaches of interim measures are to be reported to the Sexualized Violence Response and Education Coordinator, who will then refer the matter to the Executive Director, Student Services to take appropriate steps to determine (a) whether the interim measures have in fact been breached and (b) if so, what action will be taken as a result of any such breach. Where there is an immediate concern of risk to safety, alleged breaches should be reported to the Department of Safety and Security.

## **9.5 Investigative Stream**

- I. Should the Sexualized Violence Response and Education Coordinator, in consultation with the Executive Director, Student Services, determine that the Report should proceed under the Investigative Stream, the following process will apply. The criteria for this determination are found in section 9.2.1 V.

### **9.5.1 Investigative Process**

- I. The Sexualized Violence Response and Education Coordinator will:

- a. 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, details of any interim measures imposed, details of available advocacy and support services (including an appropriate advisor on campus and the right to have present a support person of their choice throughout the process), a reminder that this Policy prohibits retaliation, an explicit statement prohibiting statements or questioning about the Complainant's sexual history or sexual behaviour and notification that the Sexualized Violence Response and Education Coordinator has permission to redact any statements or questions that include this information, and contact information for someone to whom questions can be addressed;
  - b. Provide the Respondent fifteen (15) business days to provide a formal written response to the Report;
  - c. Offer the Complainant the opportunity to receive a copy of the Respondent's written response to the Report, if one is received;
  - d. Determine if any foreseeable conflicts of interest exist and alert the President and Vice-Chancellor as necessary.
  - e. Determine if an internal or external Investigator will be appointed, and appoint an Investigator; and
  - f. Provide the Investigator with all materials submitted by the Complainant and the Respondent.
- II. If the Respondent does not provide a written response to the Report, the Sexualized Violence Response and Education Coordinator will provide written notice to the Complainant and Respondent that the allegations in the Report are unchallenged and that the University will proceed on that basis.
- III. All steps under the investigative stream 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 business days of the receipt of the materials by the Investigator.
- IV. The Investigator will conduct the investigation in a manner that is consistent with this procedure and the principles set out in section 1(II) of this Policy. This procedure requires:
- a. The Investigator will treat all information received in the course of the investigation in accordance with the confidentiality provisions outlined in this Policy and will remind all individuals involved in the investigation of those provisions.
  - b. The Investigator will give written notice to the Complainant, and Respondent if the Respondent submitted the written response to the Report, that the allegations set out in the Report will be investigated;
  - c. The Investigator will not require the Complainant 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 Sexualized Violence Response and Education Coordinator will provide support to the Complainant, as needed, in gathering and reporting on this additional information or evidence. Where the Complainant has received the Respondent's written response to the Report, the Complainant will be provided an opportunity to submit any additional information they wish to provide;

- d. The Respondent will be given a reasonable opportunity to attend an interview with the Investigator, to provide names of any potential witnesses, and to submit any additional information they wish to have considered as a part of their response;
- e. 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;
- f. At the conclusion of the investigation, the Investigator will prepare a written confidential Investigation Report that makes a finding 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 Complainant and provide reasons for the finding. Reasons will include findings of credibility, a description of what evidence was accepted and was not, and a weighing of that evidence.
- g. The Investigator will send the confidential Investigation Report, which may be partially redacted to address any confidentiality concerns, to the Complainant and to the Respondent, where the Respondent has provided a written response to the Report or otherwise participated in the investigation. When sending the Investigation Report, the Complainant and Respondent will be advised of available resources within the University.
- h. The Complainant and the Respondent will be given ten (10) business days to provide written comments on the Investigation Report, including but not limited to:
  - 1. Challenging the report's finding based upon jurisdiction, a denial of natural justice, or unfairness in the application of the policy. For added clarity, this is the only stage at which the finding of sexualized violence made by the Investigator can be challenged.
  - 2. Commenting on appropriate outcomes and sanctions.
- i. The Investigator will submit the Investigation Report and any comments received to the Sexualized Violence Response and Education Coordinator, who will then give a copy of those materials to the Executive Director, Student Services.

#### 9.5.2 Outcomes and Disciplinary Measures

- I. The Investigation Report and any comments received will be reviewed by the Executive Director, Student Services. The Executive Director, Student Services will decide whether the Respondent has breached this Policy and will determine whether sanctions, remedial actions, or education outcomes should be imposed. The Executive Director, Students Services may, at their discretion and while maintaining the confidentiality of all parties as specified in section 4 of this Policy, consult with persons, both on- and off-campus, with expertise in sexualized violence policy and survivor-centered training, on appropriate measures. In order to maintain the integrity of the appeals process, the Provost and Vice-President Academic shall not be consulted.
- II. The following factors will be weighed by the Executive Director, Student Services when determining appropriate outcomes and sanctions:
  - a. Nature of the act of sexualized violence;
  - b. Well-being of the Complainant
  - c. Needs of and impact on the Complainant and other members of the University Community;
  - d. Safety of members of the University Community;

- e. Prevention of further acts of sexualized violence;
  - f. Education and well-being of Respondent; and
  - g. Any mitigating or aggravating circumstances.
- III. The following sanctions may be imposed by the Executive Director, Student Services:
- a. Mandatory training and education;
  - b. Probation for a designated period of time, including the possibility of more severe disciplinary sanctions if the Respondent is found to be violating any institutional regulation(s) during the probationary period;
  - c. Denial of specified privileges or imposition of certain conditions upon the Respondent, which may include but are not limited to restricting access to the University property, equipment or resources, and not being permitted to register in any classes the Complainant is enrolled, for a specified period of time;
  - d. Suspension of the Complainant from the University for a specified period of time, after which the Complainant is eligible to return. Conditions for readmission may be specified; and
  - e. Expulsion from the University;
  - f. Any other remedy that is within the power of Executive Director, Student Services to grant.
- IV. The Executive Director, Student Services will advise the Complainant and Respondent in writing of their decision, along with reasons for the decision within ten (10) business days. Information on available resources at the University will be included in the letter.

### 9.5.3 Process of Appeal

- I. The Complainant or Respondent may appeal the Executive Director, Student Services' decision to the Provost and Vice-President Academic in accordance with the appeals procedures specified as follows:
- II. Appeals shall be limited to the following grounds:
  - a. Unreasonableness of the decision (a decision is "reasonable" as long as it falls within the acceptable range of outcomes defensible in light of the facts and the law); or
  - b. Denial of procedural fairness.
- III. All appeals must be submitted in writing to the Provost and Vice-President Academic, specifying the grounds of the appeal, within ten (10) business days of receipt of the final decision by the Executive Director, Student Services.
- IV. If the Provost and Vice-President Academic determines that the appeal reasonably meets the grounds for appeal as stated in section 9.5.3(II), the Provost and Vice-President Academic shall appoint an external third-party appeals person to review the Investigation Report, sanctions, comments, and other relevant communication related to the Investigation in order to determine if the appeal is well founded. Any new information arising since the Investigation Report was submitted that addresses issues of procedural fairness will also be considered by the external third-party appeals person.
- V. Any interim measures that were in place during the investigative process will remain in place during the appeals process. At the discretion of the Provost and Vice-President Academic, interim measures can be modified or added to ensure (a) the safety and wellbeing of the Complainant, Respondent, and other members of the University Community or (b) the integrity of the appeals process.

- VI. Within five (5) business days of receiving notice of the appeal, the Provost and Vice-President Academic shall provide notice of the appeal to the Complainant, Respondent, Executive Director, Student Services, and the Sexualized Violence Response and Education Coordinator.
- VII. The Complainant and Respondent may provide information or make representations to the Provost and Vice-President Academic within ten (10) business days of receiving notice under section 9.5.3(VI). The Provost and Vice-President Academic shall immediately transmit a copy of any information or representation received to all parties, including to the external third-party appeals person.
- VIII. The Complainant and Respondent shall have an opportunity to comment on any information shared under 9.5.3(VII) within five (5) business days of receipt.
- IX. The external third-party appeals person will prepare an Appeals Report and submit the report to the Sexualized Violence Response and Education Coordinator, who will then give a copy of the report to the Provost and Vice-President Academic. The Provost and Vice-President Academic will then make a determination of the appeal based only on the Appeals Report provided by the external third-party appeals person.
- X. Submission of the Appeals Report to the Sexualized Violence Response and Education Coordinator and the Provost and Vice-President Academic should occur within thirty (30) business days of the Provost and Vice-President Academic receiving notice of the appeal.
- XI. The Provost and Vice-President Academic may confirm or vary the original decision, or allow the appeal and lift or modify the sanction or remedial action. The decision of the Provost and Vice-President Academic shall be provided in writing to the Complainant, Respondent, Executive Director, Student Services, and the Sexualized Violence Response and Education Coordinator within five (5) business days of receiving the Appeals Report. The decision of the Provost and Vice-President Academic shall be final and binding.

## **9.6 Non-Investigative Stream**

- I. Non-Investigative Stream: If the Sexualized Violence Response and Education Coordinator determines that the Report will proceed under the Non-Investigative Stream, the Coordinator will determine appropriate remedial and/or educational outcomes. Such outcomes vary depending on the nature of the Report. Examples of these outcomes include, but are not limited to:
  - a. Impact Statement, Letter, or Video: The Complainant communicates to the Respondent the harm that they have experienced, that the Respondent's behaviour is unwelcome and unwanted, and that the behaviour must stop immediately;
  - b. Facilitation: The Complainant may request that the Sexualized Violence Response and Education Coordinator facilitate a discussion between themselves and the Respondent;
  - c. Notification: The Sexualized Violence Response and Education Coordinator notifies the Respondent that the behaviour must stop immediately;
  - d. Education: The Sexualized Violence Response and Education Coordinator arranges coaching, support, and educational opportunities for the Respondent and other members of the University Community as appropriate through the Equity, Diversity, and Inclusion Office.
  - e. Where a remedial or educational outcome requires the voluntary participation of the Respondent or will otherwise impact the Respondent in any way, prior to being required to advise the

Sexualized Violence Response and Education Coordinator if they will voluntarily participate or engage in any process whatsoever, the Respondent will be provided with:

1. written notice that a Report has been brought against them and that at this time the Report will be proceeding under the Non-Investigative Stream;
  2. a copy of the Report and this Policy;
  3. details of available advocacy and support services (including an appropriate advisor on campus and the right to access Acadia University's Counselling Centre resources and other support persons throughout the process);
  4. a reminder that the choice to voluntarily participate or engage in any part of the Non-Investigative Stream will not be considered as evidence that the Respondent has breached this Policy;
  5. a reminder that the information learned while proceeding under the Non-Investigative Stream can be used later if the matter subsequently proceeds under the Investigative Stream. It will also be disclosed to outside parties, including police, if such disclosure is required by law;
  6. a reminder that if the Respondent is not willing to voluntarily participate in the desired remedial, educational or restorative outcomes, the Sexualized Violence Response and Education Coordinator may, after considering the factors outlined in section 9.2.1(V) of this Policy, decide to proceed under the Investigative Stream; and
  7. a reminder that this Policy prohibits retaliation.
- II. The Sexualized Violence Response and Education Coordinator will work with all applicable parties to identify outcomes desired and design processes to achieve those outcomes.
- a. If the Respondent is not willing to voluntarily participate in the desired remedial or educational outcomes, the Sexualized Violence Response and Education Coordinator may, after considering the factors outlined in section 9.2.1(V) of this Policy, decide to proceed under the Investigative Stream.
  - b. Where after reasonable efforts have been made by the Complainant and the Sexualized Violence Response and Education Coordinator to achieve the desired outcomes and those outcomes have still not been reached, the Sexualized Violence Response and Education Coordinator may, after considering the factors outlined in section 9.2.1(V) of this Policy, decide to proceed under the Investigative Stream.

## **9.7 University Report Process**

- I. The University may initiate a University Report where:
  - a. a Complainant has previously submitted a Report and has requested that the University take no further steps regarding their Report;
  - b. a Complainant has made a disclosure but no Report and does not wish to participate in the processing of a Report;
  - c. a visitor has made a disclosure;
  - d. one or more members of the University Community or visitors, by name or anonymously, have provided information about an act of sexualized violence against a member of the University Community; or
  - e. there has been more than one disclosure made about more than one alleged act of sexualized violence allegedly committed by the same Respondent.

- II. No University Report shall be initiated unless one of the circumstances set out in section 9.7(I) applies and the Executive Director, Student Services, while taking into account the preferences of the Complainant, determines that:
  - a. Proceeding with the processing of the University Report is in the interest of the health and safety of members of the University Community or consistent with its obligations and responsibilities; and
  - b. It is reasonably likely that sufficient evidence can be obtained to determine if the Respondent has committed an act of sexualized violence without the Complainant or visitor's ongoing involvement.
  
- III. 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 section 1(III) of this Policy and in the same manner as a Report and in accordance with the procedures set out in sections 9.2, 9.3, and 9.4 of this Policy, except that:
  - a. all references to Report shall be read as University Report;
  - b. the Complainant will not be required to participate in any way;
  - c. there will be no communication with the Complainant about the University Report unless the Complainant has indicated they wish to be kept informed; and,
  - d. any information that would have been sought from the Complainant that may be known by the Department of Safety and Security will be obtained from the Department of Safety and Security.

## **9.8 Parallel Criminal Proceedings (External Reporting)**

- I. Where a Respondent has been charged criminally for a sexualized violence related offence, the University may suspend any ongoing investigation under this Policy until resolution of the criminal charge. In making this decision, the University will take into consideration the wishes of the Complainant. An ongoing investigation may be able to continue if:
  - a. The investigation is complete (all interviews are finished) or the report has been submitted to the responsible authority;
  - b. The police or Crown do not object to the University commencing or continuing the investigation and the Respondent consents; or
  - c. Exceptional circumstances exist, such as relating to the health and safety of the reporting party or University Community that is not otherwise addressed by any criminal conditions or immediate measures imposed.
  
- II. While an investigation is suspended, any interim measures will remain in place.
  
- III. A Respondent is required to provide to the University information on any current criminal charges faced by the Respondent and criminal conditions, such as bail or conditions of release, relating to the incident(s) of sexualized violence that is the subject matter of the disclosure or Report.

## **10 Training and Preventative Measures**

### **10.1 Training to Administer and Implement Sexualized Violence Policy**



### 10.1.1 Sexualized Violence Response and Education Coordinator

- I. In recognition of evolving knowledge, standards, resources, and legislation, the Sexualized Violence Response and Education Coordinator will on an annual basis assess, with oversight and in consultation with the Sexual Health Working Group, what training, if any, is needed for the Coordinator to continue to follow best practices in the execution of their duties under this Policy. Acadia commits itself to supporting this training, financially and with other resources.

### 10.1.2 Other Staff Responsible for Administering Policy

- I. Investigators: Acadia recognizes that specialized knowledge and training is required to investigate and determine allegations of sexualized violence. All Investigators shall receive training in gender-based violence, sexual assault law, trauma-informed practice, sexualized violence investigations, procedural fairness, and the manner in which persons of diverse identities might experience and respond to sexualized violence, including but not limited to anti-oppression and intersectional training.
- II. The Sexualized Violence Response and Education Coordinator will provide training and education to the administrators and staff identified in Section 3 of this Policy.

### 10.1.3 Faculty, Students, Staff

- I. The Sexualized Violence Response and Education Coordinator shall develop and disseminate information and training on how to appropriately support and refer members of the University Community and visitors who disclose an experience of sexualized violence. This information and training will be delivered to faculty, students, and staff of Acadia.

## 10.2 Education and Preventative Measures Around Rape Culture and Consent

- I. Acadia recognizes the importance of sexualized violence prevention and education as well as ongoing training on this Policy in order to achieve the purposes and goals of this Policy.
- II. The Sexualized Violence Response and Education Coordinator, in collaboration with on-campus and off-campus groups, including student groups, will develop and implement strategic initiatives related to campus sexualized violence prevention. These initiatives will include an annual education strategy that includes campaigns, training sessions, workshops, print and online resources, programs and events on topics related to sexualized violence on campus, including consent and rape culture. Training and education will also be provided on this Policy, the prevention of sexualized violence, and responding to sexualized violence, including bystander intervention and disclosure training. Specialized training sessions will be offered to address the unique needs of specific on-campus and off-campus groups. Records will be kept of training activities by the Sexualized Violence Response and Education Coordinator.

## 11 Collection and Use of Information

- I. Acadia collects personal information under this Policy for the purposes of:
  - a. Ensuring the safety of individuals and the University Community;
  - b. Respecting and protecting the rights of individuals at the University, including under the *Nova Scotia Human Rights Act* and *Occupational Health and Safety Act*;

- c. Respecting and enforcing the rights of persons who disclose or report an act of sexualized violence in accordance with the *Nova Scotia Human Rights Act*, including the right to an appropriate and fair procedure in response to a report of sexualized violence, the right to know the outcome of that process, and the right to appeal the procedure or outcome, whether internally or through other legal remedies;
- d. Respecting and enforcing the rights of persons who are Respondents to disclosures or reports of sexualized violence, including the right to an appropriate and fair procedure in response to a report of sexualized violence, the right to know the outcome of that process and the right to appeal the procedure or outcome, whether internally or through other legal remedies;
- e. Ensuring the integrity and fairness of the processes under this Policy;
- f. Providing appropriate information to the Complainant and Respondent;
- g. Receiving disclosures and responding to disclosures of sexualized violence;
- h. Conducting an investigation or proceeding that could lead to a disciplinary or remedial measure, and
- i. Collection of data on sexualized violence that will be de-identified/aggregated.

### **11.1 Aggregate Data Collection**

- I. The Sexualized Violence Response and Education Coordinator shall maintain aggregate data and present it annually to the Sexual Health Working Group by May 15. This data shall be published annually, on:
  - a. The number of disclosures received;
  - b. The nature of the disclosures in terms of whether they involved:
    - i. sexual assault
    - ii. sexual harassment
    - iii. social or electronic media
    - iv. on or off campus incidents (or other/not known)
    - v. whether the identity of the Respondent was disclosed
    - vi. alternative measures requested or accessed
  - c. The number of disclosures that involved allegations of student peer-on-peer sexualized violence;
  - d. The number of anonymous and third party Reports;
  - e. The number of disclosures that proceeded to a formal Report, and
  - f. The outcome of those Reports (finding/no finding) at the investigation stage and/or after appeal.
- II. The Sexualized Violence Response and Education Coordinator should also report annually on information on any observable trends.
- III. The data published by the Sexualized Violence Response and Education Coordinator shall not disclose any personal identifying information.

## **12 Community Alert Program**

- I. Community Alert is a campus notification program designed to alert members of the Acadia University Community of an ongoing threat of sexualized violence. Details contained in a Community

Alert can include, but are not limited to, the location of an alleged assault, the type of assault (e.g., spying on students through dorm windows), the gender of the perpetrator and victim, whether a weapon was used, and, in some instances, the method of assault (e.g., the use of date rape drugs). Alerts will be constructed using language that is trauma-informed and will include information on campus and community supports (e.g., phone lines, shelters). Community Alert is administered by Safety and Security through their mass notification system, Acadia Alert.

- II. A Community Alert will be distributed in instances where Safety and Security has received credible information that meets at least one of the following criteria:
  1. A perpetrator of sexualized violence has yet to be identified and apprehended, thereby posing an ongoing threat;
  2. Details pertaining to an incident, or series of incidents, of sexualized violence could assist members of the Acadia University Community avoid a potential threat.
- III. In order to initiate the process of a Community Alert, any person can contact Safety and Security about an ongoing threat of sexualized violence. Such a report can be anonymous. The decision to distribute a Community Alert is made on a case-by-case basis and not all reports will lead to a Community Alert. In some incidents, Safety and Security may consult and collaborate with the RCMP in order to ensure that a Community Alert will not not jeopardize a criminal investigation.
- IV. When applicable, the decision-making process will prioritize the privacy, confidentiality, and well-being of the Complainant(s). When possible, a Complainant will be contacted to review the Community Alert prior to its distribution and notified when the alert will be sent out to the Acadia University Community. In some instances, such as when the Complainant cannot be reached expediently and there exists an immediate ongoing threat, the alert will be sent without the Complainant's review.

## **13 Resources and Related Policies, Procedures, and Legislation**

### **13.1 Internal Resources**

- Acadia University Sexual Assault Resource Website (maintained by Counselling Services) <https://www2.acadiau.ca/student-life/health-wellness/sexuality-relationships/assault.html>
- Student Health Centre: [studenthealth@acadiau.ca](mailto:studenthealth@acadiau.ca) or 902-585-1238
- Counselling Centre: [counselling@acadiau.ca](mailto:counselling@acadiau.ca) or 902-585-1246
- Acadia University Chaplain: 902-585-1203
- Equity Office: [equity@acadiau.ca](mailto:equity@acadiau.ca) or 902-585-1298
- Acadia Students' Union (ASU) Legal Aid - The ASU retains the services of a law firm for the advice and assistance of all full-time students at Acadia University and ASU staff. This assistance is available for any legal problem, whether or not it is university related. There is no charge to the student for the

initial half hour consultation. All consultations are confidential and are made by appointment - call (902) 585-2167.

- Peer Supports at Acadia
  - Acadia Pride Coordinator, [pride@acadiu.ca](mailto:pride@acadiu.ca)  
<https://www.facebook.com/acadiapride/>
  - Acadia Women's Centre Coordinator, [womens.centre@acadiu.ca](mailto:womens.centre@acadiu.ca)  
<https://www.facebook.com/AcadiaWomensCentre/>
  - Acadia Mental Health Initiative Coordinator, [amhi@acadiu.ca](mailto:amhi@acadiu.ca)  
<https://www.facebook.com/acadiamentalhealthinitiative/>

### 13.2 External Resources

Note: This list of resources is not intended to be exhaustive.

- Off Campus Listings of Therapists (fees will apply and may be partially covered by your ASU health plan or with private health care coverage)
  - NSCCT (Nova Scotia College of Counselling Therapists) <https://nscct.ca>
  - NSCSW (Nova Scotia College of Social Workers) <http://nscsw.org>
  - APNS (Association of Psychologists of Nova Scotia) <https://apns.ca>
- Avalon Sexual Assault Centre - Avalon is committed to confidential, non-judgmental and professional service. The majority of the services provided by Avalon are free of charge. Phone: 902-422-4240 or [info@avaloncentre.ca](mailto:info@avaloncentre.ca).
- The Red Door - The Red Door provides confidential sexual health services, health education, and health promotion to youth 13-30 years of age. The Red Door provides support without judgment, in a safe environment, complete with an expert staff and trained volunteers. The Red Door can be reached at (902) 679-1411 or [info@thereddoor.ca](mailto:info@thereddoor.ca).
- 211 This is a free, confidential information and referral service to more than 3,000 community and social services across Nova Scotia. 24 hours a day, 365 days a year. Dial 2-1-1.
- NS Mi'kmaq Crisis and Referral Line – 1-855-379-2099 The Nova Scotia Mi'kmaq Crisis and Referral phone line is available 24/7 toll-free to Mi'kmaq people across the province. The Centre also provides online support through the Eskasoni Crisis Worker Facebook account. Both are a service of Eskasoni Mental Health.
- Victim Services Emotional Support – Emotional support for victims of sexual violence. No police involvement is necessary in order to get support. Monday-Friday, 8 a.m. – 4 p.m., based in Halifax. Call 1-902-490-5300.
- NS Mental Health Crisis Line: 1-888-429-8167

- Chrysalis House  
<http://www.chrysalishouseassociation.org/>
- Valley Refuge Association (Portal Youth Centre)  
<https://sites.google.com/site/portalyouthcentre/home>
- Valley Restorative Justice  
<http://www.valleyrestorativejustice.org>
- Survivors of Abuse Recovering  
<https://survivorsofabuserecovering.ca>
- Independent Legal Advice for Sexual Assault Survivors Program –This program provides up to 4 hours of free, independent legal advice for sexual assault survivors who are 16+ years of age. You do not have to report to police or take legal action if you use this service. Registration is done through an independent agency, 211 Nova Scotia. Dial 2-1-1 for intake.  
<https://novascotia.ca/sexualassaultlegaladvice/>
- Healthy Minds NS e-mental health tools:
  - Good2Talk Nova Scotia 1-833-292-3698  
Good2Talk is a free, confidential helpline providing professional counselling and information and referrals for mental health, addictions and well-being to post-secondary students in Nova Scotia, 24/7/365.
  - Crisis Text Line [kidshelpphone.ca/text](http://kidshelpphone.ca/text)  
Crisis Text Line Powered by Kid’s Help Phone is a Canadian text-based volunteer-support service available 24/7/365. Just text Good2TalkNS to 686868 to be connected to a volunteer-supporter from the privacy of your phone.

In addition, if a person reporting an incident of sexualized violence wishes to receive specialized medical care, more information, and/or report for the purpose of criminal investigation and inquiry, the following external options are also available:

- Sexual Assault Nurse Examiner (SANE) - A SANE Registered Nurse can provide special medical support and services for all genders (13 years of age or older). Additionally, they are able to offer a medical examination and collection of forensic evidence (up to 7 days after the incident) for the purposes of criminal investigation and inquiry, if the person reporting the incident requests this. Call the 24/7 toll-free SANE phone line 1-833-577-SANE (7263).
- RCMP - Sexual assault is a criminal offence in Canada. A primary role of the RCMP is to conduct investigations into alleged offences, including allegations of sexual assault. A person reporting an incident of Sexual Violence may wish to report it to the RCMP to discuss the possibility of laying criminal charges. It is ultimately the decision of the RCMP to decide whether to undergo a criminal investigation and whether to lay criminal charges. The phone number of the RCMP is (902)542-3817.

- Emergency Department at Valley Regional Hospital in Kentville, is open 24 hours and is available for urgent medical attention. They may be reached at (902) 678-7381.
- 911 (Emergency Health Services) 911 is an emergency service that can dispatch RCMP or an ambulance when immediate help is required.
- 811 (Advice from a Registered Nurse) 811 can provide advice for possible action for individuals who have experienced incident(s) of Sexual Violence.

### 13.3 Related Policies and Procedures

- Acadia University Non-Academic Judicial Policy  
[https://www2.acadiau.ca/files/files/Files%20~%20Student%20Life/Equity%20and%20Judicial/Judicial Handbook2018.pdf](https://www2.acadiau.ca/files/files/Files%20~%20Student%20Life/Equity%20and%20Judicial/Judicial%20Handbook2018.pdf)
- Acadia University Policy Against Harassment & Discrimination  
[https://hr.acadiau.ca/tl\\_files/sites/hr/Policies%20and%20Procedures/Harassment%20&%20Discrimination.pdf](https://hr.acadiau.ca/tl_files/sites/hr/Policies%20and%20Procedures/Harassment%20&%20Discrimination.pdf)

### 13.4 Legislation

Acadia University must comply with the requirements of Canadian and Nova Scotian legislation. Additionally, such legislation provides both the Complainant and Respondent with protections under the law. Relevant Acts and Regulations include, but are not limited to:

- Criminal Code of Canada  
Section 271 (Sexual Assault) - 273 (Aggravated Sexual Assault)  
See also Section 273.1 (Meaning of Consent)  
<https://laws-lois.justice.gc.ca/eng/acts/C-46/page-58.html#docCont>
- Nova Scotia Human Rights Act  
<https://humanrights.novascotia.ca/know-your-rights/individuals>
- Criminal Injuries Compensation Regulations  
<https://novascotia.ca/just/regulations/regs/vrscomp.htm>
- Age of consent to Sexual Activity  
<https://www.justice.gc.ca/eng/rp-pr/other-autre/clp/faq.html>
- Freedom of Information and Protection of Privacy Act (FOIPOP)  
<https://www.novascotia.ca/nse/dept/foipop.asp>

## **14 Transition Between Versions of the Sexualized Violence Policy**

I. This Sexualized Violence Policy constitutes a significant revision to Acadia's previous Sexual Violence Policy, which came into effect in January 2019. It may be the case that a Complainant or Respondent, who began the process under the previous policy and whose case is not yet completed, may prefer to proceed under the current Policy. Both the Complainant and Respondent are permitted to request that the process proceed under the current Policy. This request can be made to the Sexualized Violence Response and Education Coordinator. If both the Complainant and Respondent agree to this request, the transition to the current Policy will be made.

## 15 Executive Summary

### Background

As a result of a Memorandum of Understanding between the Province and Nova Scotia Universities, the Province of Nova Scotia established a Sexual Violence Prevention Committee in 2016. This committee was tasked with making recommendations to universities by 2017. The resulting report includes 10 recommendations. One of these, recommendation #9, addresses the need to support post-secondary institutions in developing standalone policies to address sexual violence.

In August 2019, Acadia assembled a Sexualized Violence Policy and Procedures committee. Over the 2019/2020 school year this committee reviewed and amended Acadia's existing sexualized violence policy. Central to the new policy was the creation of the position of a Sexualized Violence Response and Education Coordinator. This position has been approved by Acadia's Board of Governors.

Sexualized violence is not tolerated by Acadia University. Members of the University Community who come forward with a disclosure of sexualized violence will be respected in their choices as to how to proceed. They will have the right to decide whether they want to access available services, which services they believe will be most beneficial, and whether or not to report to police or University authorities. Furthermore, the University will engage in education and prevention initiatives, including specialized training of relevant campus leaders.

The Sexualized Violence Policy in no way negates or impedes an individual's right to pursue a course of action through legal means, including pursuant to the Nova Scotia *Human Rights Act* or through the criminal justice system. All elements of this Policy comply with, and are subject to applicable laws, including the Nova Scotia *Human Rights Act*, the Nova Scotia *Occupational Health and Safety Act*, and the *Criminal Code*.

### Policy Application

The Acadia University Sexualized Violence Policy applies to all members of the Acadia University Community: faculty, staff, administration, students, contracted employees working on university property or on behalf of the university, and visitors and guests of Acadia University or of members of the University Community.

The Sexualized Violence Policy (the Policy) is inclusive of all Acadia University property and events hosted, sponsored by, controlled by or associated with Acadia University, university-related travel including but not limited to travel by sports teams and study, experiential education, teaching or research conducted off-campus.

The Policy is meant to provide an overarching framework to guide Members of the University Community who are survivors of sexualized violence (referred to in the Policy as the "Complainant"), those who have been accused of sexualized violence (referred to in the Policy as the "Respondent"), witnesses, bystanders, and anyone who is supporting a person in this process. It should be noted that Acadia University has other policies that may take precedence when either the Respondent or Complainant is not a student, such as the Acadia University Policy Against Harassment & Discrimination.

For further clarity, the procedures described in this Policy will be followed in all instances when the Complainant and Respondent are both students and for all Complainants who are members of the University Community. When the Respondent is a faculty member, the procedures described in Article 14 of AUFA's Fifteenth Collective Agreement will be followed. When the Respondent is an employee and a member of SEIU,



the procedures described in Article 13 of the SEIU's Collective Agreement will be followed.

Sexualized violence is any sexual act, attempt to obtain a sexual act, or other act (touching, verbal, and physical intimidation) directed against a person's sexuality, gender identity, or gender expression, using coercion, force, or threat of force, by any person regardless of their relationship to the complainant in any setting. Sexualized violence may include sexual assault (including sexual activity when the Complainant is under the influence of alcohol or drugs), sexual harassment, sexual cyber-bullying, stalking, indecent exposure, threats, voyeurism, withholding of contraceptive use without the Complainant's knowledge or consent, and sexual exploitation.

## **Procedures**

### *Process of Disclosure*

A Complainant will be directed to make their disclosure to the Sexualized Violence Response and Education Coordinator. A disclosure does not result in a Report being made and does not initiate the investigative or non-investigative streams under this Policy. The Sexualized Violence Response and Education Coordinator shall listen compassionately without judgement and inform the individual about this Policy. The Sexualized Violence Response and Education Coordinator will ask the Complainant what their needs are and will inform the Complainant of support and services available. Those supports and services may include:

- a. access to medical services;
- b. safety planning and protective measures;
- c. information about counselling services, including those available through Acadia's Counselling Centre;
- d. learning, living, and/or working accommodations, such as student residence relocation, class schedule changes, academic accommodations, temporary work location reassignment, and work scheduling changes; and
- e. faculty-level supports.

Where a member of the University Community or visitor witnesses or has reasonable concerns about an act of sexualized violence, such member may submit an anonymous written allegation to the Sexualized Violence Response and Education Coordinator.

### *Confidentiality*

Confidentiality means to refrain from disclosing personal information to others. Every effort will be made to respect the wishes of survivors of sexualized violence and to protect the privacy and anonymity of any person who discloses an incident of sexualized violence. Prior to disclosure of information reported relating to incidents of sexualized violence, the expressed informed consent of the individual who made the report of sexualized violence will be required, except in circumstances where limits to confidentiality are applicable. These circumstances are outlined in section 4.2.

### *Rights of Claimant and Respondent*

It is important to note that both the Complainant and the Respondent have rights under this Policy. These are outlined in sections 5 and 6.

### *Reporting Process*

If the Complainant chooses to make a Report, this shall be made to the Sexualized Violence Response and Education Coordinator. A Report must be submitted by the Complainant in writing and include: the names of both the Complainant and the Respondent; a detailed description of the behaviour that forms the basis of the

Report; and an indication of the redress sought by the Complainant. The Sexualized Violence Response and Education Coordinator will provide support, advice and/or referral to assist the Complainant with submission of the Report and to understand the reporting process under this Policy.

Upon receipt of a Report, the Sexualized Violence Response and Education Coordinator will determine if this Policy applies, if there could be a finding that sexualized violence occurred under this Policy, and if the allegations in the Report have not already been or are not currently being heard through another University process.

If the Sexualized Violence Response and Education Coordinator determines that any of these criteria have not been met, the Complainant will be advised of support and resources as appropriate, and that no further action with respect to the Report will be taken and why. If the Sexualized Violence Response and Education Coordinator determines that all criteria have been met, the Coordinator, in consultation with the Executive Director, Student Services, will determine whether the Report should proceed under the Investigative Stream or Non-Investigative Stream. The criteria to be considered when making this determination are outlined in section 9.2.1 (V) of the Policy and include the informed and non-coerced choice of the Complainant.

#### *Interim Measures*

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 are described in section 9.4 of the Policy. Where interim measures are required, the Sexualized Violence Response and Education Coordinator will consult with the Complainant and Respondent. Following consultations, the Sexualized Violence Response and Education Coordinator will give written notice to the Complainant and Respondent of any interim measures being imposed. Interim measures may include, but are not limited to:

- a. Separating the Complainant and Respondent to minimize or prevent encounters in living, working, and learning environments;
- b. Implementing no-contact agreements;
- c. Prohibiting the Respondent from being on some or all of the University premises and University-affiliated activities;
- d. Imposing a suspension on a Respondent.

#### *Investigative Stream*

If the Sexualized Violence Response and Education Coordinator, in consultation with the Executive Director, Student Services, determines that the Report should proceed under the Investigative Stream, the Sexualized Violence Response and Education Coordinator will:

- a. 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, details of any interim measures imposed, details of available advocacy and support services (including an appropriate advisor on campus and the right to have present a support person of their choice throughout the process), a reminder that this Policy prohibits retaliation, and contact information for someone to whom questions can be addressed;
- b. Provide the Respondent fifteen (15) business days to submit a formal written response to the Report;
- c. Offer the Complainant the opportunity to receive a copy of the Respondent's written response to the Report, if one is received;

- d. Determine if any foreseeable conflicts of interest exist and alert the President and Vice-Chancellor as necessary.
- e. Determine if an internal or external Investigator will be appointed, and appoint an Investigator; and
- f. Provide the Investigator with all materials submitted by the Complainant and the Respondent.

The Investigator will conduct the investigation in a manner that is consistent with section 9.5.1 (IV) and the principles set out in section 1(II) of the Policy. At the conclusion of the investigation, the Investigator will prepare a written confidential Investigation Report that makes a finding 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 Complainant and provide reasons for the finding.

All steps under the investigative stream 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 business days of the receipt of the materials by the Investigator.

The Investigation Report and any comments received will be reviewed by the Executive Director, Student Services. The Executive Director, Student Services will decide whether the respondent has breached this policy and will determine whether sanctions, remedial actions, or education should be imposed. Sanctions and remedial actions are outlined in section 9.5.2 (III). There is an appeal process, which is outlined in section 9.5.3.

#### *Non-Investigative Stream*

If the Sexualized Violence Response and Education Coordinator determines that the Report will proceed under the Non-Investigative Stream, the Coordinator will determine appropriate remedial and/or educational outcomes. Such outcomes vary depending on the nature of the Report. If the Respondent is not willing to voluntarily participate in the desired remedial or educational outcomes, the Sexualized Violence Response and Education Coordinator may, after considering the factors outlined in section 9.2.1(V) of this Policy, decide to proceed under the Investigative Stream.

#### *University Report Process*

The University may initiate a University Report when one of the conditions set out in section 9.7(I) is met. These include:

- a. a Complainant has previously submitted a Report and has requested that the University take no further steps regarding their Report;
- b. a Complainant has made a disclosure but no Report and does not wish to participate in the processing of a Report;
- c. a visitor has made a disclosure;
- d. one or more members of the University Community or visitors, by name or anonymously, have provided information about an act of sexualized violence against a student of the University; or
- e. there has been more than one disclosure made about more than one alleged act of sexualized violence allegedly committed by the same Respondent.

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 section 1(III) of this Policy and in the same manner as a Report, and in accordance with the procedures set out in sections 9.2, 9.3, and 9.4 of this Policy, except that:

- a. all references to Report shall be read as University Report;
- b. the Complainant will not be required to participate in any way;
- c. there will be no communication with the Complainant about the University Report unless the Complainant has indicated they wish to be kept informed; and,
- d. any information that would have been sought from the Complainant that may be known by the Department of Safety and Security will be obtained from the Department of Safety and Security.

### **Training, Education, and Preventative Measures**

Acadia University strives for a campus free of sexualized violence and recognizes the importance of sexualized violence prevention and education as well as ongoing training on this Policy in order to achieve the purposes and goals of this Policy.

The Sexualized Violence Response and Education Coordinator shall develop and disseminate information and training on how to appropriately support and refer members of the University community and Visitors who disclose an experience of sexualized violence. This information and training will be delivered to faculty, students, and staff of Acadia.

The Sexualized Violence Response and Education Coordinator, in collaboration with on-campus and off-campus groups, including student groups, will develop and implement strategic initiatives related to campus sexualized violence prevention.

All Investigators shall receive training in gender-based violence, sexual assault law, trauma-informed practice, sexualized violence investigations, procedural fairness, and the manner in which persons of diverse identities might experience and respond to sexualized violence.

The Sexualized Violence Response and Education Coordinator will provide training and education to the administrators and staff identified in section 3 who are responsible for the administration of this Policy.