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<b>Name:</b>	<b>Sexual Violence Policy and Procedures</b>
Policy Number:	6-2019
Origin:	Student Affairs & Services / Human Resources
Approved:	2019-SEPTEMBER
Issuing Authority:	Executive Management Group (EMG)
Responsibility:	Senior Director of Student Affairs & Services, Senior Director of Human Resources
Effective Date:	2019-SEPTEMBER
Revision Date(s):	2019-MARCH
Supersedes:	Sexual Assault Policy and Procedures (6-2003)
Related Policies:	Violence in the Workplace: Prevention and Response, Policy on the Prevention and Resolution of Harassment and Discrimination, Student Discipline Code

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## 1. Purpose

Saint Mary's University is committed to promoting a safe educational and working environment for its students, faculty, staff, and visitors. Sexual violence will not be tolerated. The University will work to eliminate sexual violence through the dissemination of educational material and/or training programs to students, faculty and staff. The University will provide support to victims/survivors and refer them to resources in the community and encourages students, faculty, and staff to take full advantage of the supportive resources and options offered through the Sexual Assault Nurse Examiner Program (S.A.N.E.). The University encourages students, faculty and staff to review policies, programs, and services within the University community designed to promote a safe educational, and working environment. Saint Mary's University is committed to a survivor-centric approach in addressing sexual violence.

## 2. Definitions

- 2.1. Sexual Violence is any act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim. Sexual Assault is an offence under the Criminal Code of Canada. It is illegal. Sexual assault is any unwanted act of a sexual nature imposed by one person upon another and includes such activities as kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, without consent. Sexual assault can occur between strangers but it can also occur in a dating relationship or between spouses.
- 2.2. Complainant: refers to the member of the University community who has made a Report of an incident of Sexual Violence.

- 2.3. Consent: Consent is an agreement to engage in 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 has been previously been consented to. As defined by the Criminal Code of Canada, consent is “the voluntary agreement to engage in the sexual activity in question.”
- 2.4. Disclosure: a Disclosure occurs when an individual(s) inform someone at the University community that an incident of Sexual Violence has occurred. A Disclosure does not necessarily mean the complainant wishes to inform police or campus authorities about the details of a specific incident, it is only that they are sharing the experience with another person. If a person makes a Disclosure, they are required to complete an Anonymous Disclosure Form and submit it to the Sexual Violence Case Manager. This form provides no information about the incident or the person making the Disclosure but empowers the person receiving the Anonymous Disclosure Form to pass on relevant University and community support information to the person making the Disclosure. No action will be taken on a Disclosure unless a person disclosing is a minor in which case the person receiving the Disclosure is legally required to inform authorities. In such cases, the person making the Disclosure will be informed that this information is being shared.
- 2.5. Report: a Report occurs when a Complainant reveals to a member of the University community that they have experienced Sexual Violence. A Report can be provided to the police, campus security, faculty, staff, or student staff. A Report differs from a Disclosure in that a Report is a request for actions / support to be initiated. The action/support requested will vary depending on the situation and identified request from the Complainant.
- 2.6. Respondent(s): Refers to the person or persons whom a Complainant alleges in a Report as having committed sexual violence.

### **3. Scope**

This policy applies to all members of the University community in all locations and / or situations, including University residence, and where activity is directly related to University representation. The policy applies to visitors or guests to the University.

### **4. Commitments**

The University, under the leadership of the Sexual Violence Response Team, and with input from the Sexual Violence Education and Prevention Committee, commits to the following in response to sexual violence:

- To provide appropriate assistance and support to members of the University community who are impacted by sexual violence.
- To take reasonable steps to mitigate the safety risk to members of the University community. University officials are authorized to take action, when deemed necessary, to mitigate safety risk to the University community.
- To work in collaboration with all University departments and invoke all relevant and existing policies to effectively manage cases involving sexual violence.

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- To provide education and awareness on sexual violence.
- The University may contact the police, while respecting that victims / survivors have the right not to cooperate with the police and to protect their anonymity.

## **5. Procedures for Responding To Sexual Violence**

- For situations requiring immediate emergency assistance call Campus Security at 902-420-5000 and / or 911
  - For situations requiring immediate medical attention call 911
  - For situations requiring support for victims / survivors call the Sexual Violence Case Manager at 902-496-8778 and / or S.A.N.E. (Sexual Assault Nurse Examiner) directly at 902-425-0122
- 5.1. The Sexual Violence Response Team comes together when there is an incident of sexual violence and will coordinate the response. The team is normally comprised of the following University members:
- Senior Director of Student Affairs & Services (Co-Chair)
  - Registered Nurse Manager and Educator (Sexual Violence Case Manager)
  - Senior Director of Human Resources (Co-Chair)
  - Conflict Resolution Advisor
  - HR Officer (OH&S)
  - Manager of Security
  - Director of Housing and Conference Services
  - Assistant Director, Student Affairs and Services
  - or any of their designates

## **6. Case Management**

The Sexual Violence Case Manager, when informed of a report, will:

- Receive the Report and provide relevant police, security, University and community-based resources to address any immediate safety issues and provide resources that can support the complainant both in the short and long-term.
- Initiate a meeting of the Sexual Violence Response Team.
- Provide and / or coordinate case management for the file.
- In conjunction with the Conflict Resolution Advisor, work with relevant departments to address related internal issues for both the complainant and respondent (e.g. class changes, work assignments).
- Act as lead on the Sexual Violence case offering support to relevant departments.
- Provide and / or coordinate support and education to the University community as required around issues related to the complainant, respondent, sexual violence policy/procedures and general information on sexual violence.
- Maintain relevant records for the University pertaining to cases of sexual violence.

## 7. Education and Awareness

The Sexual Violence Case Manager will work with relevant departments to:

- Provide and/or coordinate education to the University campus, as a whole, on Sexual Violence Initiatives will focus on education around sexual violence issues, policy, procedures, and educating the University community around how to receive and respond to a disclosure and report of sexual violence, awareness/educational activities will be University-wide in scope, but will be intentional in engaging high-risk groups (e.g. First-year students, students with disabilities, Indigenous peoples, visible minorities, 2SLGBTQIA+, etc.) both throughout the year but also at high-risk times of the year (e.g. first weeks of each semester). Educational/Awareness initiatives will also raise awareness to the intersectionality of drug and alcohol use and Sexual Violence
- Provide and / or coordinate information and / or training related to new issues arising in the field of sexual violence to individuals / departments involved in responding to sexual violence.
- Support the development and implementation of peer-based sexual violence initiatives such as Bystander Intervention Program and other initiatives as they are developed.
- Consult and collaborate with individuals, community organizations, other post-secondary institutions, student societies, and groups both on and off-campus who provide alcohol and drug related education, Bystander training, sexual violence and sexual harassment education.

## 8. Support Services / Resources

The following are some examples of internal and external supportive services for students, faculty and staff involved in cases of sexual violence. Victims / survivors of sexual violence can decide whether or not to access available services and to choose the services they feel will be most beneficial to them:

- S.A.N.E. (Sexual Assault Nurse Examiner Program) 902-425-0122  
[avalonsane@eastlink.ca](mailto:avalonsane@eastlink.ca)
- Saint Mary's Sexual Violence Case Manager 902-471-8129 – 4<sup>th</sup> Floor Student Centre
- Emergency 911
- Saint Mary's University Security 902-420-5000, or non-emergencies 902-420-5577
- Halifax Regional Police 902-490-5020 (non-emergencies) [Halifax Regional Police](#)
- Avalon Centre 902-422-4240 <http://avaloncentre.ca/>
- Saint Mary's University Student Health Services 902-496-8778 or after hours contact Registered Nurse Manager and Educator at 902-471-8129
- Students can contact the University's Counselling Services at 902-420-5615 for confidential counselling. [www.smu.ca/counselling](http://www.smu.ca/counselling)
- Students can contact I.M.Well at 1-877-234-5327 for confidential external advice
- Staff can contact the University's Employee Assistance Program at 1-800-268-5211 for confidential external advice

- Faculty and Professional Librarians can contact the Saint Mary's University Faculty Union Office at [unionoffice@smufu.org](mailto:unionoffice@smufu.org) or 902-496-8090 to determine options available for counselling.
- Saint Mary's University Conflict Resolution Office 902-420-5113
- Saint Mary's University Occupational Health and Safety Office 902-420-5658
- Halifax Regional Municipality Helpline 902-421-1188
- Mental Health Mobile Crisis Intervention 902-429-8167 (1pm –1am daily)
- Nova Scotia Public Prosecution Service 902-424-8734 or <https://novascotia.ca/pps/role.asp>
- Nova Scotia Victim Services 902-424-8785 or [NS Victim Services](#)
- Nova Scotia Rainbow Action Project 902-444-7887 <http://nsrap.ca/>

### **9. Consequences / Outcomes of Sexual Violence**

Respondents to complaints of sexual violence may be subject to the following outcomes and / or consequences including but not limited to:

- Written warning or letter of reprimand
- Change of job or class assignment
- Suspension, probation, expulsion or termination in conjunction with existing disciplinary procedures and / or collective agreements
- Ban from being in same classroom as complainant or class supervision by Campus Security
- Direction of "no contact" with the complainant
- A campus-wide or selected ban from campus related activities
- Issuance of notices under the Nova Scotia Protection of Property Act restricting individuals from entering on campus and /or other relevant legal actions
- Restriction of student participation in non-academic programs
- Restrictions / relocation and / or removal from Residence

### **10. Policy Review**

This Policy will be reviewed every three years. The policy review will be led by the Sexual Violence Response Team co-chairs in consultation with members of the Sexual Violence Prevention and Education and Advisory Committee (SVPEAC) and the Sexual Violence Response Team. Any changes to the Policy shall be subject to the approval of the Executive Management Group.