



Name:	Sexual Violence and Harassment Policy
Policy Number:	6-2025
Approving Authority:	Executive Management Group
Approved:	September 15, 2022
Responsible Office:	President and Vice Chancellor
Responsibility:	Sexual Violence Advisor Associate Vice President, Student Affairs and Services, with respect to application of this Policy to Students Associate Vice President, People and Culture, with respect to application of this Policy to Employees
Revision Date(s):	Not applicable
Supersedes:	6-2019 Sexual Violence Policy and Procedures
Next Required Review:	Review to be started at the beginning of the third year from the original approval date, and every three years thereafter

1. Preamble

- 1.1 Saint Mary's University is committed to ending Sexual Violence and Harassment in all forms. Sexual Violence and Harassment undermines the full, free, and safe participation of all members of the University Community by creating intimidating, hostile, and/or unsafe living, learning, and working conditions, environments, and experiences which can negatively impact an individual's academic and/or employment performance and status.
- 1.2 Saint Mary's University is committed to maintaining a positive and respectful learning, living, and working environment that respects the rights of all Saint Mary's University community members to learn, study, live, and work free from Sexual Violence and Harassment.
- 1.3 Saint Mary's University understands and acknowledges that Sexual Violence and Harassment is a serious problem in society and on university and college campuses; a problem perpetuated by prevalent attitudes, norms, social practices, and media which tolerate, normalize, justify, trivialize, excuse, and/or outright condone Sexual Violence and Harassment. These attitudes and social responses normalize sexual coercion and shift blame onto those who have experienced Sexual Violence and Harassment.
- 1.4 Saint Mary's University acknowledges that Sexual Violence and Harassment are inherently connected to inequality and power imbalances on campus and in our society; and that Sexual Violence and Harassment and its harmful consequences disproportionately impact members of social groups who experience intersectional grounds of discrimination or marginalization

such as on the basis of sex, gender, gender identity or expression, sexual orientation, Indigeneity, race, age, ability, class, and other forms of oppression.

- 1.5 Saint Mary's affirms its commitment to fostering a culture on campus where attitudes and behaviours that perpetuate Sexual Violence and Harassment are challenged, discouraged, and rejected; those who experience Sexual Violence and Harassment are supported; and Disclosures and Reports of Sexual Violence and Harassment are responded to seriously and in a manner that is Trauma Informed and Procedurally Fair.
- 1.6 The University recognizes Sexual Violence and Harassment are under-reported for a variety of reasons, including shame, stigmatization, self-blame, and fear of reprisals, isolation, ostracism, or fear of being dismissed or disbelieved. The problem is exacerbated for members of social groups who experience intersectional grounds of discrimination or marginalization, such as based on sex, gender, gender identity or expression, sexual orientation, Indigeneity, race, age, ability, class, and other forms of oppression.
- 1.7 The University recognizes that persons who have experienced Sexual Violence and Harassment frequently first talk to a trusted person, such as a friend, peer, colleague, faculty member, union representative, Residence Assistant, Residence staff member, mentor, or a university employee. A Member of the University Community who is told about an incident or experience of Sexual Violence shall listen compassionately without judgment, inform the individual about this Policy, and refer the individual to the Sexual Violence Advisor.

2. Purpose

2.1 The purpose of this Policy is to:

- a. Prohibit all forms of Sexual Violence and Harassment at Saint Mary's University.
- b. Establish the role of the Sexual Violence Advisor to ensure that a specialized individual/office is available to provide information and support to persons who have experienced Sexual Violence and Harassment, to coordinate Accommodations and access to services and supports, and to assist students, staff, faculty, or others who make a Disclosure or a Report against a member of the University Community.
- c. Commit the university to:
 - i. Respond seriously to Disclosures and Reports of Sexual Violence and Harassment in a manner that is Trauma-Informed, Procedurally Fair, and treats all persons involved with dignity and respect.
 - ii. Provide information, referrals, Accommodations, and support to persons who have experienced Sexual Violence and Harassment.
 - iii. Provide Procedurally Fair investigations, information, and/or restorative opportunities for Respondents.
 - iv. Inform the campus community about options for emergency, campus and community supports, including crisis intervention, in case of an experience related to Sexual Violence and Harassment.

3. Policy

- 3.1. All Members of the University Community and Visitors have the right to study, work, and live in a campus environment free from Sexual Violence and Harassment. All Members of the University Community have a shared responsibility to ensure that the University's living, learning, and working environments are free from Sexual Violence and Harassment.

- 3.2. No Member of the University Community or Visitors shall commit an act of Sexual Violence or Harassment.
- 3.3. Disclosures and Reports of Sexual Violence shall be addressed under this Policy.
- 3.4. No member of the University Community or Visitors shall retaliate against persons who have made a Disclosure or Report under this Policy, nor against persons who have been named as Respondents in such Disclosures or Reports. Retaliation may constitute grounds for disciplinary or other action under the Code of Student Conduct (for students) or applicable collective agreement or workplace policies (for employees).
- 3.5. The University will provide supports to persons who have experienced Sexual Violence or Harassment whether they choose to make a Report under this Policy or any external reporting process (such as reporting to police).
- 3.6. The University will adhere to principles of Procedural Fairness when dealing with reports.
- 3.7. Where a Member of the University Community witnesses or has reasonable concerns about an act of Sexual Violence, such Member may submit an anonymous written account to the Sexual Violence Advisor. Whether or not an anonymous report can proceed in the absence of an identified Complainant will be determined by the Sexual Violence Advisor, in consultation with the Responsible Authority, having regard to all the circumstances of the case and the evidence available. Information provided anonymously may also be used as the basis to decide to engage a process aimed at addressing systemic or cultural concerns.
- 3.8. The University will reduce, as much as possible, the barriers to Disclose and Report Sexual Violence and Harassment at Saint Mary's, through education and training of Members of the University Community and through responses that aim to protect the safety and respect the choices of persons who have experienced Sexual Violence or Harassment.
- 3.9. A Member of the University Community who makes a Report in good faith will not be subject to disciplinary actions by the University for violations of University Policies related to drugs or alcohol at the time the Sexual Violence or Harassment took place.
- 3.10 The University recognizes the power dynamics inherent in relationships that are personal, intimate, romantic, or sexual in nature between Faculty and Students, Staff and Students, or two Employees, within a linear academic, reporting, or supervisory relationship. These relationships are strictly prohibited.

4. Jurisdiction/Scope

- 4.1 This Policy applies to all Members of the Saint Mary's University Community. All Members of the University Community who experience Sexual Violence or Harassment will be offered appropriate support, Accommodations, and/or referrals regardless of their role in the University or the role of the person against whom a Disclosure or Report is made against.
- 4.2 This Policy applies in the context of all University and non-University activities where the conduct has a material negative impact on someone's living, learning, and/or working environment.
- 4.3 Any member of the University Community who has been impacted by Sexual Violence or Harassment may seek Accommodations and supports under this Policy. A Report is not

necessary to access support, Accommodations, or Interim Measures through the Sexual Violence Advisor.

- 4.4 A Report of Sexual Violence or Harassment may be investigated in circumstances where the Respondent is a current Member of the University Community. A current Member of the University Community for the purposes of an investigation includes Respondents who may not presently be at Saint Mary's but have at some point been a member of the Saint Mary's University Community.
- 4.5 The University does not have the jurisdiction to investigate Reports made against a person who was not a Member of the University Community at the time of the reported conduct. The University does not have the jurisdiction to compel a Respondent who is not a Member of the University Community at the date of the Report to participate in an investigation. However, in the event of such Disclosures, the University will provide support to persons who have experienced Sexual Violence and Harassment and may be able to take measures such as restricting access to campus by the person against whom a Disclosure is made.
- 4.6 If there is any inconsistency between this Policy and other Saint Mary's policies, including the Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination Policy, this Policy governs.
- 4.7 Where there is any express conflict between this Policy and the terms of a collective agreement to which the University is a party, the collective agreement governs.
- 4.8 This Policy applies even if:
 - a. The person who has experienced Sexual Violence or Harassment is pursuing processes external to the University, including:
 - i) reporting to police;
 - ii) initiating a civil proceeding; and
 - iii) making a complaint to the applicable Human Rights Commission;
 - b. The Respondent is pursuing processes external to the University, including:
 - i) criminal investigation or appeal;
 - ii) civil proceeding;
 - a. The incident or experience Reported or Disclosed is the subject matter of an investigation and adjudication by an applicable provincial regulatory body.
- 4.9 Where there are external proceedings (i.e. police investigation or criminal proceeding, civil proceeding, investigation or adjudication by a human rights commission, an investigation or adjudication by the applicable provincial regulatory body) or internal proceedings (i.e. University process for addressing alleged failures to meet professionalism standards) pending against a Member of the University Community for conduct related to a Report, the Responsible Authority may, but does not have to, defer the processing of a Report.
- 4.10 Members of the University Community continue to have the right to seek assistance from the applicable provincial Human Rights Commission, the Criminal Justice System, the applicable provincial regulatory body, where applicable, even when actions are being taken under this Policy.

5. Definitions

Accommodation: the provision of an adjustment to address a need of a person who has experienced Sexual Violence or Harassment or Complainant (e.g., assignment extension, academic work/scheduling, residence re-assignment).

Complainant: a Member of the University Community who has made a Report of Sexual Violence or Harassment under this Policy.

Consent to Sexual Activity: an active, direct, voluntary, unimpaired, and conscious choice and agreement to engage in sexual activity. For further clarity, consent:

- Can be revoked at any time during sexual activity;
- Cannot be assumed nor implied;
- Cannot be given by silence or the absence of “no”;
- Cannot be given by an individual whose judgment is incapacitated by alcohol and/or drugs, is unconscious, or asleep;
- Cannot be obtained through coercion or threats;
- Cannot be given if the person who has engaged in Sexual Activity has abused a position of trust, power, or authority; and,
- Might not be given properly if an individual has a condition that limits their verbal or physical means of interaction.

Disclosure: refers to a person who has experienced Sexual Violence or Harassment, or a witness to Sexual Violence or Harassment, sharing information about the experience. A Disclosure is different than a Report and does not automatically initiate a formal investigation by Saint Mary’s University.

Formal Resolution Stream refers to the process set out in Section 14 where a Report is investigated by an Investigator and where disciplinary, remedial, educational, and/or restorative outcomes may result.

Informal Resolution Stream refers to the process set out in Section 13 where a Report is addressed without an investigation through remedial, educational, and/or restorative outcomes.

Interim Measures: non-disciplinary and temporary adjustments put in place to maintain a positive, respectful, and productive living, working, and learning environment pending the resolution of a disclosure, report, or Informal or Formal Resolution process. Interim Measures do not imply any assumptions of responsibility for involved parties in a Report.

Investigator: refers to the person selected from a pool of qualified, experienced, and trained individuals available to conduct investigations under Section 14 of this Policy.

Member of the University Community: includes students, faculty, librarians, volunteers, postdoctoral fellows, and all employees of Saint Mary’s University. For clarity, faculty includes part-time, adjunct, retired, and visiting faculty and staff includes full-time, part-time, contracted, and third-party vendors.

Procedural Fairness: refers to acting fairly and unbiased in administrative decision-making (i.e., the fairness of the procedure in which a decision is made) and following a consistent process that allows for participants to be heard and treated with respect.

Referral: the act of providing a person who has experienced Sexual Violence or Harassment with the contact information for the Sexual Violence Advisor. Alternatively, with permission, the person making the referral can provide contact information for the person who has experienced Sexual Violence or Harassment to the Sexual Violence Advisor.

Report: refers to the sharing of information about an experience of Sexual Violence or Harassment by an individual to the Sexual Violence Advisor, with the intention of initiating an Investigation

process under this Policy. The Investigation could result in disciplinary action against a Member of the University Community if found to have committed Sexual Violence or Harassment as set out in this Policy. Reports are initiated by a Complainant (as per section 11), the University, (as per section 17) or anonymous or third parties (as per section 18).

Respondent: a person against who a Report of Sexual Violence or Harassment is made against. A Respondent can be any Member of the University Community.

Responsible Authority: the individual(s) designated under this Policy with the authority and responsibility to assess and impose Interim Measures, review Reports of Sexual Violence, appoint the Investigator, review the Investigator's Report, and determine and impose Discipline or Remedial Measures. The Responsible Authority is:

- For Students: Associate Vice-President, Student Affairs and Services, or designate
- For Employees: Associate Vice-President, People and Culture, or designate, In cases involving faculty, the Associate Vice President, People and Culture will consult with the Vice President Academic and Research, or designate
- For all other members of the University Community: designate in consultation with the Associate Vice President of People and Culture

Sexual Harassment: refers to:

- a. vexatious sexual conduct or comments that are known or ought reasonably to be known as unwelcome;
- b. sexual solicitation or advances where there is ability to confer a benefit on, or deny a benefit to, the person to whom the solicitation or advance is made;
- c. a reprisal or threat of reprisal, against a person for rejecting a sexual solicitation or advance thereby creating a hostile environment;
- d. jokes or remarks of a sexual nature, such as comments on a person's appearance, body, or clothing; questions about a person's sexuality, sexual history, or sexual identity; leering, ogling, or sexual gestures; sexual attention (such as persistent invitations for dates); reprisal for rejecting a sexual advance, and unwelcome remarks based on gender which are demeaning or derogatory.

Sexual Violence: refers to any act targeting a person's sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted without that individual's consent. Sexual Violence includes acts prohibited in the Criminal Code such as Sexual Assault, criminal harassment (stalking), indecent exposure, voyeurism, and sexual exploitation and others addressed in provincial human rights legislation such as Sexual Harassment. It can include stealthing (the interference or removal of a condom without the express consent of the sexual partner). Sexual Violence can take place through any form or means of communication (e.g., online, social media, verbal, written, visual, "hazing", or through a third party).

Sexual Violence Advisor: the person employed by the University for the purposes of carrying out the roles and responsibilities assigned to the position including responding to Disclosures, Reports, and Referrals, providing options, and coordinating Accommodations; overseeing prevention, education, and training initiatives; research; and policy review.

Survivor: An individual who has experienced Sexual Violence or Harassment, has made a Disclosure of Sexual Violence or Harassment, or identifies as a Survivor. It is up to the individual to choose how they want to be referred. A Survivor may also be a Complainant if they have initiated a Report under this Policy.

Trauma Informed: refers to an approach to processes, procedures, and service provision that understands and responds the profound and complex physical, psychological, and social impacts of trauma on an individual and actively works to mitigate harms.

Visitors: persons who are not Members of the University Community who are engaged in activities on Saint Mary's University's property or with Members of the University Community and are involved in Sexual Violence or Harassment in this capacity. Visitors include agents, suppliers, alumni, donors, and users of University facilities.

Name: Sexual Violence and Harassment Regulations

Approving Authority:	Executive Management Group
Approved:	September 15, 2022
Responsible Office:	President and Vice Chancellor
Responsibility:	Sexual Violence Advisor Associate Vice President, Student Affairs and Services, with respect to application of this Policy to Students Associate Vice President, People and Culture, with respect to application of this Policy to Employees
Revision Date(s):	September 2022
Next Required Review:	Review to be started at the beginning of the third year from the original approval date, and every three years thereafter

1. Purpose

1.1 The Sexual Violence and Harassment Regulations outline a Trauma Informed, centralized system of Disclosure, Reporting, Informal and Formal Resolution, and Review related to Sexual Violence and Harassment.

2. Administration of the Policy and Regulations: Roles and Responsibilities

- 2.1 The Sexual Violence and Harassment Policy and Sexual Violence and Harassment Regulations are under the authority of the Executive Management Group.
- 2.2 Student Affairs and Services (on student-based issues) and People and Culture (on all employee-based issues) are jointly responsible for the administration of the Policy and Regulations, in consultation with the Sexual Violence Advisor. The Vice President Academic will be consulted as appropriate by People and Culture on faculty related matters.
- 2.3 The University has established the role of Sexual Violence Advisor with a mandate to:
 - a) Develop and disseminate information and training on how to appropriately support and refer Members of the University Community who disclose an experience of Sexual Violence or Harassment.
 - b) Provide advice, information, support, and resources in relation to the Sexual Violence and Harassment Policy, provide information, support, and resources to people who have experienced Sexual Violence and Harassment, and referrals to support for respondents of Reports through the Sexual Violence and Harassment Policy.
 - c) Develop and disseminate information and training on Sexual Violence and Harassment for the Campus Community.
- 2.4 Support will also be provided to those who have received a Disclosure.
- 2.5 If the Sexual Violence Advisor is unable to discharge their responsibilities under the Policy for any reason, the Associate Vice President, Student Affairs and Services, in consultation with

the Associate Vice President, People and Culture, will ensure that another appropriate employee is able to carry out the responsibilities of the Sexual Violence Advisor.

- 2.6 In the event that the respondent named in a Disclosure or Report is personally connected to the Sexual Violence Advisor (i.e. family member or close contact) the Associate Vice President, Student Affairs and Services will designate the responsibilities of the Sexual Violence Advisor (in student cases); the Associate Vice President, People and Culture will designate the responsibilities of the Sexual Violence Advisor (in employee cases). The Vice President Academic will be consulted as appropriate by People and Culture on faculty related matters.
- 2.7 In the event that the Respondent named in a Disclosure or Report is the Sexual Violence Advisor, the responsibilities assigned to the Sexual Violence Advisor will be assumed by the Associate Vice President, People and Culture.
- 2.8 In the event that the Respondent named in a Disclosure or Report is the Associate Vice President, Student Affairs and Services or Vice President, Academic and Research (or otherwise in the Sexual Violence Advisor's reporting line) the responsibilities of the Sexual Violence Advisor will be discharged the Associate Vice President, People and Culture.
- 2.9 In the event that the respondent named in a Disclosure or Report is the Associate Vice President, People and Culture; the Vice President, Finance and Administration; or the President, an External Investigator will be retained by the Sexual Violence Advisor in consultation with University Legal Counsel.
- 2.10 The Sexual Violence Advisor; the Associate Vice President, Student Affairs and Services; the Associate Vice President, People and Culture; or any other Member of the University Community who receives information to carry out their responsibilities under this Policy, shall disclose any actual or potential conflict of interest with respect to a Disclosure or Report.
- 2.11 Where the Complainant or Respondent is aware or has reasonable grounds to believe that an undisclosed actual or potential conflict of interest exists with respect to a Disclosure or Report, they shall report the matter to the Sexual Violence Advisor in a timely manner. In such circumstances, the Sexual Violence Advisor shall determine the Responsible Authority.
- 2.12 The Sexual Violence Advisor will deliver an annual report to the Sexual Violence Response Team, the Associate Vice President of Student Affairs and Services, the Associate Vice President of People and Culture, and the Executive Management Group.

3. Principles related to Process

- 3.1 A person who has made a Disclosure or a Report of Sexual Violence has autonomy in decision-making, and with respect to whom to Disclose, whether to Report, whether to pursue recourse in the Criminal or Civil Justice systems, and whether to access the support and Accommodations.
- 3.2 Processes under this Policy will respect principles of Procedural Fairness.
- 3.3 Support from the Sexual Violence Advisor and referrals to campus and community resources will be made available as quickly as practicable to any Member of the University Community who experiences, witnesses, or perpetrates an incident of Sexual Violence or Harassment.

- 3.4 The University will respond to Disclosures and Reports of Sexual Violence and Harassment fairly and expeditiously.

4. Confidentiality

- 4.1 Ensuring confidentiality is a key principle in creating an environment where people who have experienced Sexual Violence or Harassment feel comfortable exploring their options and seeking support and Accommodations. Disclosures and Reports of Sexual Violence and Harassment will be kept confidential to the greatest extent possible, within the limitations described in this section.
- 4.2 Where a person who has experienced Sexual Violence or Harassment wishes to make a Report, Procedural Fairness will require disclosure of the Complainant's identity and the details of the report being made against the Respondent to the Respondent.
- 4.3 The University will limit sharing of information to those within the University who need to know information to carry out their responsibilities under the Policy, including providing Accommodations, interim measures, investigating and decision-making processes, and taking corrective action resulting from those processes. In all cases, the Sexual Violence Advisor will share the least amount of information possible.
- 4.4 Confidentiality is limited where information needs to be disclosed to address a serious risk or meet a legal obligation. The University cannot guarantee absolute confidentiality in all cases of a Disclosure or Report. For example, the University may be required to disclose information and/or undertake its own investigation where:
- a) An individual is at risk of imminent and serious harm to themselves or others;
 - b) There are reasonable grounds to believe that one or more Members of the University Community or Visitors pose a serious and credible risk of harm based on information that has been provided;
 - c) There is objective evidence of Sexual Violence, such as evidence of Sexual Violence in the public realm (e.g. a video posted on social media) or otherwise recorded or documented and available to the University;
 - d) There is a risk to the safety of the University and/or broader community;
 - e) There is a legal obligation to report, or investigation is required by law (for example, but not limited to, an incident involving a minor, or obligations related to occupational health and safety or to human rights legislation); or
 - f) There is a legal obligation to act or cooperate in an extra-University judicial process.
- 4.5 Records of all Disclosures, Reports, and Referrals will be maintained and stored securely and confidentially under the care and control of the Sexual Violence Advisor and Responsible Authorities (where a Report is filed) in compliance with university policies of privacy, record keeping, and data governance and in compliance with privacy legislation.
- 4.6 If a Disclosure is made to a Residence and Housing or Security staff member, a record of the disclosure may be kept in compliance with university policies on data management and privacy legislation. Records will be sent to the Sexual Violence Advisor.
- 4.7 Where the Sexual Violence Advisor and/or Responsible Authorities are unavailable or the positions are vacant, a designate may access records for the purpose of supporting a Disclosure or Report or implementing supports and Accommodations. The designate will be determined by the Associate Vice President, Student Affairs and Services in consultation with the Associate Vice President, People and Culture.

5. Principles related to Disclosures and Reports

- 5.1 For emergency situations, contact 9-1-1 or Campus Security (902 420 5000)
- 5.2 A Disclosure and a Report are separate actions. A person who has experienced Sexual Violence or Harassment can choose to take either or both actions.
- 5.3 A Visitor can make a Disclosure but not a Report.
- 5.4 A Member of the University Community may provide the Sexual Violence Advisor information on an anonymous basis.
- 5.5 When a Member of the University Community shares information about an experience of Sexual Violence or Harassment with another Member of the University Community, the person receiving the disclosure should listen compassionately, inform the person disclosing of this policy, and refer the individual disclosing to the Sexual Violence Advisor.
- 5.6 The University recognizes that an individual who has experienced Sexual Violence or Harassment may require time and reflection before making the decision as to whether they wish to make a Disclosure or a Report of the incident. Therefore, there is no deadline to make a Disclosure or Report. However, individuals who have experienced Sexual Violence or Harassment are encouraged to make a Disclosure and/or Report as soon as they are able, to reduce risk that the passage of time may affect the University's ability to address the issues raised by a Disclosure or a Report.
- 5.7 A Complainant can, at any time, choose to discontinue Accommodations provided through the Disclosure or Report processes or to stop participating in the processing of their Report.
- 5.8 Complainants and Respondents can be accompanied by a support person at any time through the Disclosure or Report processes. When a Complainant makes a Disclosure or Report, and the Respondent is notified of a Report, they will be advised of assistance available from designated individuals as outlined in Regulation 9.1 and 10.1
- 5.9 In making any determinations with respect to a Disclosure or Report, the Sexual Violence Advisor, the Associate Vice-President Student Affairs and Services, the Associate Vice President People and Culture (in consultation with the Vice President Academic in cases related to faculty) may consult with other appropriate University employees for advice. Any sharing of information as part of that consultation will be done in accordance with section 4 of the Regulations and any personally identifying information will only be shared if needed for the case considerations.

6. Disclosures

- 6.1 When a University Community Member is informed about an experience of Sexual Violence or Harassment, they will listen compassionately, inform the person who has experienced Sexual Violence or Harassment of the Policy, and refer the person to the Sexual Violence Advisor. With the Disclosing individual's consent, the person receiving the Disclosure may provide the Sexual Violence Advisor with the name and contact information of the person who made the Disclosure so that the Sexual Violence Advisor can follow up and offer support, services, and Accommodations.

- 6.2 If the person disclosing does not want to access the support of the Sexual Violence Advisor, the person being disclosed to will fill out the anonymous 'Sexual Violence Disclosure and Referral' form and send it to the Sexual Violence Advisor. The form does not collect the personal information of the person who experienced Sexual Violence and Harassment, and is used for incident tracking and statistical purposes.
- 6.3 A Disclosure does not result in a Report being made and does not initiate the Informal or Formal Resolution processes set out in Regulation 9 and 10 of the Regulations.
- 6.4 A Disclosure may relate to a Respondent who is or is not a Member of the University Community.
- 6.5 When the Sexual Violence Advisor meets with a person who has experienced Sexual Violence or Harassment, they will inform the person about the Policy and advise of supports, services, Accommodations, and reporting options provided under the Regulations.
- 6.6 The Sexual Violence Advisor will inform the person who has experienced Sexual Violence or Harassment of their rights with respect to confidentiality, as set out in section 4 of the Regulations.
- 6.7 A person who has experienced or witnessed Sexual Violence or Harassment is not required to make a Report about an incident of Sexual Violence or Harassment to obtain the support and services or Accommodations referred to in the Sexual Violence and Harassment Policy and/or Regulations.

7. Reports

- 7.1 A Report initiates a formal process under the Policy and shall be directed to the Sexual Violence Advisor.
- 7.2 The Sexual Violence Advisor will provide information and support to assist the Complainant with submission of the Report and to understand the reporting process under the Policy.
- 7.3 A Report must be submitted by the Complainant in writing (email is acceptable) and include:
 - a. the names of both the Complainant and the Respondent
 - b. a description of the behaviour that forms the basis of the Report
 - c. if known, an indication of the redress sought by the Complainant
- 7.4 A Report may be documented by the Sexual Violence Advisor based on the oral information provided by the Complainant. Reports documented by the Sexual Violence Advisor must be reviewed and signed by the Complainant prior to submission to the Responsible Authority.
- 7.5 The Sexual Violence Advisor will meet with the Complainant to discuss how the University will respond to the Report and will explain the Informal and Formal Resolution Streams. The Sexual Violence Advisor will provide information about available support and services, including information about Interim Measures that may be imposed upon the Respondent and Accommodations that can be put in place with respect to the Complainant's living, learning, and working environments. Examples of Interim Measures are: no contact directives, temporary residence relocation, class or employment reassignment, etc.
- 7.6 The Sexual Violence Advisor may consult or seek the assistance of other internal personnel or resources of the University for direction and may consult or seek the assistance of external parties relevant to the Report (subject to the Confidentiality and Privacy provisions outlined in section 4 of the Regulations and Procedures).

- 7.7 If a Report is made to a person or unit other than the Sexual Violence Advisor, such as but not limited to, Human Resources or Campus Security, the Report shall be forwarded to the Sexual Violence Advisor.

8. Determination by Responsible Authority

- 8.1 Responsible Authority may appoint a delegate to act in their place
- 8.2 Upon receipt of a Report, the Responsible Authority (as identified in Regulation 2) will determine:
- a. whether the matter falls within the scope of the Sexual Violence and Harassment Policy;
 - b. whether, if based on the Report, there could be a finding that Sexual Violence or Harassment occurred in violation of the Policy.
- 8.3 If the Responsible Authority determines that any elements of the Sexual Violence and Harassment Policy have not been met, the Complainant will be advised in writing 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, the decision may be re-evaluated.
- 8.4 If the Responsible Authority determines that all elements of Regulation 8.2 have been met, the Responsible Authority, in consultation with the Sexual Violence Advisor and the Complainant, will determine whether the Report should proceed under the Informal Resolution Stream or Formal Resolution Stream (Regulation 9 and 10). In making that determination, the Responsible Authority will consider the following criteria:
- a. The informed and non-coerced choice of the Complainant
 - b. The Complainant's preference after receiving information about the Informal Resolution or Formal Resolution Stream;
 - c. The safety of all parties and Members of the University Community generally;
 - d. Any necessary pre-conditions for restorative approaches, including the voluntary participation of the Respondent after they are notified and informed of their options and;
 - e. Any applicable collective agreement or human resources policy.
- 8.5 If the Responsible Authority determines that a Report will proceed under the Informal Resolution or Formal Resolution Stream, (Regulation 9 and 10) the respondent will be notified in writing via email and will be required to meet with the Responsible Authority or designate within ten (10) business days to discuss the report process and next steps.
- 8.6 The Responsible Authority may, but is not required to, upon receiving a written request from the Respondent via the Sexual Violence Advisor, consider suspending the processing of a Report under the Sexual Violence and Harassment Policy pending completion of all or part of other proceedings referred to in section 4.9 of the Policy to avoid potential procedural unfairness, conflicting and prejudicial outcomes for either party, or where circumstances otherwise warrant.
- 8.7 Where a report is suspended based on the criteria outlined in Regulation 8.6, support, Accommodations, and referrals for the Complainant will continue.

9. Informal Resolution

- 9.1 Where a remedial, educational, or restorative outcome requires the voluntary participation of the Respondent or will otherwise impact the Respondent in any way, prior to being required to advise the Sexual Violence Advisor if they will voluntarily participate or engage in any process whatsoever, the Respondent will be provided with:

- a. written notice that a Report has been brought against them;
 - b. a copy of the Report and the Sexual Violence and Harassment Policy;
 - c. details of available support services (including an appropriate staff support on campus, the right to access the Saint Mary's University Students' Association, and the right to have present a support person of their choice throughout the process);
 - d. a reminder of the uses that can be made of the information learned while proceeding under the Informal Resolution Stream (as set out in Regulation 9.4 below);
 - e. a reminder that this Policy prohibits retaliation.
- 9.2 If the Responsible Authority determines that the Report will proceed under the Informal Resolution Stream, the Sexual Violence Advisor will determine appropriate remedial, educational, and/or restorative processes and 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 from the Complainant: 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. Impact Statement, Letter, or Video from the Respondent: The Respondent communicates to the complainant accountability for their actions and/or an apology;
 - c. Facilitation: The Complainant may request that the Sexual Violence Advisor facilitate a discussion between themselves and the Respondent;
 - d. Notification: The Associate Vice President, Student Affairs and Services or Associate Vice President, People and Culture (in consultation with the Vice President Academic and Research in faculty cases) notifies the Respondent that the behaviour must stop immediately;
 - e. Education: The Sexual Violence Advisor arranges coaching, support, and educational opportunities for the Respondent and other Members of the University Community as appropriate; and
 - f. Other processes or interventions of a restorative nature.
- 9.3 The Sexual Violence Advisor will work with all applicable parties to identify outcomes desired and design processes to achieve those outcomes in a timely, Trauma Informed and Procedurally Fair manner. No process under this Regulation requires any face-to-face or in-person interaction between the Complainant and the Respondent.
- 9.4 Information shared by the Complainant and the Respondent under the Informal Resolution Stream can be used if the matter subsequently proceeds under the Formal Resolution Stream. It will also be disclosed to outside parties, including police, if such disclosure is required by law.
- 9.5 If the Respondent is not willing to voluntarily participate in the Informal Resolution Stream outcomes, the Responsible Authority may, after considering the factors outlined in Regulation 8.2, decide to proceed under the Formal Resolution Stream.
- 9.6 Where after reasonable efforts have been made by the Complainant, the Respondent, and/or the Sexual Violence Advisor to achieve the desired outcomes, those outcomes have still not been reached, the Responsible Authority may, after considering the factors outlined in Regulation 8.2, decide to proceed under the Formal Resolution Stream.

10. Formal Resolution

- 10.1 If the Responsible Authority determines that the Report will proceed under the Formal Resolution Stream, they will:

- a. Provide written notice to the Respondent that a Report has been brought against them. The notice will include a copy of the Report, a copy of the Sexual Violence and Harassment Policy, details of procedures that will be followed, details of any Interim Measures imposed, details of available support services (including an appropriate staff support on campus, the right to access the Saint Mary's University Students' Association and the right to have present a support person of their choice throughout the process), a reminder that the Policy prohibits retaliation, and contact information for someone to whom questions can be addressed;
 - b. Provide the Respondent with ten (10) calendar days to provide a formal written response to the Report and with information about the Respondent's opportunities to respond to the allegations. The notice will indicate that the Respondent has the right to seek legal advice and to bring legal counsel to any meetings during the investigation.
 - c. Offer the Complainant the opportunity to receive a copy of the Respondent's written response to the Report, if one is received;
 - d. Appoint an Investigator; and
 - e. Provide the Investigator with all materials submitted by the Complainant and the Respondent.
- 10.2 The Investigator will be a competent person with the appropriate skills, training, and/or experience, as appropriate to the circumstances and with the discretion of the Responsible Authority. The name of the Investigator will be provided to the Complainant and the Respondent. Every effort will be made to secure an external investigator. In the case where a qualified external investigator cannot be secured, an investigator trained in Trauma Informed and Procedurally Fair Investigations within the University community will be used.
- 10.3 All steps under the Formal Resolution Stream will be completed in a timely manner, having regard to the circumstances surrounding a particular Report, the Sexual Violence and Harassment Policy, and requirements of fairness and due process. Wherever possible, the investigation, including the submission of the investigation report, will be completed within sixty (60) calendar days of the receipt of the materials by the Investigator. The Responsible Authority may extend this time frame if the situation justifies doing so.
- 10.4 The Investigator will conduct the investigation in a manner consistent with the Sexual Violence Policy and Regulations, and with the following processes:
- a. The Investigator will treat all information received during the investigation in accordance with the confidentiality provisions outlined in section 4 of the 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 a 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 request additional clarifying information or evidence to supplement the Report or names of any potential witnesses. Where the Complainant has received the Respondent's written response to the Report, the Complainant may, but is not required to, submit a reply to the response within a reasonable timeframe as set by the Investigator.
 - d. The Investigator will provide the Complainant and the Respondent with a reasonable opportunity to attend an interview with the Investigator, to provide names of any potential witnesses, and to submit any information they wish to have considered as a part of the investigation.
 - 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. The individual will have five (5) days to respond to the interview summary.

- f. At the conclusion of the investigation, the Investigator will prepare a written 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 Sexual Violence against the Complainant in violation of the Policy and provide reasons for the finding. Reasons will include a description of what evidence was accepted and was not, and a weighing of that evidence.
- g. The Investigator will provide the investigation report to the Sexual Violence Advisor, who will then give a copy of the Report to the Responsible Authority. The Responsible Authority may seek further information or clarification from the Investigator before accepting the Investigator's Report.
- h. Upon acceptance by the Responsible Authority of the Investigator's Report, the Responsible Authority will inform the Complainant and Respondent in writing of the results of the investigation, with a reminder as to the Confidentiality provisions (Regulation 4). The University will make every effort to provide a copy of the Investigator's Report, which may be partially redacted to address any confidentiality concerns.
- i. The Complainant and the Respondent will be given ten (10) calendar days to provide written comments on the Investigator's Report

11. Outcomes and Disciplinary Measures – Student Respondent

- 11.1 The Investigation Report and any comments received will be reviewed by the Responsible Authority, the Associate Vice President, Student Affairs and Services or designate.
- 11.2 The Associate Vice President, Student Affairs and Services will determine sanctions or if any remedial, or educational outcomes should be imposed. The following factors will be weighed by the Associate Vice President, Student Affairs and Services when determining appropriate outcomes and sanctions:
 - a. Nature of the act(s) of Sexual Violence or Harassment;
 - b. Needs of and impact on the Complainant and other Members of the University Community;
 - c. Safety of Members of the University Community;
 - d. Prevention of further acts of Sexual Violence and Harassment;
 - e. Any mitigating or aggravating circumstances.
- 11.3 Within five (5) working days of receipt of the Investigation Report, the Associate Vice President, Student Affairs and Services or designate shall issue a written decision, including reasons for the decision and the disciplinary and/or remedial measures imposed.
- 11.4 A copy of the decision shall be provided to the Sexual Violence Advisor, the Complainant, and the Respondent. Information on available resources will be provided to the Complainant and the Respondent.
- 11.5 Disciplinary and remedial measures for a finding of a breach of this Policy may include, but are not limited to the following:
 - a. Written warning or reprimand;
 - b. Voluntary written apology;
 - c. Mandatory education or training;
 - d. Residence relocation, suspension, or eviction;
 - e. Removal from a course or section of a course;
 - f. Behavioural contract, the breach of which will result in discipline, including:
 - i. No contact/no communication directives
 - ii. restricting access to all or parts of the University campus

- iii. Suspension or denial of university privileges, including suspension or removal of a student from a sports team, restricting access to University property, equipment, or resources, etc.
- iv. Restrictions on accessing all or parts of the University campus
- g. Suspension of the student from Saint Mary's for a specified period, after which the student is eligible to return. Conditions for readmission may be specified;
- h. Expulsion from the University;
- i. Any other remedy that is within the power of the University to grant.

12. Outcomes and Disciplinary Measures – Employee Respondent

- 12.1 The Investigation Report and any comments received will be reviewed by the Responsible Authority, the Associate Vice President, People and Culture. The Vice President Academic will be consulted as appropriate by People and Culture on faculty related matters.
- 12.2 The Responsible Authority will notify the Respondent in writing on the outcome of the Investigation and any disciplinary outcomes imposed, up to and including termination.
- 12.3 The Complainant will be informed of any disciplinary outcomes imposed upon an employee Respondent that have a direct impact on them
- 12.4 Documents received in the Report process will be retained by the People and Culture department in accordance with the applicable Collective Agreement and Human Resources Policies.
- 12.5 In the event that a Report is made against a Student-Staff, the process will go forward under the Responsible Authority of the Associate Vice President, Student Affairs and Services.

13. University Reports

- 13.1 The University may initiate a University Report where:
 - a. A Complainant has made a Disclosure but no Report and does not wish to participate in the processing of a Report;
 - c. One or more Members of the University Community or Visitors, by name or anonymously, have provided information about an act of Sexual Violence or Harassment against a Member of the University Community; or
 - d. There has been more than one Disclosure made about more than one act of Sexual Violence or Harassment by the same Respondent.
- 13.2 No University Report shall be initiated unless one of the circumstances set out in Regulation 8.2 applies and the Responsible Authority 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 Sexual Violence or Harassment without the Complainant's ongoing involvement.
- 13.3 A University Report will be processed and responded to in a manner that is consistent with the Sexual Violence and Harassment Policy and in accordance with the Regulations except:
 - a. All references to Report shall be read as University Report;
 - b. The Complainant will not be required to participate in any way, but will be notified that the University is initiating a University Report;

c. There will be no communication with the Complainant about the University Report unless the Complainant has indicated they wish to be kept informed.

14. Third-Party and Anonymous Reporting

- 14.1 Where a Member of the University Community witnesses or has reasonable concerns about an incident(s) of Sexual Violence or Harassment involving a person other than themselves, they may submit written or oral information to the Sexual Violence Advisor (a Third-Party Report).
- 14.2 If a Member of the University Community wishes to submit a Third-Party Report, if the information relates to an identifiable or identified person who has experienced Sexual Violence or Harassment, the consent of the person should be sought when possible before the information is provided to the Sexual Violence Advisor. Persons making a Third-Party Report must be cognizant of every person's right to privacy.
- 14.3 An Anonymous Report is information provided to the Sexual Violence Advisor about an incident of Sexual Violence or Harassment anonymously. For example, when the Sexual Violence Advisor receives a written submission with no name attached to it, or a person visits the Advisor but chooses not to disclose their name, the Report is an Anonymous Report. An Anonymous Report may be made by a person who has experienced Sexual Violence or Harassment or a Third Party.
- 14.4 The University may be unable to investigate an Anonymous or Third-Party Reports due to lack of information or out of respect for the person who has experienced Sexual Violence or Harassment who has decided not to come forward, but will use the information to track prevalence and inform policy, prevention, and education initiatives.

15. Reviews and Appeals

- 15.1 Review or appeal under this Policy is not a hearing or re-hearing of the evidence and is limited to the grounds noted in this section. In most cases, the Review will be heard in writing only.
- 15.2 Any disciplinary or remedial measures ordered by the Responsible Authority will remain in force until the review or appeal is decided.
- 15.3 A Complainant or Respondent may request a review of a finding in the Investigation Report or a decision of a Responsible Authority only on the following grounds:
 - 15.3.1 There was a fundamental procedural error, and the outcome of the decision was substantially affected thereby;
 - 15.3.2 The investigator's decision as to whether a breach of the Policy occurred is clearly unsupported based on the findings of fact contained in the Investigation Report; or
 - 15.3.3 New facts relevant to the final determination are available, that were not available during the investigation.
- 15.4 The request for review must be submitted to the appropriate Vice President based on the presiding Responsible Authority. Requests for reviews must be submitted to the Vice President Academic & Research (in Student and Faculty cases) or the Vice President Finance and Administration (in Staff cases) via the Sexual Violence Advisor within ten (10) business days of the decision sought to be reviewed. The request for review must be in writing to the Sexual Violence Advisor and include:
 - a. A statement for the grounds of Review

- b. A statement of the facts relevant to the grounds for Review
- c. A statement of the remedy or relief sought
- d. Copies of relevant documents that support the Review, and
- e. In the event of fresh evidence that was not available at the time of the investigation, copies of that evidence or witness statements.

- 15.5 The Vice President Academic & Research (Students) or the Vice President Finance and Administration (Staff and Faculty) shall review the request and decide whether the request for review demonstrates one or more of the required grounds for appeal. If the appeal is accepted, the Vice President will refer the review to a Sexual Violence Review Panel (SVRP). The Vice President shall notify the parties of their decision within fifteen (15) business days of receipt of the request for a review.
- 15.6 If a matter is referred to a SVRP, the President shall appoint the SVRP, which shall be comprised of three persons as follows:
- a. On the recommendation of the University Secretary and Senior Director Legal Services, an external lawyer who has experience in Administrative Law, Procedural Fairness, Gender-Based Violence and Sexual Harassment and Sexual Assault law, and
 - b. Two members of Faculty and/or University Administrators who have training or experience in this Policy, Procedural Fairness, Gender-Based Violence and the law of Sexual Assault and Sexual Harassment.
- 15.7 The SVRP may summarily dismiss a Request for Review that it determines does not raise a valid ground of Review. This decision to dismiss a Request for Review will be issued in writing to the individual submitting the Request for Review.
- 15.8 The Complainant will be provided notice of any SVRP hearing and will be entitled to make submissions, should the Complainant wish to participate.
- 15.9 If the SVRP determines that any of the grounds of Review set out in Regulation 15.3 are proven, the SVRP may, depending on the reasons for decision and the circumstances of the case before it:
- a. Refer the matter back to the Investigator for reconsideration
 - b. Require that a fresh investigation be undertaken and direct the Responsible Authority to appoint a new Investigator
 - c. Order that any Interim Measures in place during the investigation continue
 - d. Direct the Responsible Authority to determine whether any Interim Measures should be imposed pending the re-investigation,
 - e. Suspend any discipline or remedial measures ordered as a result of the finding.
 - f. Uphold the discipline or remedial measures ordered, or
 - g. Modify or reverse the discipline or remedial measure and substitute its own decision.
- 15.10 The SVRP shall issue its decision in writing to the Vice President Academic and Research (Students) or Vice President, Finance and Administration (Employees). The decision shall include an explanation of the basis and reasons for the decision in relation to each ground of Review put before the SVRP. The decision of the SVRP is final.