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Purpose and Context

Note: For Procedures go to [Reporting Sexual Violence](#) on mta.ca

Purpose

Mount Allison University (the University) is committed to maintaining a positive and respectful learning, living and working environment that respects the rights of all our community members. To that end, the University does not tolerate sexualized violence.

The University acknowledges that anyone can experience sexualized violence and that all survivors deserve to be heard and supported. The goals of this Policy are to:

1. Prevent sexualized violence through education and by reinforcing the seriousness with which the University views and responds to this issue;
2. Increase awareness of the impacts of sexualized violence and of options, resources and services available to those who have experienced sexualized violence and members of the university community generally; and
3. Provide timely, coordinated, consistent and fair response to disclosures and reports of sexualized violence.

Scope

This policy applies to all individuals who work, study or visit the University campus and buildings or take part in any University activities, including University hosted activities and travel.

This policy and its procedures may continue to apply even if a person's relationship with the University has changed or ended. If a respondent ends their relationship with the University, the University may continue to investigate, suspend, close or end the complaint(s) against them

depending on factors which include safety, the nature of the allegations and whether there is sufficient information available to proceed. The University reserves the right to resume processing a suspended complaint if the respondent's relationship with the University resumes at a future date and to enforce any restrictions on access to and the use of its resources and property.

Policy

Sexualized violence is a serious issue and affects individuals of all gender identities and expressions; sexualities; ages, abilities, and economic status; racial, cultural, and religious backgrounds. The University is committed to maintaining a safe working, learning, and living environment for all Community members. The purpose of this policy is to:

1. Reduce and prevent sexualized violence by cultivating a consent culture that prioritizes consent, respect, awareness and support through policy, training, and education.
2. Prohibit all forms of sexualized and gender-based violence.
3. Receive disclosures and respond to sexualized violence with procedures that are survivor-centered and trauma-informed and make those responsible accountable for their actions.
4. This includes providing training for University employees and students.

Part One: Consent, Education, and Prevention

1.1 Consent

The University will promote a consent culture in which every person's decision and bodily autonomy are respected and supported. For example, consent cannot be given by a third party or on behalf of the parties, cannot be implied or assumed and cannot be given by someone under the legal age of consent, impaired judgment on the part of the person alleged to have engaged in sexualized violence that leads them to think or believe there was consent is not an excuse for an act of sexualized violence.

1.2 Education and Prevention

- a) Education is critical in preventing sexualized violence as well as promoting a culture on campus where survivors are believed and supported. Sexualized violence services will collaborate with stakeholders to develop and foster continuous education and awareness campaigns that promote a culture of consent and reflect the realities and issues facing our campus community.
- b) Sexualized Violence Services will develop trauma-informed and survivor-centered strategies for ensuring all community members know how and where to seek support, how and where to make disclosures, pertinent crisis and emergency supports, and where to find the Sexualized Violence Policy and procedures as well as how to navigate them.
- c) Sexualized Violence Services will work with the University community to prevent harm and promote a culture of consent.
- d) All community members are invited to consult with Sexualized Violence Services or resources and education related to cultures of sexualized violence in programming, course material, or curriculum, including content warnings, appropriate responses to disclosures, and care for those who have experienced sexualized violence.

- e) All staff and faculty involved in provision of sexualized violence services, supports, resources, and accommodations will receive ongoing training and education in areas including, but not limited to colonialism and systemic oppression; bias, anti-oppressive practices, and anti-racism; local language and culture; and health and healing practices.

1.3 Community of Care

- a) As a result of historical and continued colonialism in Canada, Indigenous people face higher rates of all forms of violence, especially Indigenous women, girls, two-spirit, and non-binary people. The University is dedicated to providing Indigenous community members with access to culturally safe supports, resources, and accommodations.
- b) The University strives to be a trauma-informed, survivor-centered community in which we work collaboratively to connect survivors to resources and support. We strive to enhance access, empower survivors to make decisions that are right for them, and create a compassionate environment in which survivors can exercise agency over their short and long-term needs.
- c) All community members, including contract employees, visitors, volunteers and guests, will have access to sexualized violence prevention training to promote a community of care as well as safe working, learning, and living environments
- d) All employees, residence leadership, and students are strongly encouraged to take sexualized violence prevention training.
- e) All Employees are encouraged to complete workplace harassment education training.
- f) The University recognizes that all efforts to respond to and prevent sexualized violence must be grounded in intersectionality, the understanding that individual experiences of sexualized violence are shaped by multiple and intersecting factors. These factors include but are not limited to community, race, sex, gender, ancestry, ethnicity, language, ability, faith, age, socioeconomic status, sexuality, and gender identity/expression.

Part Two: Disclosures and Complaints

2.1 Rights and Responsibilities of Involved Parties

Anyone who makes a disclosure or a complaint has the following rights:

- a) to have their confidentiality and privacy protected subject to disclosure required by law or to maintain a safe campus;
- b) to be treated with dignity and respect;
- c) to be informed about on- and off-campus services and resources and decide whether to access those services;
- d) to be informed about the procedures in place to address sexualized violence and reporting options;
- e) to make an informed decision regarding whether to report the incident to campus authorities and/or local police;
- f) to have necessary actions taken to prevent unwanted contact with the respondent;
- g) to receive a summary of the investigation results, investigation decision(s), reasons for the investigation decision(s) and any applicable sanctions;
- h) to request an appeal subject to the criteria that allows for an appeal.

2.2 Rights and Responsibilities of Respondents

Rights of respondents are:

- a) to have their confidentiality and privacy protected subject to disclosure required by law or to maintain a safe campus;
- b) to have any limits of confidentiality explained prior to providing response to a complaint, where possible;
- c) to be treated with dignity and respect;
- d) to be informed about on- and off-campus services and resources;
- e) to be informed about the procedures in place to address sexualized violence;
- f) to participate fully and cooperatively in an investigation;
- g) receive a summary of the investigation results, investigation decision(s), reasons for the investigation decision(s) and any applicable sanctions;
- h) to request an appeal subject to the criteria that allows for an appeal.

2.3 Provision of Support and Resources

- a) Community members who have experienced or are affected by sexualized violence are entitled to support and resources whether they decide to make a formal complaint or not. Survivors only need to make a disclosure of their survivor status to access support and resources. It is the right of survivors to disclose what, when, and how much they choose.
- b) Sexualized Violence Services will work with survivors and those affected by sexualized violence on a case-by-case basis to determine how to fulfill their unique individual needs, in collaboration with the relevant departments and services. The University strives to provide clear and accessible pathways for disclosure and complaints.

2.4 Disclosures and Complaints

- a) All members of the community can make a disclosure or submit a complaint to the University. The University will endeavour to provide efficient and trauma-informed pathways for making disclosures and filing complaints. Sexualized Violence Services, in collaboration with trained staff from across the University, will assist survivors in navigating their options, ensuring that they have the information and resources necessary for their decision-making and healing process.
- b) There is no deadline to make a disclosure or complaint. A disclosure does not automatically result in a complaint by the disclosing individual.
- c) A disclosing individual or complainant can subsequently choose to withdraw their complaint, discontinue supports/services provided or stop participating in the processing of their disclosure or complaint. As outlined in section 2.5 below, the University may investigate or continue processing a disclosure/complaint, but the individual may choose not to continue to participate in the complaint. The University will aim to protect the complainant's privacy where possible.
- d) The Sexualized-Violence Policy does not preclude the right to pursue legal action. In cases where the sexualized violence involves a non-community member the procedures in this policy may not apply; however, the University may still provide support to the survivor and may implement safety measures such as taking steps to prohibit the respondent from attending campus. Information about options and what to expect for all parties can be found on the reporting sexualized violence webpage on mta.ca.

2.5 Response and Investigation without a Survivor Complainant

The University may investigate sexualized violence even when the survivor has chosen not to make a disclosure or file a complaint (such as anonymous reports or third-party reports) or where they have chosen to withdraw their complaint or discontinue or stop participating in the processing of their disclosure or complaint. Examples of such circumstances include, but are not limited to:

- a) Where required by law.
- b) Where there is a perceived risk to the safety of individuals and/or community. For example, when a repeat perpetrator has been identified.
- c) Where there is evidence of sexualized violence in the public realm. For example, a video, image, or narrative posted on social media.
- d) If one of the above circumstances applies, affected individuals will be informed. They are entitled to support throughout the process but may choose not to participate or receive additional support. The University's response will be determined by several factors including legal obligations, the information available, procedural fairness, best practice, and the survivor's decision regarding whether they will participate.

2.6 Outcomes

The outcome of a complaint process will vary and may include accountability measures, remedies, and sanctions; including survivor-requested or directed outcomes. Specific disciplinary measures for employees may also be outlined in their respective collective agreements (see collective agreements). Outcomes may include but are not limited to:

- a) Survivor impact statement.
- b) Letter of apology or apology process.
- c) Facilitated discussion.
- d) Mandated educational workshops or counselling.
- e) No contact direction.
- f) Behavioral contract.
- g) Probationary measures.
- h) Letter of reprimand.
- i) Restrictions related to accessing buildings or parts of campus.
- j) Restrictions related to or removal from certain activities, services, and facilities.
- k) Removal from social, athletic, or other extra-curricular activities.
- l) Community service activities within the University community.
- m) Removal from academic classes, course sections, labs, or tutorials.
- n) Relocation or eviction from university owned and/or operated housing.
- o) Change in work assignment.
- p) Suspension from work for a set time with or without pay.
- q) Dismissal from employment.
- r) Suspension from the university for a specific period.
- s) Expulsion from the university permanently.

See the procedures document [here](#) for more information.

Part Three: Principles Governing the Response and Investigative Process

This policy and its associated procedures integrate trauma-informed practices, harm reduction, and procedural fairness for all parties. This approach fosters an enhanced environment for all parties which accounts for safety, meaningful participation, and human rights.

Therefore, the designated University official may exercise discretion in authorizing support, resources, accommodations, outcomes and/or sanctions on behalf of the University, including in such cases where the decision may contravene existing policies, processes and/or regulations. In such instances, where not otherwise required by law, the Sexualized Violence Policy will be considered to have taken precedence.

Where the confidentiality of those involved in a complaint is a fundamental tenet of the University's practices, the designated University official will exercise good judgment and reasonableness in carrying out their duties and will treat information related to a complaint confidentially, as will any other University official or individual involved in the complaint process.

3.1 Procedural Fairness

The University has a duty to provide fair processes by which disclosures and reports are made, investigations are conducted, and decisions are made and communicated. Procedural fairness applies to all parties. Procedural fairness includes the right to a timely and fair process, an unbiased decision-maker, and the right to make submissions and provide responses or counterarguments for all parties.

3.2 Timeline of the Process

The University recognizes that this may be a difficult process and will work to provide reasonable timelines without compromising procedural fairness and ensure that all parties are informed of expected timelines throughout the process. Further information about timelines is available in the Sexualized Violence Procedures.

3.3 Transparency of the Process

- a) Parties will be advised of their rights and responsibilities related to the process.
- b) Parties will be advised of what to expect from the process.
- c) Parties will be kept informed about the process and outcome.
- d) Parties will receive updates on the progress of their case, including any delays.

3.4 Support for Parties Involved in the Process

All parties are entitled to be accompanied by a support person. If no support person is available, the University may provide one. All parties, including third parties who may have witnessed or know of incidents of sexualized violence or gender-based violence, will be offered referral to appropriate personal support resources.

3.5 Confidentiality

- 3.5.1 To create a secure environment within which those who have experienced sexualized violence can confidently make disclosures or complaints, privacy and confidentiality will

be respected and maintained. Standards of confidentiality not only protect the rights of those involved in a sexual violence disclosure but are also key to preserving the integrity of any investigation that is undertaken.

- 3.5.2 Those involved in the complaints process, including complainants, respondents, and witnesses, must keep the details of any case confidential. This does not limit complainants, respondents, or witnesses from sharing details with their circle of support which can include their medical provider, counsellor, social worker, and family.
- 3.5.3 The University may not be able to maintain confidentiality:
 - a) When employees require information to carry out their authorized duties under the Sexualized Violence Policy. For example, conduct investigations, implement a decision, or impose immediate measures.
 - b) When there is serious and immediate risk to the person's life; to the safety of another person; or of harm to the safety of other members of the community, on the basis of information provided following a report of an incident of sexualized violence;
 - c) In the event of a situation of sexualized violence towards a minor or vulnerable person;
 - d) If there is a court order.

If one of the above circumstances applies, individuals will be informed and supported throughout the process.

3.6 Amnesty Provisions

Those who make a disclosure or complaint of sexualized violence will not be subjected to discipline for violations of the University's Liquor Control Policy, Banned Substances Policy, and Policy on Initiations for Teams and Other Student Groups at the time(s) the violence occurred. Being under the influence of alcohol or drugs has no impact on the seriousness of sexualized violence, and complainants/survivors will not be subjected to university discipline for infractions of university policies that they may have committed when the violence occurred [e.g., if you were underage drinking at the time].

3.7 Protection from Retaliation or Threats of Retaliation

The University will not tolerate retaliation against someone who discloses or reports sexualized violence. It is also prohibited to retaliate or conspire to retaliate against that individual's support networks, friends, families, or acquaintances. Retaliation is a serious offence and may result in disciplinary action according to the student code of conduct, other university policies, applicable collective agreement or relevant contract.

3.8 Appeals

Both the complainant and the respondent have the right to request an appeal. For additional procedural information, refer to the procedures section here.

3.9 Trained personnel

Everyone involved in the processes of disclosures, complaints, investigation, decision-making, and service provision will be trained in their roles, in addition to receiving mandatory

relevant training. Education and training will be reviewed and updated accordingly on an ongoing basis to ensure relevance.

Part Four: Maintenance of Statistics and Reporting

4.1 Policy Review

This policy will be reviewed at least every three years,

4.2 Records and Data Collection

The University will securely maintain complete records. These records will be kept for at least 10 years following the complaint. They shall include:

1. The number of disclosures & complaints
2. The nature of the disclosures & complaints (what they involve)
3. Demographic information (gender, age, if available)
4. The number of anonymous and third-party/bystander disclosures and/or complaints
5. Location of incident(s) if known (on/off campus)
6. Pathway outcomes of disclosures and complaints (investigative, non-investigative)
7. Procedural outcomes (immediate measures, sanctions)
8. Supports, services, and accommodations provided to students

An annual report will be compiled by the Sexualized Violence Response (SVR) Consultant and presented to the Vice President International and Student Affairs and Vice President of Finance and Administration yearly. Annual reports will be posted on the University website and made available upon request. The information provided in the annual report will not disclose personal or identifying information in accordance with the Right to Information and Protection of Privacy Act. The Vice President International and Student Affairs will present the annual report to the Board of Regents via the Student Affairs Committee

Part Five: Terminology and Definitions

Accountability Measures: an umbrella term for sanctions, disciplinary actions, outcomes, and other remedies imposed by the University as a result of a determination that a member of the community has committed a breach of the Sexualized Violence Policy.

Anonymous Report: a report made to the University by a community member/group without revealing their identity for the purposes of initiating accountability measures.

Anti-Oppressive Practice: strategies, theories, actions and practices that seek to dismantle the effects of institutionalized power and privilege and to equalize power imbalances.

Appeal: a procedural mechanism for a respondent or complainant to challenge the investigation decision and any disciplinary or remedial measures following the investigation made under this policy.

Barrier: Anything physical, architectural, technological or attitudinal, anything that is based on information or communications or anything that is the result of a policy or a practice that hinders full and equal participation in the policies and processes of a community.

Circle of Support: A group of identified individuals that a person relies on to provide support. A circle of support can include a medical provider, counsellor, social worker, family, and trusted friends.

Complainant: an individual who makes a verbal or written complaint of sexualized violence or gender-based violence.

Complaint: a written or spoken statement in which someone says that someone has harmed somebody else, done something illegal, or violated institutional policies on or off campus. A formal account of an incident of sexualized violence for the purposes of initiating Sexualized Violence Policy and Procedures.

Complaints Process(es): a Complaints Process begins with a formal report to the University official designated under this Policy's procedures, which leads to an investigation, findings, and possible Accountability Measures, outcomes, or remedies under the Sexualized Violence Policy.

Consent: is mutual and voluntary agreement. Consent in the context of sexual activity is a voluntary agreement to engage in sexual activity. Section 273.1(1) of the Criminal Code defines consent as a person's voluntary agreement to "engage in the sexual activity in question." Consent for any sexual activity must be freely given. Consent cannot be assumed. Passivity, silence or the absence of "no" is not Consent. Consent cannot be given by someone who is intoxicated, unconscious, or otherwise considered incapable of giving their Consent. Consent can also not be freely given if it follows coercion or threats to personal safety, or threats to Harm others. Consent can be withdrawn at any time, with either words or actions.

Consent Culture: a culture that does not force anyone into anything, respects bodily autonomy and is based on the belief that a person is always the best judge of their own wants and needs. Consent to any activity is ongoing, freely given, informed and enthusiastic. Consent culture is not limited to sexual activity.

Cultures of Sexualized Violence: An environment in which sexualized violence is normalized and excused and survivors are blamed for their assaults. Cultures of sexualized violence can be perpetuated by the use of misogynistic language, objectification of bodies, and glamorization of sexual violence, thereby creating a society that disregards or downgrades human rights and safety. Cultures of Sexualized Violence may be found in jokes, TV, music, advertising, legal jargon, laws, words, and imagery that make Sexualized Violence and sexual coercion seem normal.

Decision-Maker: the individual or individuals designated to determine whether the Sexualized Violence Policy has been breached as well as the appropriate outcomes.

Disclosure: when an individual shares that they have experienced Sexualized Violence. Survivors make Disclosures for many reasons, including wanting to tell their own story. Survivors may also disclose their experience so that they can receive support, accommodations, and resources from the University.

Employee: any person who has an employment relationship with the University or who had an employment relationship with the University at the time an incident occurred.

Gender-Based Violence (GBV): an umbrella term that includes Sexualized Violence and other forms of abuse perpetrated against someone based on their gender expression, identity, or perceived gender. Forms of Gender-Based Violence include physical violence; online violence/technology-facilitated violence; Sexualized Violence including sexual abuse, sexual harassment, sexual assault and sexual exploitation; spiritual abuse; financial abuse; harassment including stalking; and emotional and psychological violence including put-downs, bullying, threats and intimidation.

Harm: in the context of Sexualized Violence on campus, Harm refers to negative consequences of Sexualized Violence incidents, the Disclosure/Complaints Process, or elements of the process.

Harm Reduction: the recognition that Post-Secondary Institutions and the processes they have implemented to address Sexualized Violence can cause Harm. Practices that seek to limit and reduce negative consequences on the involved Parties.

Immediate Measures: conditions or restrictions placed on a person who is alleged to have perpetrated Sexualized Violence or Gender-Based Violence. These measures are imposed to protect the safety of the Complainant or others who are involved in a Disclosure or Complaint.

Investigation Decision: following the completion of an Investigation and review of the Investigation Report, the Decision-Maker's ultimate conclusion as to whether the Sexual Violence Policy has been breached.

Intersectionality: a term coined by Dr. Kimberlé Crenshaw, Intersectionality refers to an approach that acknowledges the integrative and complex nature of political and social identities and oppressions. Those identities and social categorizations can be understood under racial, gender, sexual, religious, disabled, class, and religious lines, to name a few. An intersectional approach to Sexualized Violence considers the fact that the impact of Sexualized Violence can overlap and interact with experiences of sexism, homophobia, transphobia, racism, classism, ableism and so on. The overlap of any of these identities creates a complex system of discrimination where individuals face multiple oppressions.

The University Community: includes University Employees, Students, contracted employees, or volunteers working on University property or on behalf of the University, their visitors and guests and visitors and guests of the University.

Party or Parties: a person who brings or is the subject of a Complaint, who participates and is accorded Procedural Fairness rights in a Complaints Process. Parties can include Respondents, Complainants, or Post-Secondary Institutions depending on the type of Complaint.

Procedural Fairness: Procedural Fairness requires that individuals who are Party to a Complaint must be accorded rights throughout the process and are applied to all Parties.

Protected Reporting Activity: reporting activity including a Disclosure of Sexualized Violence or filing a Sexualized Violence Complaint that all community members may engage in without fear of Retaliation.

Repeat Perpetrator Identification (RPI): a feature of the REES (Respect Educate Empower Survivors) reporting platform that helps to identify a person that has perpetrated Sexualized Violence against multiple people. A Survivor can provide specific identifying information about the perpetrator and if there is a match of identifying information provided by two Survivors, the designated campus contact will be informed.

Residence Leadership: a person in a position of authority, whether paid or not. In the context of this policy, "Residence Leadership" includes Dons, Assistant Dons, and Residence Assistants.

Respondent: the person alleged to have committed Sexualized Violence on or off-campus. The subject of a Complaint(s).

Retaliation: an adverse impact related to a previous engagement in Protected Reporting Activity. Retaliatory actions can be broken down into two types: overt and subtle. Overt Retaliations are direct, openly carried out, and clearly retaliatory. Subtle Retaliations are indirect, concealed, or disguised ways of engaging in actions that are averse to a Party who has participated in Protected Reporting Activity. Retaliatory activity includes but is not limited to biased assessment or supervision, refusal to write letters of recommendation, poor grades, physical or verbal harassment, exclusion from social activities or groups, or spreading rumours.

"Sexual Violence" or "Sexualized Violence": any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes but is not limited to, sexual harassment, sexual assault, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video without Consent, or cyber harassment or cyber stalking of a sexual nature. Some acts of Sexual Violence intersect with or may be influenced by systemic oppression related, but not limited, to protected grounds under the New Brunswick *Human Rights Act*.

Student: an individual who is registered in a course of study at The University or who was registered at the time an incident occurred.

Survivor: any individual who has experienced sexualized or Gender-Based Violence. An individual may use the term "Survivor" as a way to claim power and highlight the strength it took to survive their experience/experiences of violence. Some individuals prefer to identify with the term victim. This is a deeply personal choice.

Survivor-Centered: a Survivor-Centered approach prioritizes the rights and needs of those who have experienced Violence and Gender-Based Violence. A Survivor-Centered approach places agency, control, and decision-making in the hands of the person who has survived Harm. This approach acknowledges the potential for further Harm and Re-traumatization and attempts to mitigate these possibilities.

Trauma-Informed: acknowledging the Harm endured by Complainants and Survivors along with an understanding of the impacts of trauma on an individual's emotional, cognitive, physical, and sexual wellbeing. The creation of processes, procedures, resources, and support should be Trauma-Informed. A Trauma-Informed approach is necessary in order to avoid Re-traumatizing

individuals and maintaining their dignity throughout any process, procedure, support, or accommodation they may participate in.

University: the "University" means Mount Allison University.

Volunteer: Any person who has or has had a work relationship with the university where they are not or have not been monetarily compensated as an employee for that work.