



MOUNT SAINT VINCENT UNIVERSITY
Policy Against Sexual Assault

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Policy Against Sexual Assault

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1. Principles

- 1.01 All members of the Mount Saint Vincent University (the “Mount”) community have the right to a learning, working, and campus environment that is free from sexualized violence, including sexual assault.
- 1.02 The Mount recognizes sexual assault as a violation of the dignity, integrity, and autonomy of the victim/survivor and as harmful to the Mount community as a whole.
- 1.03 The Mount recognizes that sexual assault impacts people of all genders. The Mount further recognizes that sexual assault is most often committed against women, and in particular women who experience the intersection of multiple identities such as, but not limited to, Indigenous women, racialized women, women of African descent, trans women and women with disabilities. Additionally, the Mount recognizes that those whose gender identity, gender expression or sexuality does not conform to historical gender norms, including non-binary, intersex or two-spirit people, are also at increased risk of sexual assault.
- 1.04 The Mount is committed to ensuring victims/survivors of sexual assault are treated with dignity and respect.
- 1.05 The Mount is committed to responding to and addressing Disclosures and Reports of sexual assault involving its students, faculty and staff, and to ensuring that any member of the Mount community affected by sexual assault receives support.
- 1.06 In its response to incidents and reports of sexual assault, the Mount is committed to providing a fair, impartial, and timely process to all parties.
- 1.07 The Mount recognizes that sexual assaults are underreported. Where possible, this Policy shall be interpreted and applied in a manner that reduces barriers to the Disclosure and Reporting of sexual assault.

2. Definitions

- 2.01 The following definitions apply to this Policy. Additional definitions are included in Appendix A.
 - a. **Complainant:** a victim/survivor of sexual assault who chooses to file a Report pursuant to this Policy.
 - b. **Consent:** A voluntary, knowing, willing, and coherent agreement to engage in a specific sexual activity. Consent must be ongoing and relate to each sexual activity in an encounter, and may be withdrawn at any time. See Section 5 for a complete definition of consent.
 - c. **Disclosure:** When someone chooses to share information about their experience of sexual assault with another member of the Mount community. A Disclosure is the first point of contact for a member of the Mount community affected by a sexual assault to obtain supports, resources and accommodations. See section 6 for further information.
 - d. **Report:** A formal complaint of sexual assault to Mount Saint Vincent University for the purposes of initiating an investigation and final decision, which could result in disciplinary action against the respondent.
 - e. **Respondent:** an individual who has been accused of sexual assault in a Report filed pursuant to this Policy.

- f. **Responsible Authority:** is the individual appointed by the Mount to receive Reports of sexual assault filed under this Policy, and to coordinate the Mount's response to the Report including interim measures, investigation, and referral to the appropriate decision-maker. The Responsible Authorities are:
 - i. The Associate-Vice President, Student Experience, where the respondent is a student;
 - ii. The Director, Human Resources, where the respondent is a staff member; or
 - iii. The appropriate Dean or University Librarian where the respondent is a full or part-time faculty member or lab instructor.
- g. **Sexual assault:** Any sexual activity without consent, including kissing, fondling, touching, oral sexual contact, condom stealthing, or anal, vaginal or other forms of contact or penetration, without consent. Sexual assault may be committed by a person of any gender against a person of any gender, regardless of sexual orientation, gender identity or expression, or relationship status.
- h. **Victim/Survivor:** An individual who has been subjected to sexualized violence. They are referred to as a complainant when they file a Report under this Policy. For the purposes of this Policy, the term "victim/survivor" is used, the Mount recognizes that people who have been subjected to sexual violence have the right to choose how they want to be referred to.

3. Scope and Application

- 3.01 This Policy applies to all members of the Mount community. The Mount community includes all individuals who study, work, teach, instruct, conduct research, administrate, supervise, volunteer, or provide resources, services, or support to the Mount or otherwise engage in university activities, including activities of a student group or organization of the Mount, whether on or off campus.
- 3.02 This Policy applies to the Report of any sexual assault in which a respondent is a member of the Mount community, and which has an impact on the learning, working or campus environment at the Mount, regardless of whether the sexual assault occurred on campus or off campus.
- 3.03 This Policy applies to the Disclosure of any incident of sexual assault in which a victim/survivor is a member of the Mount community, whether or not the respondent is a member of the Mount community.
- 3.04 The Mount has other policies that apply to other forms of sexualized violence, including the Harassment and Discrimination Policy and the Student Non-Academic Discipline Policy. This Policy supersedes the procedures of such other policies for Reports of sexual assault.

4. Definition of Sexual Assault

- 4.01 Sexual assault is any sexual activity without consent. Sexual assault may include: kissing, fondling, touching, condom stealthing, oral sexual contact, or anal, vaginal or other forms of contact or penetration, without consent.
- 4.02 Sexual assault may be committed by a person of any gender against a person of any gender, regardless of sexual orientation, gender identity or expression, or relationship status.

5. Definition of Consent

- 5.01 Consent is a voluntary, willing, knowing, and coherent agreement to engage in a specific sexual activity. Consent must be ongoing and relate to each sexual activity in an encounter. Consent may be withdrawn at any time.

- 5.02 There is no consent where:
- i. A person expresses, by words or conduct, a lack of agreement to engage, or continue to engage, in a sexual activity;
 - ii. A person is asleep or unconscious at the time of the sexual activity;
 - iii. A person is incapable of consenting to sexual activity, including due to the influence of alcohol, drugs, or other substances;
 - iv. The person initiating the sexual activity occupies a position of trust or authority;
 - v. Any apparent consent is obtained through force, coercion, threat, or fraud.
- 5.03 A respondent may only rely on a “mistaken belief in consent” as a defence to a Report of sexual assault, if the respondent’s mistake was reasonable in the circumstances. Examples of when a respondent’s mistake will not be “reasonable” include if:

- i. The respondent was reckless or wilfully blind as to the absence of consent;
- ii. The mistake arose from the respondent’s own self-induced intoxication or impairment; or
- iii. The respondent failed to take reasonable steps, before the sexual activity in question, to obtain consent from the complainant.

6. Disclosures of Sexual Assault

- 6.01 A Disclosure is when a victim/survivor tells another member of the Mount community about an experience of sexual assault.
- 6.02 Victims/survivors have the right to determine when, what, and how much information about a sexual assault they wish to disclose, and to whom. The University encourages any member of the Mount community who is a victim/survivor of a sexual assault to make a Disclosure at any time.
- 6.03 When a member of the Mount community makes a Disclosure, they are entitled to access supports, resources and accommodations, as outlined in Section 7 of this Policy. The primary consideration following a Disclosure is the safety, security and well-being of the victim/survivor.
- 6.04 Victims/survivors who have made a Disclosure will not be required or pressured to make a formal Report. For greater clarity, a Disclosure does not trigger an investigation or constitute a Report under sections 8 through 11 of this Policy. Disclosures and Reports of sexual assault are separate actions that a victim/survivor can choose to take.

7. Supports, Resources & Accommodations

- 7.01 Any victim/survivor who has disclosed an experience of sexual assault is entitled to information about, and assistance in obtaining, campus and community supports and resources, which may include:
- i. Safety planning and protective measures;
 - ii. Counselling;
 - iii. Medical services;
 - iv. Academic/classroom, living and/or workplace accommodations;
 - v. The process to file a Report under this Policy;
 - vi. Other reporting options that may exist externally to the Mount.

A list of supports and resources available on campus and in the community is set out in **Appendix C** of this Policy.

- 7.02 A victim/survivor of sexual assault is entitled to supports, resources and accommodations whether or not they decide to file a Report under this Policy, and whether or not a Report under this Policy proceeds to an investigation and/or is ultimately upheld.

- 7.03 A victim/survivor of sexual assault has the right to decide whether and when to access any of the available services, supports or accommodations.
- 7.04 Each victim/survivor's needs will be different, and different supports, services and accommodations may be required at different stages following a sexual assault. The types and forms of support and accommodation will be tailored to the survivor's needs on a case-by-case basis.
- 7.05 The following Mount representatives may act as a single point of contact for coordinating academic and/or workplace accommodations and supports for a victim/survivor of sexual assault:
- i. Associate Vice-President, Student Experience (complainant is a student)
 - ii. Harassment & Discrimination Advisor (students, faculty or staff)
 - iii. Director, Human Resources (complainant is a staff member)
 - iv. Dean (complainant is a full or part-time faculty member or lab instructor)
 - v. University Librarian (complainant is a librarian)
- 7.06 The Mount recognizes that individuals who have received a Disclosure of sexual assault may also need support as outlined above. See Appendix C for a list of campus and community resources available to access support.

8. Report of Sexual Assault

A. Submitting a Report to the University under this Policy

- 8.01 A Report is the sharing of information by a victim/survivor with a Responsible Authority within the Mount regarding an incident of sexual assault experienced by that individual (the "complainant"), for the purpose of initiating an investigation that could result in disciplinary action against the member of the Mount community who is alleged to have committed the sexual assault (the "respondent").
- 8.02 The victim/survivor has the right to decide whether and when to make a Report under this Policy.
- 8.03 A complainant may file a Report with one of the following Responsible Authorities, who shall explain the Policy and the Reporting and investigation processes to the complainant:
- i. Associate Vice-President, Student Experience (respondent is a student)
 - ii. Director, Human Resources (respondent is a staff member)
 - iii. Deans (respondent is a full or part-time faculty member or lab instructor)
 - iv. University Librarian (respondent is a librarian)
- 8.04 In the event that the victim/survivor is uncomfortable filing their Report to a Responsible Authority, they may choose to file their report with the Harassment and Discrimination Advisor.
- 8.05 A Report may be made in writing via e-mail or letter, or through an in-person meeting at which the complainant is welcome to be accompanied by a support person (see s. 12). The Report should include the name of the respondent(s), a detailed description of the conduct that forms the basis of the Report, and an indication of the redress sought by the complainant.

B. Screening of Report

- 8.06 The Responsible Authority who receives the Report shall first determine that:
- i. The conduct reported would satisfy the definition of sexual assault in this Policy;
 - ii. The respondent is a member of the Mount community; and

- iii. The conduct reported is not more appropriately dealt with under another University policy or procedure (e.g., Harassment & Discrimination Policy, Student Non-Academic Discipline Policy).

8.07 If the Responsible Authority determines that any of the conditions in Section 8.05 are not met, they will not proceed any further with the Report under this Policy. They will inform the complainant of their decision, and refer the complainant to seek recourse through another appropriate means, such as their collective agreement, another applicable Mount policy or procedure, or an external process such as a police report. The complainant may also access supports and accommodations as set out in Section 7 of this Policy.

8.08 A Responsible Authority must disclose any actual or apparent bias or conflict of interest of which they are aware in relation to a Report. The President may appoint a replacement to carry out the duties of the Responsible Authority in such cases.

C. Timeline for filing a Report

8.09 There is no deadline to make a Report under this Policy. The Mount recognizes that victims/survivors may require time to decide to make a Report. Victims/survivors are encouraged to make a Report as soon as they feel able to do so.

D. Notice to Respondent

8.10 Within five (5) business days of receiving a Report, the Responsible Authority shall provide written notice to the respondent(s) of the Report. The notice shall include of a summary of the allegations, a copy of this Policy, and that an investigation will be initiated.

9. Interim Measures

9.01 Upon receiving a Report of sexual assault, the Responsible Authority shall consider the need for any interim measures.

9.02 The Responsible Authority may impose interim measures where they have reasonable cause to believe there is a risk to the safety, security or well-being of the complainant or any other member of the Mount community.

9.03 Interim measures may include but are not limited to:

- i. Arrangements to minimize encounters in living, working or learning environments, such as changes to university housing, work schedules or assignments, or class or section enrollments;
- ii. Restricting access to part or all of the University campus on the part of the respondent;
- iii. Restricting campus privileges of the respondent;
- iv. Administrative suspension of the respondent;
- v. No-contact/communication orders.

9.04 The Responsible Authority shall notify both the complainant and the respondent in writing of any interim measures imposed.

9.05 Interim measures are precautionary and shall not be considered disciplinary; however, any violation of an interim measure may be subject to disciplinary action.

9.06 The need for, and appropriateness of, interim measures may be reviewed by the Responsible Authority as new information becomes available.

- 9.07 The implementation of interim measures must accord with any collective agreement applicable to the employment of the affected party. Any interim measure imposed may be subject to an appeal in accordance with the appeals process in the Student Non-Academic Discipline Policy (for students) or in any collective agreement or other approved employment agreement (for faculty or staff).

10. Investigation of a Report of Sexual Assault

- 10.01 Upon receiving a Report of sexual assault, the Responsible Authority will appoint an investigator, who may be internal or external to the University, to investigate the Report.
- 10.02 In appointing an investigator, the Responsible Authority shall consider:
- i. The nature, circumstances, and complexity of the Report of sexual assault;
 - ii. The knowledge and experience of the investigator, including competency in trauma-informed processes;
 - iii. The requirements of any applicable collective agreement or memorandum of understanding between the Mount and any certified bargaining agent representing a respondent;
 - iv. Any expressed preferences of a complainant or respondent; and
 - v. The timeliness and impartiality of the investigation.
- 10.03 The Director, Human Resources; Associate Vice-President, Student Experience; and the Harassment & Discrimination Advisor will be jointly responsible for creating and maintaining a list of competent investigators.
- 10.04 Once appointed, the investigator will independently develop a plan for their investigation identifying the Policy issues raised by the Report and potential witnesses and documentary evidence. The investigator will conduct all interviews, including with the complainant, respondent and any other individuals the investigator considers likely to possess information relevant to the Report.
- 10.05 The investigator shall follow any investigation process and comply with any timelines established in any collective agreement applicable to the employment of the respondent.
- 10.06 The investigator shall respect the requirements of procedural fairness, including each party's right to know, understand and respond to the Report. The investigator will provide the respondent with a reasonable opportunity to respond in writing and/or orally to the allegations contained in the Report. The investigator will provide both parties with a reasonable opportunity to respond to any new information obtained during the investigation.
- 10.07 Within forty-five (45) business days of the investigator's appointment, the investigator shall submit to the Responsible Authority a confidential report in writing setting out the investigator's factual findings and opinion as to whether the Report constitutes a breach of this Policy (the "investigation report"). The timeline for submitting the investigation report may be extended in exceptional circumstances, with the approval of the Responsible Authority.
- 10.08 A copy of the investigation report shall be shared with the complainant, the respondent, any bargaining agent representing the respondent, and the individual within the Mount responsible for taking disciplinary action against the respondent (the "decision-maker").
- 10.09 The investigator shall not consider any of the following when assessing the credibility of the complainant, or when assessing whether the complainant consented to sexual activity in question:
- i. The complainant's prior sexual history, including any prior intimacy with the respondent;
 - ii. The complainant's failure to physically resist or verbally object to the sexual activity in question;
 - iii. Any perceived delay in bringing forward the complaint or Report.

The investigator may ask questions on these topics if they consider this information to be relevant to another aspect of the investigation.

11. Decision-Making Process, Remedies and Sanctions

- 11.01 Within ten (10) business days of receiving the investigation report, the responsible authority shall notify in writing the respondent, and any union representing the respondent, of their decision as to whether there has been a breach of this Policy, and, where appropriate, any sanction or remedial action.
- 11.02 At the same time, the complainant shall receive notice in writing of the outcome of the Report, including any sanction or remedial action.
- 11.03 A determination that a member of the Mount community has violated this Policy may result in a number of possible outcomes, considering the nature of the offence and any mitigating and aggravating circumstances. These include but are not limited to:
- i. Imposition of education and training;
 - ii. Imposition of no contact orders;
 - iii. Corrective action such as relocation or change of duties or supervision;
 - iv. Disciplinary action such as restrictions on university privileges, reprimand, suspension, termination, or expulsion;
 - v. Any suspension, termination, or expulsion must be made through recommendation to the President.
- 11.04 If a respondent is a member of a bargaining unit, any determination of discipline shall be made in accordance with relevant provisions of the applicable collective agreement.

12. Right to a Support Person

- 12.01 Complainants, respondents, and any witnesses are entitled to be accompanied by a support person or representative of their choosing present at any meetings, interviews or proceedings related to the investigation or handling of the Report of sexual assault. However, an individual who is likely to be interviewed as a witness in the investigation may not also act as a support person.

13. Consultation with Harassment & Discrimination Advisor and Experts

- 13.01 Any member of the Mount community, including a person receiving a Disclosure or any Responsible Authority, may consult on a confidential basis with the Harassment & Discrimination Advisor for guidance on any aspect of this Policy, including referrals to appropriate resources, coordinating accommodations, screening Reports, interim measures, and the investigation process.
- 13.02 Responsible Authorities may consult on a confidential basis with internal or external experts as necessary and appropriate in responding to a Report under this Policy

14. Informal Resolution Processes for Reports

- 14.01 At any time before a final decision is made in a Report of sexual assault, the complainant may request an informal resolution process.

- 14.02 The Responsible Authority may initiate an informal resolution process if the Responsible Authority is satisfied that:
- i. Both parties to the Report have provided their voluntary agreement to participate in an informal resolution process, free of any pressure or threat of reprisal; and
 - ii. An informal resolution process would be appropriate in all of the circumstances.
- 14.03 Examples of an informal resolution include but are not limited to:
- i. Impact Statement/Letter: A complainant communicates to the respondent that their conduct was unwanted or harmful, verbally or in writing, and that the behaviour must stop immediately.
 - ii. Facilitation: A Responsible Authority or the Harassment & Discrimination Advisor acts as a “go-between” to facilitate a discussion between the complainant and the respondent, in an effort to reach a resolution without face-to-face contact. This facilitated process may result in a written agreement that could include behavioural expectations, an agreement to no contact, or an apology.
 - iii. Education: A respondent may agree to participate in education and training related to anti-violence, anti-oppression and consent.
- 14.04 At any stage during an informal resolution process, any party may decide to refer the Report for an investigation and final decision.
- 14.05 If the complainant and respondent are able to reach an informal resolution, a written record of the resolution will be prepared by the Responsible Authority and signed by both parties. Any failure to comply with the terms of an informal resolution may result in the Report being referred to the investigation and decision-making process.

15. Parallel External Investigation or Proceedings

- 15.01 Sexual assault is an offence under the Criminal Code of Canada, and may amount to a civil wrong and/or a breach of human rights or other legislation. Any member of the Mount community may report a sexual assault to the police, or initiate civil or other legal proceedings external to the Mount.
- 15.02 Notwithstanding the existence of any parallel criminal, civil and/or other legal proceeding relating to the sexual assault, the Mount may conduct its own investigation as set out in this Policy, and will make its own determinations of responsibility and appropriate disciplinary or remedial action in accordance with Section 11.
- 15.03 Where the sexual assault has been reported to the police, the Mount may temporarily suspend the Mount’s investigation pending the completion of the police interviews.

16. Right of Complainant not to Participate in a Report or Investigation

- 16.01 A victim/survivor has a right to decide whether to participate in any investigation of their sexual assault, and may withdraw their Report of sexual assault at any time.
- 16.02 In rare circumstances, the Mount’s legal and/or statutory duties to ensure the safety and well-being of the Mount community may require it to proceed with an investigation of a sexual assault, even if a victim/survivor has requested that the Mount not investigate or act, or has decided not to participate in a Report or investigation.
- 16.02.1 Examples of circumstances where the Mount may decide to investigate notwithstanding a victim/survivor’s decision not to participate may include:

- i. where the Mount has become aware of allegations suggesting a pattern of violations of this Policy by the same individual(s); and/or
- ii. where the Mount has reasonable grounds to believe there is an ongoing risk to the safety or well-being of one or more members of the Mount community.

16.02.2 In these rare circumstances, the Mount will proceed in a manner that:

- i. Prioritizes the safety of the victim/survivor; and
- ii. Respects as much as possible the privacy and confidentiality of the victim/survivor.

16.03 Whether or not a victim/survivor chooses to request or participate in an investigation, the victim/survivor remains entitled to receive support and accommodations as outlined in Section 7 of this Policy.

16.04 If requested by the victim/survivor, the Mount shall inform them of the outcome of any investigation into their sexual assault.

17. Anonymous and Third-Party Reports of Sexual Assault

17.01 Where a person witnesses or has reasonable concerns about a sexual assault, that person may submit a written allegation to the appropriate Responsible Authority (see Section 8.03), anonymously or in their own name.

17.02 In consultation with the Harassment & Discrimination Advisor and/or other appropriate experts, the Responsible Authority receiving a third-party or anonymous report shall determine, having regard to all of the circumstances and information available, whether the allegation provided by the third party or anonymous source may form the basis of a Report under this Policy initiated by the University. This determination will depend on a number of factors including the adequacy of the information available to investigate the allegation and to permit a fair process.

17.03 The victim/survivor of a sexual assault has the right to decline to participate in any investigation that may occur as a result of an anonymous or third-party report. Sections 15.02 and 15.03 of this Policy apply equally to anonymous and third-party reports.

17.04 Information provided by a third party or anonymous source may inform a process aimed at addressing systemic concerns, such as education or training.

18. Interruption in Respondent's Relationship with the University

18.01 If a respondent's relationship to the Mount ends, such that the respondent is no longer a member of the Mount community, the Mount may suspend any Report process under this Policy. If the respondent later resumes being a member of the Mount community, the Mount may reinstate the Report process with written notice to the complainant and respondent. A leave of absence or other temporary break from the Mount does not constitute the end of a relationship with the Mount for the purposes of this Policy.

19. Appeals

19.01 The outcome of a Report of sexual assault may be appealed as follows:

- i. Where the respondent is a student, an appeal may be brought to the Student Judicial Appeals Committee in accordance with the procedures set out in the Non-Academic Disciplinary Policy.

- ii. Where the complainant or respondent is a staff or faculty member subject to a collective agreement, the appeal may be brought by filing a grievance in accordance with the terms of the applicable collective agreement.
- iii. In all situations other than those identified in (i) and (ii), the appeal process under Section 19.02 shall apply.

19.02 Appeals shall be limited to the following grounds:

- i. 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
- ii. Denial of procedural fairness.

19.02.1 All appeals must be submitted in writing to the President, specifying the grounds of the appeal, within ten (10) business days of receipt of the final decision provided under Section 11 (Decision-Making Process, Remedies and Sanctions).

19.02.2 The President or the President’s delegate shall determine if the appeal is well founded. The determination of the President shall be based only on the information that was before the investigator and the decision-maker, with the exception of new information addressing an issue of procedural fairness.

19.02.3 Within two (2) business days of receiving notice of the appeal, the President shall provide notice of the appeal to any individual having a direct interest in the outcome (“interested party”).

19.02.4 The appellant and interested party may provide information or make representations to the President within five (5) business days of receiving notice under Section 19.02.3. The President shall immediately transmit a copy of any information or representation received to all parties.

19.02.5 The appellant and interested party shall have an opportunity to comment on any information shared under Section 19.02.4 within two (2) business days of receipt.

19.02.6 The President or the President’s delegate may confirm or vary the original decision, or allow the appeal and lift the sanction or remedial action. The decision of the President or the President’s delegate shall be final and binding.

20. Confidentiality and Privacy

20.01 Disclosures and Reports of sexual assault must be treated in a confidential manner and in accordance with applicable privacy legislation. All persons involved in a Disclosure or Report of sexual assault are expected to maintain confidentiality.

20.02 The sharing of information regarding a sexual assault, a Disclosure, or a Report, will be limited to those who need to know the information for the purposes of implementing this Policy, including assessing and providing accommodation and interim measures, including safety planning; coordinating and conducting the investigation, including ensuring procedural fairness; and making decisions about or implementing remedies or sanctions.

20.03 Confidentiality is not absolute, and information may need to be disclosed to address a risk to the health or safety of members of the Mount community, or where the Mount is required by law to disclose the information. For example, confidentiality cannot be maintained where:

- i. An individual is at risk of imminent and serious harm to themselves or others;
- ii. Members of the Mount community may be at risk of harm;

- iii. Reporting or investigation is required by law (for example, under the Children and Family Services Act or Occupational Health and Safety Act); and/or
 - iv. To comply with a court order.
- 20.04 Any documentation collected or produced in connection with a Disclosure or Report under this Policy will be retained and destroyed in accordance with the Mount's policies regarding the retention and destruction of records.
- 20.05 Nothing in this section is intended to limit the ability of any party to access supports or accommodations as described in this Policy.

21. Protection from Reprisal and Threat of Reprisal

- 21.01 Any retaliation, reprisal, threat or intimidation against any victim/survivor, complainant, witness, or other member of the Mount community, for having accessed this Policy (including for having made or participated in any Disclosure or Report of sexual assault), is a violation of this Policy and may be the subject of a Report under this Policy, and grounds for disciplinary action.

22. Protection from Disciplinary Action Respecting Use of Drugs or Alcohol

- 22.01 The Mount will not use information from a Disclosure or Report of sexual assault to initiate disciplinary proceedings against the complainant, respondent, or any other student for allegedly possessing or using alcohol or drugs contrary to Mount policy.

23. Education and Prevention

- 23.01 The Mount is committed to providing education and training to members of the Mount community with respect to this Policy, recognizing that sexualized violence education and prevention is a shared responsibility.
- 23.02 The Mount has established a Sexual Violence Prevention Advisory Committee to coordinate education and training to members of the Mount community with respect to this Policy, including:
- i. Sexualized violence awareness and prevention;
 - ii. Responding to Disclosures of sexual assault;
 - iii. Campus and community supports and resources for victims/survivors of sexualized violence.
- 23.03 The Harassment & Discrimination Advisor will maintain an anonymized record of the Reports of sexual assault received by the Mount annually.

24. Policy Review

- 24.01 The Sexual Violence Prevention Advisory Committee shall be responsible for coordinating a review and, if appropriate, amendment of this Policy every three years. This review will include consultation with members of the Mount community including students, faculty and staff.

Appendix A: Definitions

Accommodations: reasonable modifications, adjustments, or adaptations to the way an individual accesses services or information; participates in a living, learning or working environment; demonstrates skills or knowledge; or performs job duties; which are designed to minimize the impact of a sexual assault on the individual, having regard for their particular circumstances.

Complainant: a victim/survivor of sexual assault who chooses to file a Report pursuant to this Policy.

Condom stealthing: The practice of tampering with the condom or removing the condom during sexual activity, without one's partner's knowledge or consent.

Confidentiality: The sharing of information regarding a sexual assault, a Disclosure, or a Report, is limited to those who need to know the information for the purposes of implementing this Policy, including assessing and providing accommodation and interim measures, including safety planning; coordinating and conducting the investigation, including ensuring procedural fairness; and making decisions about or implementing remedies or sanctions. Confidentiality is not absolute, and information may need to be disclosed to address a risk to the health or safety of members of the Mount community, or where the Mount is required by law to disclose the information.

Consent: A voluntary, knowing, willing, and coherent agreement to engage in a specific sexual activity. Consent must be ongoing and relate to each sexual activity in an encounter, and may be withdrawn at any time. See Section 5 for a complete definition of consent.

Disclosure: When someone chooses to share information about their experience of sexual assault with another member of the Mount community. A Disclosure is the first point of contact for a member of the Mount community affected by a sexual assault to obtain supports, resources and accommodations. See Section 6 for further information.

Interim measure: a non-disciplinary, precautionary step implemented to protect the safety, security or well-being of any member of the Mount community, pending the outcome of a Report of sexual assault. See Section 9 for further information and examples.

Intersex: a person with a combination of the biological attributes (e.g., chromosomes, anatomy) used to assign sex at birth.

Investigation report: a confidential, written report prepared by an independent investigator appointed by a Responsible Authority to investigate a Report of sexual assault, which sets out the investigator's factual findings and opinion as to whether the Report discloses a breach of this Policy.

Non-Binary: an experience of gender that does not fit into the gender binary or system of viewing gender as consisting solely of two, opposite categories (male/female, man/woman).

Procedural fairness: the Mount has a duty to provide a fair process to complainants and respondents when investigating and making decisions regarding reports of sexual assault. Procedural fairness includes the right of respondents to receive notice of the Report, to know the allegations and evidence against them, and to have an opportunity to respond before a decision is made. It also includes the right of complainants and respondents to an impartial investigator and decision-maker, and to receive notice of the investigation and decision. The duty of fairness is context-specific, and the specific procedures required to ensure fairness may vary depending on the seriousness of the potential consequences for each party.

Report: A formal complaint of sexual assault to Mount Saint Vincent University for the purposes of initiating an investigation and final decision, which could result in disciplinary action against the respondent.

Respondent: an individual who has been accused of sexual assault in a Report filed pursuant to this Policy.

Responsible Authority: is the individual appointed by the Mount to receive Reports of sexual assault filed under this Policy, and to coordinate the Mount's response to the Report including interim measures, investigation, and referral to the appropriate decision-maker. The Responsible Authorities are:

- i. The Associate-Vice President, Student Experience, where the respondent is a student;
- ii. The Director, Human Resources, where the respondent is a staff member; or
- iii. The appropriate Dean or University Librarian where the respondent is a full or part-time faculty member or lab instructor.
- iv.

Sexual assault: Any sexual activity without consent, including kissing, fondling, touching, oral sexual contact, stealthing, or anal, vaginal or other forms of contact or penetration, without consent. Sexual assault may be committed by a person of any gender against a person of any gender, regardless of sexual orientation, gender identity or expression, or relationship status.

Sexual harassment: An incident or series of incidents of vexatious or disrespectful comments, displays or behaviours of a sexual nature that demean, belittle, humiliate, embarrass, degrade or attempt to exclude, which is known or ought reasonably to be known to be unwelcome or offensive and which adversely affects the employment or academic environment of a member of the Mount community. Sexual harassment is prohibited by the Mount's Harassment and Discrimination Policy.

Sexualized violence: Any sexual act or 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 against a person without the person's consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation of minors, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature. Sexual assault is prohibited by this Policy. Acts of sexualized violence other than sexual assault are prohibited by other University policies, such as the Harassment and Discrimination Policy, Student Non-Academic Discipline Policy, Regulations Governing Computer Use, and applicable employment agreements.

Two-spirit: a person who possesses both masculine and feminine spirits; or a term to describe a variety of Indigenous concepts of gender and sexual diversity.

Victim/Survivor: An individual who has been subjected to sexualized violence. They are referred to as a complainant when they file a Report under this Policy. For the purposes of this Policy, the term "victim/survivor" is used, the Mount recognizes that people who have been subjected to sexual violence have the right to choose how they want to be referred to.

Appendix B: Responsible Authorities

A victim/survivor may make a Report regarding an incident of sexual assault for the purposes of initiating an investigation to the following Responsible Authorities. A Report may be made in writing via e-mail or letter, or through an in-person meeting at which the complainant is welcome to be accompanied by a support person (see Section 12).

Where the respondent is a Mount student:

Associate Vice-President, Student Experience
Paula Barry
Evaristus 201E
902-457-6384
paula.barry@msvu.ca

Where the respondent is a Mount staff member:

Director, Human Resources
Kim Healy
Evaristus 202A
902-457-6284
kim.healy@msvu.ca

Where the respondent is a full or part-time Mount faculty member or lab instructor:

In the Faculty of Arts & Science:

Dean of Arts & Science, Dean's Offices (Academic) - Arts & Science
Dr. Brook Taylor
Seton 302
902-457-6138
brook.taylor@msvu.ca

In the Faculty of Education:

Dean of Education, Education - Dean of Education Office
Dr. Antony Card
Seton 401C
902-457-6736
antony.card@msvu.ca

In the Professional or Graduate Studies:

Dean of Professional Studies, Dean's Offices (Academic) - Professional Studies
Dean of Graduate Studies, Office of Graduate Studies
Dr. Kim Kienapple
Seton 302
902-457-6124
kim.kienapple@msvu.ca

Where the respondent is a Librarian:

University Librarian
Tanja Harrison
EMF 201B
902-457-6108
tanja.harrison@msvu.ca

Appendix C: List of Campus and Community Resources

1. Counselling

Mount Saint Vincent Counselling Services (On-Campus)

EMF 127G (Reception: EMF 108)

- Our counselling services team provides FREE personal and academic counselling to any registered Mount student in a relaxed and confidential environment. Client confidentiality is maintained according to the Canadian Code of Ethics for Psychologists.
- Sessions are 50 minutes. Students are eligible for up to 10 sessions per academic year. A limited number of same-day appointments are available for urgent cases.
Phone: 902-457-6567
- Email: counselling@msvu.ca

Avalon Sexual Assault Centre

- 902-422-4240 (*Avalon admin line, 8:30 a.m. - 4:40 p.m., M-F*)
- 1526 Dresden Row, Suite 401 (4th floor)
- Specialized therapeutic counselling available to women and trans/gender non-identified individuals 16 years and older who have experienced a recent or historical sexual assault, childhood sexual abuse, and/or sexual harassment.

Man Talk

- 902-491-4286
- A confidential, emotionally supportive group for male victims of sexual abuse.
- Meet on the 1st and 3rd Wednesday evenings of the month.

2. Health Care

Mount Saint Vincent University Health Services

- Assisi Hall, 2nd floor
- The Health Office offers a variety of services including sexual assault support, sexually transmitted infection (STI) screening, and referrals to specialists.
- 902-457-6354 (9:00a.m. - 5:00p.m. Monday - Friday)
- 902-448-3975 (call or text in the case of emergency) **This number connects to someone in the Health Office, and offers support for students which is available 24 hours a day/7 days a week*

Avalon Sexual Assault Centre / Sexual Assault Nurse Examiner (SANE)

- 902-425-0122 (*24-hour response line*)
- Call after an immediate sexual assault (one that occurred within the past 120 hours/5 days).
- Services for all ages and genders; medical care and/or collection of forensic evidence at the hospital.

SANE Nurse may be accessed by reporting to the emergency room at:

- *IWK Health Centre*
- *QEII Health Sciences Centre*
- *Dartmouth General Hospital*
- *Cobequid Community Health Centre*

Halifax Sexual Health Centre

- 6009 Quinpool Road
- Phone: 902-455-9656
- Sexual and reproductive health services in an inclusive and non-judgmental environment.
- Free with a valid Canadian health card (some exceptions apply).

Mental Health Mobile Crisis Team

- A provincial service providing crisis intervention for children, youth and adults experiencing a mental health crisis or mental distress, including suicidal thoughts, self-harming thoughts or behaviors, overwhelming anxiety, difficulty coping with distress, psychotic or distorted thinking, depression, substance use difficulties or any other self-identified mental health concerns. Crisis is self-defined by the individual calling for support.
- 24 hours a day, seven days a week.
- For support call 902-429-8167 or 1-888-429-8167 (toll free).

3. Legal Information

Legal Advice for Sexual Assault Survivors Program

- Offers up to 4 hours of free legal advice from a participating lawyer
- Register by calling 211
- Participants must be 16 years or older and the assault must have taken place in Nova Scotia
- Participants do not have to report to police or take legal action if they use this service

Victim Services (Halifax Regional Police)

- 902-490-5300 (*Monday - Friday 8:30am-4:30pm*)
- The Victim Services Unit of the Halifax Regional Police is comprised of civilian employees and volunteers. They support victims of crimes, including sexual assault, by providing information, emotional support, and referral information throughout the criminal justice process.

Mi'kmaw Legal Support Network

- Mainland NS - 902-895- 1141
- A support system free of charge for Indigenous people involved in Nova Scotia's criminal justice system.
- Aboriginal Victim Support Workers can guide a victim/survivor throughout the court process, help them prepare for court, and assist with victim impact statements. Charges do not have to be laid in order to access services.

4. Reporting

Mount Saint Vincent University:

See Appendix B

Halifax Regional Police

1975 Gottingen Street, Halifax

- Phone: 911 for emergencies
- Phone: 902-490-5020 for non-emergency dispatch
- Phone: 902-490-5016 to file an incident report
- Phone: 902-490-5015 for general inquiries

5. Safety Planning

Campus Security (On-Campus)

- Assisi Hall, Main floor
Phone: 902-457-6111
Phone: 902-457-6412 (weekdays)
**Campus Security is available 24 hours a day, 7 days a week.*

Bryony House

- Bryony House assists women in preparing emergency plans to ensure their safety when leaving an abusive intimate partner.
- Operates a 24-hour distress line: (902) 422-7650
- Operates an emergency shelter (up to 6 weeks): (902) 423-7183

6. Emergency Housing

Adsum House

- 902-423-4443 (immediate assistance)
- 902-423-5049 (administration inquiries)
- Adsum for Women & Children has emergency shelter, short and long term housing, programs and services for women, families, youth and trans persons.

7. General Information & Referrals

Aboriginal Student Centre (On Campus)

- 46 Melody Drive (lower level), Phone: 902-457-6228
- A space where students can meet and have access to a part-time resident counsellor and Elder.

Harassment & Discrimination Advisor (On-Campus)

- Seton Academic Centre, Room 313A, respect.advisor@msvu.ca
- Phone: 902-457-6766
- Hours: by appointment (10-14 hours per week).
- An impartial, confidential resource for students, faculty, and staff on all matters of harassment, discrimination, and sexualized violence.

South House Gender Resource Centre

- 1443 Seymour Street, Halifax, Phone: 902-494-2432
- Hours: 10 am – 4 pm, Monday-Friday
- A gender inclusive space with a resource centre, library, free meeting space, and anti-oppression organizing and gathering, which offers referral services to a wide variety of services in the HRM.

Stepping Stone

- 2350 Hunter Street, Halifax, NS B3K 4V6
- Hours: 9:30am - 1:00pm, Monday - Friday
- A safe and confidential environment for current and former sex workers to seek support and services, including peer support and crisis intervention, addiction referrals, court support and housing support.

8. Resources outside of HRM

For resources outside HRM, please contact the Office of Student Experience or the Harassment & Discrimination Advisor, who can assist in making appropriate referrals.

Information about community resources in Nova Scotia, outside of HRM, is also available from:

- **211 Nova Scotia:** call 211 to find services and programs offered by local community groups and government departments in Nova Scotia.
- **Break the Silence Nova Scotia** breakthesilencens.ca