



POLICIES and PROCEDURES

Responsible Unit	Human Resources
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Approving Sector Head(s)	Vice-President Finance & Administration and CFO
Policy	Acadia University Sexual Violence Policy

Purpose and Intent

Sexual violence is a serious issue, and an incident of sexual violence can result in short and long-term negative consequences for individuals, communities and society as a whole.

The 2015-19 Memorandum of Understanding (MOU) between the Province of Nova Scotia and Nova Scotia Universities addresses sexual violence directly. The *Improved Supports for Student Success* section of the MOU details how “the Parties agree to specifically identify ways to improve student assistance and supports through collaborative and other initiatives aimed to address healthy minds, improve disability services, and a collective commitment to sexual violence prevention” (Province of Nova Scotia, 2015b, p. 10).

The Standing Committee on the Status of Women (FEWO) Canada has studied violence against young women and girls in Canada, and issued a recent report titled, *Taking action to end violence against women and girls in Canada (March, 2017)*. Included in the report are specific recommendations for post-secondary institutions. Status of Women Canada is working with stakeholders, including provinces and territories, towards developing a harmonized national framework to ensure consistent, comprehensive, and sustainable approaches in addressing gender-based violence at post-secondary institutions across the country. Starting in 2019, for those universities and college campuses that are not implementing best practices addressing sexual assaults on campus, the Government of Canada will consider withdrawing federal funding.

The Acadia University Sexual Violence Policy will use the terms ‘complainant’ and ‘respondent’ rather than ‘victim/survivor’ and ‘accused’ in reference to individuals who have experienced or are accused of sexual violence. The term ‘complainant’ provides individuals with a choice of label, and both terms reflect the language used in an administrative process rather than a criminal justice process.

It is also important to recognize that systems of power and oppression such as racism, heterosexism, ableism, and colonialism are important factors in understanding the issue of sexual violence.

Definitions¹

Sexual Violence: Sexual violence is any sexual act, attempt to obtain a sexual act, or other act (touching, verbal, and physical intimidation) directed against a person's sexuality, gender identity, or gender expression, using coercion, by any person regardless of their relationship to the complainant in any setting. Sexual violence could include sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

Sexual Assault: Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent. Sexual assault includes *any* form of sexual contact where consent has not been given (ranging from non-consensual touching that is sexual in nature to forced vaginal or anal penetration).

In Canadian law [Criminal Code s. 265.1], sexual assault is currently defined as any act where:

- without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs

Sexual Cyber-bullying: Sexual Cyber-bullying is any electronic communication of a sexual nature, through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, typically repeated or with continuing effect, that is intended or ought reasonably be expected to cause fear, intimidation, humiliation, distress or other damage or harm to another person's health, emotional well-being, self-esteem or reputation, and includes assisting or encouraging such communication in any way.

Sexual Harassment: Sexual harassment is vexatious sexual conduct or a course of comment that is known as unwelcome; a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome; or reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance. Sexual harassment is a type of sex discrimination, and falls under Human Rights Law.

Sexual Orientation: Sexual orientation is an inherent or immutable enduring emotional, romantic or sexual attraction or lack of attraction (asexual) to other people.

Acquaintance Sexual Assault: Acquaintance sexual assault is an act of sexual assault committed by an individual known to the victim/survivor. The respondent is in a position of trust because of this relationship and may use this trust to manipulate the situation.

Consent: Consent is "an agreement to engage in a sexual activity". It must be fully voluntary, clearly communicated, and ongoing. All sexual activities that are engaged in must be consented to: if there is consent given for a particular sexual activity, this consent does not automatically extend to other sexual activities. Consent can be withdrawn at any time, including during a sexual activity that had previously

¹ The following definitions apply to this policy document and do not supersede those of the Criminal Code of Canada. In cases where remedy is sought through the court system, definitions provided by the Criminal Code will take precedent.

been consented to. As defined by Canadian law [Criminal Code s. 273.1], consent is ‘the voluntary agreement ... to engage in the sexual activity in question.’ Consent does *not* legally exist if:

- Sexual activity is agreed to by someone other than the persons directly involved,
- The person is incapable of consenting to the sexual activity (for example, because they are under the influence of alcohol or drugs),
- An abuse of power, authority, or trust is used to coerce the victim/survivor to engage in sexual activity, or
- One party expresses (through their words, conduct, inaction, or absence of words) a lack of agreement to engage in the activity.
- The person, having consented to engage in sexual activity, expresses (through their words, conduct, inaction, or absence of words) a lack of agreement to continue to engage in the activity.

Equality/Equity: Equality is the process of providing everyone in society with equal resources. Equity involves ensuring that everyone has access to the resources, opportunities, power, and responsibility *they need* to reach their full potential as well as making changes so that unfair differences may be understood and addressed

Gender Expression: Gender expression is the external appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being masculine or feminine (although can be a blend of both or neither), and may not align with gender identity.

Gender Identity: Gender identity is one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Gender-based Violence: Gender-based violence is any form of behaviour – including psychological, physical, and sexual behaviour - that is based on an individual's gender and is intended to control, humiliate, or harm the individual. This form of violence is generally directed at women and girls. It reflects an attitude or prejudice at the individual or institutional level that aims to subordinate an individual or group on the basis of sex and/or gender identity.

Hyper-sexuality: Hyper-sexuality is the preoccupation with sex in society. It includes the cultural and marketing messages that our value as individuals comes from our sex appeal and behaviour, the sexual objectification of people, the blurring of the lines between adult and child sexuality, the mainstreaming of pornography and the exploitation of sex and sexuality for marketing purposes. Hyper-sexualization is not the same thing as the normal process of sexual maturation and does not promote sexual health, or healthy relationships.

Intersectionality/Intersecting Identities: Intersectionality/Intersecting identities is an understanding that people and their experiences are shaped by their connection to different social locations (race, gender, class, sexual orientation, ability, age, religion). Individuals who identify with multiple forms of marginalized social locations will be more negatively impacted by inequality in society. For example, Indigenous women experience gendered violence disproportionately in comparison to White women.

LGBTQIA2S+: An acronym used to represent individuals who identify as lesbian, gay, bisexual, transgender, queer, intersex, asexual, two-spirited (a as well as questioning, pansexual or unsure). Sexual orientation exists on a continuum and therefore, there are other identities individuals may use which are not listed under this term.

Rape Culture:

A culture in which dominant ideas, social practices, media images and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing male sexual violence and by blaming survivors for their own abuse.²

Survivor: A survivor is defined as someone who has been victimized but is healing and beginning to cope with the trauma and is working towards getting beyond the traumatic event. The term 'survivor' also acknowledges the bravery and strength required to resist gendered violence in a society that tolerates such oppression

Victim: A victim is someone who has experienced some form of trauma, be it emotional, sexual, psychological or physical. A victim may be immobilized or prevented from living a life similar to his/her/their life prior to the trauma resulting in a victimized state.

Victim Blaming: Victim blaming occurs when the victim of a crime or an accident is held responsible - in whole or in part – for the crimes that have been committed against them.

Policy Statement

Acadia University will create an environment where sexual violence is not tolerated, everyone is responsible to take action, complainants choose their course of action (unless conditions exist that require immediate action), and are treated with respect. (Conditions requiring immediate action are defined in the confidentiality section of this document.)

Jurisdiction

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

The policy is inclusive of all Acadia University property and events hosted, sponsored by, controlled by or associated with Acadia University, university related travel including but not limited to travel by sports teams and study, teaching or research conducted off-campus. This policy also extends to private events off campus where the University may have an interest. Acadia University cannot monitor the environment external to the campus, however, university organizations/ teams/ clubs or representative individuals may be held responsible for their actions off-campus.

Acadia University has other policies and procedures in place that pertain to sexual violence, including the Acadia University Policy Against Harassment & Discrimination and the Non-Academic Judicial Process. This policy is intended to complement these options and does not assume precedence over any other University Policy, collective agreement, or prevailing laws.

This policy in no way negates or impedes an individual's right to pursue a course of action through the Nova Scotia Human Rights Commission or the criminal justice system. All elements of this policy comply with, and are subject to, human rights and criminal code legislation.

² Government of Ontario, Office of the Premier, It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment (March 2015), online: <<http://docs.files.ontario.ca/documents/4136/mi-2003-svhap-report-en-for-tagging-final-2-up-s.pdf>>

Responsibilities

Acadia University, through its Office of Student Services will work with a variety of campus partners, including the Acadia Students' Union, Student Resource (Counselling) and Health Services, Residence Life, other Student Services units, the Equity Office, Department of Safety and Security and the Acadia University Sexual Health Working Group to develop and deliver an annual education and awareness program that includes but is not limited to activities to promote consent, address sexual violence, and communicate access to resources and supports.

Acadia University is committed to training for Bystanders, First Responders, and other members of the student, faculty, and staff communities on how to respond to disclosures of sexual violence. Individuals, offices, and volunteers involved in adjudication processes will be trained in trauma informed processes.

Commitments and values

Acadia University acknowledges the trauma associated with sexual violence and supports the efforts of individuals to recover and identify appropriate resources to assist with their physical, mental, emotional, and spiritual health and wellness.

Everyone who discloses or reports an experience of sexual violence can expect the Acadia University community to be prepared to provide a reassuring and caring response.

A caring response for the complainant will include:

- listening with respect, acceptance, and compassion
- an absence of irrelevant questions such as those related to past sexual expression or history
- respect for the individual to choose independently appropriate supports and to whom and how much to disclose / report
- helping a complainant identify and / or access available on and off-campus services and resources and assistance with safety planning
- non-judgemental support
- support to create provision of situational academic, residential, and recreational accommodations as appropriate to prevent further trauma
- respect for confidentiality and anonymity
- support whether the incident occurred on or off-campus

A caring response for the respondent will include:

- listening with respect, acceptance and compassion
- sharing information regarding a fair and competent process
- helping a respondent identify and / or access available on and off-campus resources
- respect for confidentiality and anonymity
- support whether the incident occurred on or off-campus

Disclosure, Reporting and Response

Acadia University acknowledges and supports the formal and informal reporting options available to individuals who have witnessed or experienced sexual violence. Individuals may pursue any of the following reporting options:

Off-Campus

- **Criminal Reporting:** Individuals may report through the criminal justice system to the RCMP. The Department of Safety and Security can facilitate and support the individual in making this report.
- **Sexual Assault Nurse Examiner (SANE):** A SANE nurse can provide special medical support and services for all genders (13 years of age or older). Additionally, they are able to offer a medical examination and collection of forensic evidence (up to 120 hours after the incident) for the purposes of criminal investigation and inquire, if the person reporting the incident requests

this. Call the 24/7 toll-free SANE crisis line 1- 844-888-7263 (not yet live)

On-Campus

- Harassment and Discrimination Policy: reports involving allegations against any member of the Acadia community can be made through the Equity Office
- Non-Academic Judicial Process complaint: reports involving allegations against students can be made through Acadia's non-academic judicial process
- Human Resources: reports against any university employee can be made through the University's Human Resource office

Individuals who have witnessed or experienced sexual violence may pursue more than one reporting option at the same time. This is not limited to University reporting options, and includes processes provided for under Nova Scotia Human Rights legislation and the Criminal Code of Canada.

Individuals who have experienced sexual violence and do not want to report the incident using a formal complaint system (on or off-campus), are encouraged to disclose their experience to any trusted person. This could include a university counsellor or the university chaplain, as well as other faculty, student, and staff resources.

Confidentiality and Anonymity

Confidentiality is important to create an environment where individuals feel safe to disclose and to seek support and accommodation. Acadia University requires express consent to disclose personal information to others, unless conditions exist which limit confidentiality (as set out below).

All efforts will be made to follow the wishes of the individuals(s) who have experienced sexual violence and to safeguard the anonymity and privacy of all individuals who disclose and report incidents of sexual violence. Acadia University will protect their confidentiality, and ensure that individual(s) who disclose sexual violence receive appropriate accommodations and support.

Typically, information provided by a person who has experienced or has witnessed an incident(s) of sexual violence to Professional Counsellor, Equity Officer, University Chaplain, or physician is considered confidential. It is accepted these conversations are confidential in nature, and are necessary in order for complainants to come forward and discuss incidents of sexual violence. All information will be held in confidence unless directed by the person disclosing or when conditions exist that limit confidentiality (as set out below).

All persons involved in a report of sexual violence are asked to respect the confidentiality of the complainant, the respondent, and witnesses. Findings and outcomes should not be disclosed without permission.

The following circumstances may require the University to take immediate action in relation to a disclosure of Sexual Violence:

- A student is at imminent risk of severe or life-threatening self-harm;
- A student is at imminent risk of harming another person;
- When compelled to do by law. For example, the University may be required to release information to comply with a Court Order or subpoena.
- There are reasonable grounds to believe that others in the University community may be at significant risk of harm based on the information provided.

Acadia University has a responsibility to balance the wishes of the person who has disclosed an incident of sexual violence with the obligation to protect the wider university community. In such circumstances,

information would only be shared with necessary internal and/or external service areas/departments to prevent harm, on a “need to know” and confidential basis, but not necessarily with the identities of any persons involved.

Maintenance of Statistics

The Executive Director, Student Services, Equity Officer, and President, Acadia Students’ Union will have the right and obligation to compile an Annual Report by July 1 each year, of the activities under this Policy in the previous academic year. This information will be compiled and reported in a manner that ensures the confidentiality and privacy of the individuals who have reported incidents of sexual violence. The report is for the purpose of community education, any agreed to pan-institutional reporting, and provincial regulations or legislated reporting that may be required.

All records related to any consultation or complaint will be preserved for a period of 7 years and destroyed in a confidential fashion at the conclusion period. If, however, further reports involving the same parties occur prior to the expiry of the period of retention related to the original issue, the records related to the original issue between the parties shall be retained until the expiry of the retention period for the records related to the new issue.

Related Resources

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

- Sexual Assault Nurse Examiner (SANE) - A SANE nurse can provide special medical support and services for all genders (13 years of age or older). Additionally, they are able to offer a medical examination and collection of forensic evidence (up to 120 hours after the incident) for the purposes of criminal investigation and inquire, if the person reporting the incident requests this. Call the 24/7 toll-free SANE crisis line 1- 844-888-7263 (not yet live)
- RCMP - Sexual assault is an offence in Canada. The Primary role of the RCMP is to conduct criminal investigations, including sexual assault. If the person reporting the incident of sexual violence wishes to meet with the RCMP to discuss the possibility of laying criminal charges. It is ultimately the decision of the RCMP to complete a criminal investigation and whether criminal charges will be laid. The phone number of the RCMP is (902)542-3817
- Emergency Department at Valley Regional Hospital in Kentville, is open 24 hours and is available for urgent medical attention. They may be reached at (902) 678-7381
- 911 (Emergency Health Services) 911 is an emergency service that can dispatch RCMP or an Ambulance when immediate help is required
- 811 (Advice from a Registered Nurse) 811 can provide advice for possible action for individuals who have experienced incident(s) of sexual violence.
- Avalon Sexual Assault Centre - Avalon is committed to confidential, non-judgmental and professional service. The majority of our services are free of charge. Phone: **902-422-4240 –or info@avaloncentre.ca**
- The Red Door – The Red Door provides confidential sexual health services, health education, and health promotion to youth 13-30 years of age. We are proud to provide this support without judgment, in a safe environment, complete with an expert staff and trained volunteers. The Red Door can be reached at (902) 679-1411 or info@thereddoor.ca.
- Acadia Students’ Union (ASU) Legal Aid - The ASU retains the services of a law firm for the advice and assistance of all full-time students at Acadia University and ASU staff. This assistance is available for any legal problem, whether or not it is university related. There is no charge to the student for the initial half hour consultation. All consultations are confidential and

are made by appointment - call (902) 585-2167

Consequences and Outcomes

The respondents to complaints of sexual violence may be subject to the following consequences imposed by Acadia University could include but are not limited to:

- Written warning or letter of reprimand
- Change of job or class assignment
- Ban from being in the same office or classroom as the complainant
- No-contact direction with the complainant
- Ban from campus or ban from specific campus activities
- Issuances of notice under the Nova Scotia Protection of Property Act
- Restriction of student participation in non-academic programs
- Restriction, relocation, or removal from residence
- Suspension, probation, expulsion, or termination in conjunction with existing disciplinary procedures and collective agreements
- In cases where the victim/survivor chooses to seek a remedy through the Nova Scotia Human Rights Commission or the judicial system, respondents may be subject to consequences identified by the Nova Scotia Human Rights Act and the Criminal Code of Canada. These include probation, periods of incarceration and fines.

Policy Review

The Acadia University Sexual Violence Policy will meet the requirements of the 2015-19 Memorandum of Understanding (MOU) between the Province of Nova Scotia and Nova Scotia Universities and any subsequent MOU agreements. The policy and associated procedures and programs will be consistent with current best practices. Additionally, the policy will be reviewed by a legal professional to ensure compliance with legal authorities.

The Policy will be reviewed annually for the 2018-19 and 2019-20 Academic Years and every second year thereafter.