

NIPISSING UNIVERSITY

BOARD OF GOVERNORS MEETING

OPEN SESSION

September 12, 2019

The Open Session of the regular Board of Governors meeting was held on Thursday, September 12, 2019, at 5:30 p.m. in the President's Boardroom (F303).

Members Present: Tom Palangio, Board Chair
Karen Barnes
Fran Couchie
Mike DeGagné
Ryan Hehn
Rose Jawbone (via Zoom)
Stuart Kidd
Toivo Koivukoski
Denyse Lafrance Horning
Joanne Laplante
Hannah Mackie
Karl Neubert
Jade Nighbor
Bobby Ray
Judy Smith
Tayler Sullivan
Stephen Tedesco
Rick Vanderlee
Kathy Wilcox

Regrets: Paul Cook
Marianne Berube
Marcus Tignanelli

Invited Guests: Cheryl Sutton
Arja Vainio-Mattila
Renee Hacquard
Casey Phillips
Debra lafrate
Jim McAuliffe
Pavlina Radia
Carole Richardson
Charlotte Foster (NUSU Observer)
Christine Dowdall (University Secretary)

Observers: N/A

Recording Secretary: Abby Blaszczyk (Administrative Assistant, President's Office)

1. Call to Order/Land Acknowledgment

The meeting was called to order at 5:30 p.m. The Board Chair offered a traditional land acknowledgement.

2. Declaration of Conflict of Interest

The Board Chair called for conflicts of interest concerning any of the agenda items. No such declarations were made.

3. Use of Recording and/or Broadcasting Devices

The Board Chair reminded everyone that the use of recording and/or broadcasting devices is prohibited during the meeting.

4. Consent Agenda

The following items were included on the consent agenda:

- i. Adoption of the June 6, 2019, Minutes (Open Session)

Resolution 2019-09-01: ***That the items included on the September 12, 2019, consent agenda for the Open Session of the Board of Governors meeting be adopted as circulated.***

*Moved by Hannah Mackie; seconded by Karen Barnes.
Carried.*

5. Adoption of Regular Agenda

Resolution 2019-09-02: ***That the Board of Governors adopt the September 12, 2019, open meeting agenda as circulated.***

*Moved by Ryan Hehn; seconded by Fran Couchie.
Carried.*

6. Chair's Remarks

The Board Chair welcomed members of the Board to a new academic year and extended his thanks for their continued commitment to Nipissing University.

7. Presentation of Draft Audited Financial Statements – Cheryl Sutton, VPFA

The Vice-President, Finance & Administration noted that KPMG provided a clean opinion on the financial statements. The VPFA delivered a high-level review of the statements, explaining that a detailed review was conducted at the September meeting of the Audit & Finance Committee. Following the review, the following resolution was put forward:

Resolution 2019-09-03: ***That the Board of Governors accept the recommendation of the Audit & Finance Committee to approve the Consolidated Audited Financial Statements for the year ended April 30, 2019, as presented.***

*Moved by Karen Barnes; seconded by Judy Smith.
Carried.*

8. Chancellor's Remarks

No report.

9. President's Remarks

The President announced the passing of a Nipissing University Masters student and Laker's athlete. As the student was just days from defending her thesis, the Senate Executive approved the granting of her Master of Science degree in Kinesiology posthumously.

President DeGagné highlighted several activities since the Board last met, including the completion of Nipissing University's first Summer Indigenous Institute, a month-long program that offered an academic transition to Indigenous students who were entering university at Nipissing, Lakehead, Algoma or Laurentian this fall. Other items of interest he touched on included his participation in a Universities Canada led event entitled Perspectives on Reconciliation, the success of this year's annual Board Retreat that saw a presentation from key note speaker Ralph Nilson (former President of Vancouver Island University), the President's participation in a citizenship ceremony in Sudbury where several individuals from various parts of the world were sworn in as new Canadians, and the upcoming launch of the President's Steering Campaign Committee, a group of individuals who, together, will provide advice and support as the University's fundraising campaign builds momentum.

10. Vice-President's Remarks

The Provost and Vice-President, Academic & Research (PVPAR) spoke to the development of the institution's first strategic enrollment plan, which has seen participation from Deans, the Registrar's Office, Institutional Planning and members of both faculties. She described the process as one that will allow the University to set goals towards becoming an institution that is functioning at full capacity.

The PVPAR also reported that bargaining with the Full-time Academic Staff Bargaining Unit continues, with the two sides scheduled to meet with a conciliator tomorrow.

The Vice-President, Finance & Administration (VPFA) formally welcomed Renee Hacquard, Director of Finance, to Nipissing University. Ms. Hacquard has been working alongside the Treasury Board Secretariat as the Province's Internal Audit Division completes their audit of Nipissing University. The auditors are expected to complete their fieldwork in the coming weeks.

The Assistant Vice-President, Students (AVPS) congratulated the Nipissing University Student Union (NUSU) on a successful Frosh and Laker's Orientation week. The AVPS and NUSU continue to work closely to navigate the newly implemented opt in/opt out fee structure as laid out by the Ontario Government.

As a required process outlined by the government, an extensive review of the Sexual Violence Prevention, Support and Response Policy for Students, was completed. Following the review, the policy name was amended, as well as some language and definitions, for clarity. The reworked policy was brought to the Board for approval, and the following motion was made:

Resolution: 2019-09-04: ***That the Board of Governors approve the Sexual Violence, Support and Response Policy for Students as presented.***

*Moved by Hannah Mackie; seconded by Ryan Hehn.
Carried.*

A question was raised regarding the response to the NU Promise. The AVPS noted that this is the first full year that the NU Promise will be implemented as a recruitment tool, and we will have more accurate outcomes to share next year.

11. Deans' Remarks

The Dean of Education and Professional Studies (EPS) noted that due to the recent organizational restructuring, her portfolio has been amended to include Business, the School of Criminology and Criminal Justice, Social Work and Nursing. She reported that enrollment numbers are strong across all programs, particularly in Education where numbers have almost doubled over last year. An update was provided on the implementation of a required math test for graduating Bachelor of Education students applying for accreditation. Conversations are ongoing, and students will continue to be well supported through the process.

The Dean announced that the grand opening of the Sparrow Family Experiential Learning Centre will take place October 4, 2019. Board members are encouraged to attend.

The Dean of Arts and Science spoke to the success of the annual Arts and Science Retreat, which focused on topics such as Indigenization, student engagement and faculty structure. She also noted that this year will see the implementation of the First Year Foundations Program.

The Dean of Graduate Studies reported that over fifty new graduate students were welcomed to campus this fall, and many of them participated in a successful grad orientation event. There are approximately 160 graduate students at Nipissing University, and the Dean highlighted the importance of ongoing grant support to fund the success of these students and student researchers. With regard to tri-agency funding, he reported that Nipissing faculty members received a total of \$837,535 in new funding in 2019.

12. Enrollment Update – Registrar

The Registrar reported a significant increase in applications, offers and acceptances when compared to last year. Of significance, the Ontario high school applicant pool saw an almost 25% increase, compared to the provincial average increase of 4.5%. We have also seen an increase in applicants choosing Nipissing University as their first choice which most often translates to enrolment. Numbers are also ahead in FTEs and headcount when compared to last year's numbers.

The recruitment team continues to focus on tailored communication, revamped marketing tools and additional events for the coming academic year. Because of the team's great work, we expect to continue to see increases in applications and acceptances.

A request was made to provide year over year comparison of Indigenous student numbers at the next meeting of the Board.

13. Question Period

A question was raised regarding commissions paid to those recruiting in India on behalf of Nipissing. The PVPAR responded that any money paid to the agents is directly related to the number of students they send us. No money is paid out before the international students have paid their fees.

There were no further questions.

14. Committee Reports

Audit & Finance Committee – *Karen Barnes, Committee Chair*

The Committee Chair reported that the first committee meeting of the academic year was held this past weekend at the annual Board Retreat where the Audited Financial Statements were reviewed in depth.

15. Board Representatives on Other Committees/Bodies

Nipissing University Student Union

The President of NUSU reported on the great success of Frosh Week and orientation week. She stated that Nipissing University students raised almost \$10,000 during the Shinerama campaign, which is an annual fundraiser that sees postsecondary students come together in support of Cystic Fibrosis Canada. Several activities that were held throughout orientation week were highlighted as well, including a Grad Studies Trivia Night and the Bachelor of Education Orientation. With regard to the progress of the Student Centre building, it was announced that the project is still on track for a proposed Fall 2020 opening.

NUSU, in collaboration with the Canadore College Student Union, will be hosting a debate on campus for the local candidates in the federal election campaign. A question was raised regarding how students vote when they are outside of their riding, and the Assistant Vice-President, Students noted that, for students who live in residence, a proof of residence letter can be provided to them upon request.

Alumni Advisory Board

The President of the Nipissing University Alumni Advisory Board (NUAAB) announced the launch of a new mentoring app called '10,000 Coffees' which will encourage networking between alumni and current students with common interests and goals. The NUAAB has also approved the recent addition of a health insurance plan for Nipissing Alumni. The new plan will offer a more competitive return than the former plan. Board of Governors members will be receiving invitations to Homecoming in the coming days, and all members were encouraged to participate by attending as many events as possible.

16. Other Business

Dr. DeGagné reiterated that invitations to Homecoming events will be forthcoming, and Board members will have no associated costs.

President's Goals and Priorities for 2019/20

As approved by the Executive Committee, the President listed his goals and priorities for the 2019/2020 academic year. The areas of focus will be as follows: the development of a new strategic plan for the institution; a continued focus on advancement and the fundraising campaign; building on the success of the 2018/19 recruitment season; exploring and fostering new initiatives for internationalization; and sustainability of the institution as the work towards a balanced budget continues.

17. Next Meeting Dates/Adjournment

The next Committee Meeting Day is scheduled for October 21, 2019. It was noted that October 21 is Election Day in Canada and, therefore, it was recommended that the Board consider moving the committee meetings to an alternate day. The President and the Chair agreed to take the suggestion under advisement, and Board members will be notified as soon as a decision is made.

The next meeting of the Board of Governors is scheduled for November 14, 2019.

Resolution 2019-09-05: ***That the Open Session of the Board of Governors' regular meeting now adjourn.***

*Moved by Karen Barnes; seconded by Ryan Hehn.
Carried.*

Open session adjourned at 6:40 p.m.

President & Vice-Chancellor/Secretary of the Board

Board Chair

NIPISSING UNIVERSITY BOARD OF GOVERNORS MEETING

OPEN SESSION

September 12, 2019

5:30 p.m. – Nipissing University Board Room (F303)

AGENDA

Zoom Connection for Virtual Attendance: <https://zoom.us/j/7744363212>

1. **Call to Order/Land Acknowledgement**
2. **Declaration of Conflict of Interest**
3. **Use of Recording and/or Broadcasting Devices**
4. **Consent Agenda**

- i. Adoption of the June 6, 2019, Minutes (Open Session)

Resolution: *That the items included on the September 12, 2019, consent agenda for the Open Session of the Board of Governors meeting be adopted as circulated.*

5. **Adoption of Regular Agenda**

Resolution: *That the Board of Governors adopt the September 12, 2019, Open Session regular agenda as circulated.*

6. **Chair's Remarks**

7. **Presentation of Draft Audited Financial Statements – Laurie Bissonette, KPMG**

Resolution: *That the Board of Governors accept the recommendation of the Audit and Finance Committee to approve the Consolidated Audited Financial Statements for the year ended April 30, 2019, as presented.*

8. **Chancellor's Remarks**

9. **President's Remarks**

- Annual Goals and Priorities for 2019/20

10. Vice-President's Remarks

- Provost and Vice President, Academic & Research
- Vice-President, Finance & Administration
- Assistant Vice-President, Students

Resolution: That the Board of Governors approve the revised Sexual Violence Prevention, Support and Response Policy for Students as presented.

11. Deans' Remarks

12. Enrollment Update – Registrar

13. Question Period

14. Committee Reports

Audit and Finance Committee – Karen Barnes, Committee Chair

15. Board Representatives on Other Committees/Bodies

- Nipissing University Student Union
- Alumni Advisory Board

16. Other Business

17. Next Meeting Dates/Adjournment

Resolution: That the Open Session of the Board of Governors' regular meeting now adjourn.

Time: _____

NIPISSING UNIVERSITY

BOARD OF GOVERNORS MEETING

OPEN SESSION

June 6, 2019

The Open Session of the regular Board of Governors meeting was held on Thursday, June 6, 2019, at 5:30 p.m. in the President's Boardroom (F303).

Members Present: Tom Palangio, Board Chair
Karen Barnes
Fran Couchie
Mike DeGagné
Kristen Ferguson
Ryan Hehn
Rose Jawbone (via Zoom)
Stuart Kidd
Toivo Koivukoski
Joanne Laplante
Karl Neubert
Bobby Ray
Judy Smith
Tayler Sullivan
Stephen Tedesco
Marcus Tignanelli
Kathy Wilcox

Regrets: Tom Curry
Paul Cook
Blaine Hatt
Gary Jodouin
Hannah Mackie
Jade Nighbor
David Tabachnick

Invited Guests: Cheryl Sutton
Arja Vainio-Mattila
Casey Phillips
Debra lafrate
Carole Richardson
Cristin Christopher
Ursula Boyer
Denyse Lafrance-Horning
Rick Vanderlee
Shannon MacCarthy (NUSU)
Christine Dowdall (University Secretary)

Observers: Amanda Burk

Recording Secretary: Abby Blaszczyk (Administrative Assistant, President's Office)

1. Call to Order/Land Acknowledgment

The meeting was called to order at 5:32 p.m. The Board Chair offered a traditional land acknowledgement.

2. Declaration of Conflict of Interest

The Board Chair called for conflicts of interest concerning any of the agenda items. No such declarations were made.

3. Use of Recording and/or Broadcasting Devices

The Board Chair reminded everyone that the use of recording and/or broadcasting devices is prohibited during the meeting.

4. Consent Agenda

The following items were included on the consent agenda:

- i. Adoption of the May 2, 2019, Minutes (Open Session)
- ii. For Information Only
 1. Committee Reports
 - a. University Governance Committee – Minutes from May 13, 2019
 - b. Community Relations Committee – Minutes from April 15, 2019
 - c. Plant & Property Committee – Minutes from Minutes from May 13, 2019
 2. Annual Reports of the Standing Committees
 - i. Executive Committee
 - ii. Audit & Finance Committee
 - iii. University Governance Committee
 - iv. Community Relations Committee
 - v. Fundraising Committee
 - vi. Plant & Property Committee
 3. Report from Joint Committee of the Board and Senate on Governance
 4. Report from Nipissing University Indigenous Council on Education
 5. Report from Nipissing University Alumni Advisory Board

Resolution 2019-06-01: ***That the items included on the June 6, 2019, consent agenda for the Open Session of the Board of Governors meeting be adopted as circulated.***

*Moved by Karen Barnes; seconded by Stuart Kidd.
Carried.*

5. Adoption of Regular Agenda

Resolution 2019-06-02: ***That the Board of Governors adopt the June 6, 2019, open meeting agenda as circulated.***

*Moved by Toivo Koivukoski; seconded by Judy Smith.
Carried.*

6. Chair's Remarks

The Board Chair began by acknowledging that today, June 6, 2019, marks the 75th anniversary of D-Day.

The Chair welcomed Kathy Wilcox, a new LGIC appointee, to her first meeting of the Board, and he introduced Dr. Rick Vanderlee and Dr. Denyse Lafrance-Horning, incoming faculty and Senate representatives respectively. The Chair thanked those Board members whose terms were coming to an end: Tom Curry, Gary Jodouin, Gord Durnan, Dr. David Tabachnick, Dr. Kristen Ferguson and Dr. Blaine Hatt. On behalf of the Board, he expressed his sincere gratitude for their service to the University.

The Chair announced that the following members will sit as Committee Chairs next year:

- Tom Palangio – Executive Committee
- Karen Barnes – Audit & Finance Committee
- Karl Neubert – Community Relations Committee
- Bobby Ray – Fundraising Committee
- Joanne Laplante – Plant & Property Committee

The Chair of the University Governance Committee will be determined at a later date.

Finally, the Chair reminded all Board members to complete the self-evaluation survey. The University Governance Committee will review the results in the fall.

7. Chancellor's Remarks

No Report.

8. President's Remarks

President DeGagné provided an update on the ongoing communications with the Ministry of Training, Colleges and Universities (MTCU). Most recently, the University was advised that auditors from the Ontario Internal Audit Division will soon arrive on campus to conduct an audit of the operating funding provided by MTCU. The purpose of the audit, as explained by Deputy Minister George Zegarac, is to provide insight into sustainability issues in the post-secondary sector.

The President provided a sampling of his activities since the Board last met, which included a meeting with the incoming NUSU executive team. He announced that the Nipissing-Laurier joint Convocation in Brantford took place on the June 4, 2019. This was the last graduating class for the joint program. Longtime Brantford faculty member Dr. Maria Cantalini-Williams received Professor Emerita status during the ceremony.

Dr. DeGagné reported that the four northern university presidents continue to build relationships and create narratives on how the northern institutions differ from our southern counterparts. Emphasis was placed on the continued need to focus on recruitment.

9. Vice-President's Remarks

The Provost and Vice-President, Academic & Research (PVPAR) reviewed two recent sets of data published by Maclean's Magazine which saw Nipissing ranked in the top ten in both employment readiness and the ability to write clearly and concisely. She also noted the upcoming convocation celebrations and the graduation of Nipissing University's first cohort of Social Work students.

The Vice-President, Finance & Administration (VPFA) noted the recent tabling of Bill 124 by the Ontario Government, which provides for a three-year window of salary moderation and compensation restraints for employees in the public sector. The University will be covered under this bill, and updates regarding the bill will continue to be monitored.

The Assistant Vice-President, Students (AVPS) provided the annual report on sexual violence. The annual report, which is required by legislation, will be included as an attachment to the minutes. Nipissing University is ranked first in the country in terms of sexual violence prevention, and the AVPS acknowledged the great work of the students, staff and faculty in creating a safe environment.

10. Deans' Remarks

The Dean of the Schulich School of Education recently attended the Canadian Society for the Study of Education (CCSE) Conference and noted great faculty representation on behalf of Nipissing University. Additionally, the Schulich School of Education is working to prepare for September, which is expected to see an intake in Education that is more than double that of the past year.

11. Enrollment Update – Registrar

Nipissing University has seen a 28% increase in first choice acceptances, which is the highest increase in the Province. Our overall acceptances are up 16.8% over the same time last year. This compares to a Provincial average increase of 3.1%. The President acknowledged the extraordinary application numbers and commended the Registrar's Office, the recruitment team and all the supports involved who contributed to these numbers.

With respect to Convocation, 851 graduates have qualified to graduate at the June ceremonies, and throughout the year, a total of 1,251 graduates have qualified for their degrees.

A question was raised regarding the demographics of the incoming students. The Registrar noted that most of our applicants come from Northern communities, from the Ottawa Valley or from the local region. We have seen an increase in applicants from the Western Greater Toronto Area and have gained traction in the Eastern GTA as well. Demographic information is utilized when planning the recruitment cycle for the following year to determine areas of highest traction.

12. Question Period

No questions.

13. Committee Reports

Audit & Finance Committee

The Committee Chair noted that a minor revision was made to the minutes from the May 13, 2019, meeting of the Audit and Finance Committee. The revision, which rectified a missing number, is now reflected on the final version of the minutes.

The 10% provincially mandated tuition decrease was discussed, and the proposed tuition schedules for 2019/20 and 2020/21 were reviewed. The following resolution was brought forward:

Resolution 2019-06-03: ***That the Board of Governors accepts the recommendation of the Audit and Finance Committee to approve the 2019/20 and 2020/21 Tuition Schedule as presented.***

*Moved by Karen Barnes; seconded by Stuart Kidd.
Carried.*

The Assistant Vice-President, Students (AVPS) reviewed the ancillary fee protocol document, as approved by the Nipissing University Student Union, and the following resolution was put forward:

Resolution 2019-06-04: ***That the Board of Governors accepts the recommendation of the Audit & Finance Committee to approve the Protocol Agreement Statement and Guidelines for Compulsory Ancillary Fees as presented.***

*Moved by Karen Barnes; seconded by Judy Smith.
Carried.*

The AVPS presented both the Nipissing University Student Union and the Nipissing University ancillary fees, including fees for both undergraduate and graduate students. A question was raised regarding the effect the changes to ancillary fees might have on students. The AVPS noted that the University has worked together with NUSU in an effort to keep fees as whole as possible. Following discussions, the following resolutions were presented:

Resolution 2019-06-05: ***That the Board of Governors accepts the recommendation of the Audit & Finance Committee to approve the Nipissing University Student Union Ancillary Fees as presented.***

*Moved by Karen Barnes; seconded by Judy Smith.
Carried.*

Resolution 2019-06-07: ***That the Board of Governors accepts the recommendation of the Audit & Finance Committee to approve the Nipissing University Ancillary Fees as presented.***

*Moved by Karen Barnes; seconded by Judy Smith.
Carried.*

The VPFA reviewed the budget package in detail. She noted that the proposed budget allows for a deficit of \$2,967,655. Investments have been made in academic positions as well as revenue generating areas such as external relations. Revenues are projected to be slightly higher in 2019/20 mainly due to increased tuition as the Schulich School of Education has experienced a significant uptake in applications. Following the budget review, the following resolutions were presented:

Resolution 2019-06-08: *That the Board of Governors accepts the recommendation of the Audit & Finance Committee to approve the 2019/20 Operating Budget, which includes a planned deficit of \$2,967,655, as presented.*

*Moved by Karen Barnes; seconded by Judy Smith.
Carried.*

Resolution 2019-06-09: *That the Board of Governors accepts the recommendation of the Audit & Finance Committee to approve the 2019/20 Ancillary Budget as presented.*

*Moved by Karen Barnes; seconded by Judy Smith.
Carried.*

14. Board Representatives on Other Committees

Nipissing University Student Union

Nipissing University and NUSU have collectively partnered with the Clean Green Beautiful campaign, which fosters stewardship with a focus on raising civic pride. A campus trail clean-up was facilitated with the Biology Department, and continued work will be done to beautify the campus into September. Additionally, NUSU expressed their gratitude to the History Department for a \$750 donation to the student food bank.

15. Other Business

On behalf of the Nipissing University Alumni Advisory Board (NUAAB), the Director of External Relations reminded Board members about a special announcement that will take place on June 13, 2019. All Board members were invited to attend the event.

A Board member raised a question regarding the increase in enrollment and whether or not it will cause an issue with accommodations. The AVPS noted the operation of an off-campus housing list serve which is in partnership with the Landlord Association. It was also noted that the City of North Bay continues to work on housing strategies, and it will be important to include students in those discussions.

16. Next Meeting Dates/Adjournment

The next meeting of the Audit & Finance Committee is scheduled for September 9, 2019.

The next meeting of the Board of Governors is scheduled for September 12, 2019.

The next full committee day is scheduled for October 21, 2019.

Resolution 2019-06-10: ***That the Open Session of the Board of Governors' regular meeting now adjourn.***

*Moved by Ryan Hehn; seconded by Stuart Kidd.
Carried.*

Open session adjourned at 6:43 p.m.

President & Vice-Chancellor/Secretary of the Board

Board Chair

BOARD REPORT
2019-2020 OPERATING BUDGET
For the period ended 07/31/2019

	Actual YTD	Annual Budget	Variance \$ (Actual YTD - Annual Budget)	YTD Actual as a % of Annual Budget	Actual PYR	Variance \$ CY to PY	Variance % CY to PY
Revenue							
Government Grants	\$ 8,131,735	\$ 37,301,609	\$ (29,169,874)	21.80%	\$ 9,835,569	\$ (1,703,835)	82.68%
Student Fees - Tuition	\$ 3,754,498	\$ 27,741,324	\$ (23,986,826)	13.53%	\$ 4,237,641	\$ (483,142)	88.60%
Student Fees - Other	\$ 187,408	\$ 2,355,450	\$ (2,168,042)	7.96%	\$ 540,176	\$ (352,768)	34.69%
Other	\$ 244,231	\$ 1,995,621	\$ (1,751,390)	12.24%	\$ 201,429	\$ 42,801	121.25%
Investment Income	\$ 7,281	\$ 230,000	\$ (222,719)	3.17%	\$ 85,197	\$ (77,915)	8.55%
Donations	\$ -	\$ 39,000	\$ (39,000)	0.00%	\$ -	\$ -	0.00%
Revenue Total	\$ 12,325,153	\$ 69,663,004	\$ (57,337,851)	17.69%	\$ 14,900,012	\$ (2,574,859)	82.72%
Expenses							
Salaries and Benefits	\$ 12,062,850	\$ 54,801,488	\$ (42,738,637)	22.01%	\$ 12,616,026	\$ (553,175)	95.62%
Operating	\$ 2,088,927	\$ 10,200,309	\$ (8,111,382)	20.48%	\$ 2,943,890	\$ (854,963)	70.96%
Scholarships and Bursaries	\$ 110,753	\$ 3,808,400	\$ (3,697,647)	2.91%	\$ 91,249	\$ 19,505	121.38%
Occupancy Costs	\$ 552,233	\$ 4,240,775	\$ (3,688,542)	13.02%	\$ 433,972	\$ 118,261	27.25%
Principal and Interest on Long Term Debt	\$ 247,198	\$ 1,005,940	\$ (758,742)	24.57%	\$ 256,748	\$ (9,551)	-3.72%
Expenses Total	\$ 15,061,961	\$ 74,056,912	\$ (58,994,951)	20.34%	\$ 16,341,884	\$ (1,279,923)	-7.83%
Surplus (Deficit) Before Undernoted	\$ (2,736,808)	\$ (4,393,908)	\$ 1,657,100	62.29%	\$ (1,441,873)	\$ (1,294,935)	89.81%
Transfers							
Transfers to (from) other funds	\$ 360	\$ (1,892,903)	\$ 1,893,263	-0.02%	\$ (645)	\$ 1,005	-55.81%
Transfers to (from) Internally Restricted	\$ 393,600	\$ 469,150	\$ (75,550)	83.90%	\$ 454,593	\$ (60,993)	86.58%
Transfers Total	\$ 393,960	\$ (1,423,753)	\$ 1,817,713	-27.67%	\$ 453,948	\$ (59,988)	86.79%
Total	\$ (2,342,848)	\$ (2,970,155)	\$ 627,307	78.88%	\$ (1,895,821)	\$ (1,354,923)	71.47%

Nipissing University
Consolidated Trial Balance of Net Revenue (Expense) and Change in Unrestricted Net Assets
For the Year Ended April 30, 2019

	Operating Budget	Variance	Operating Fund 10	Internally Restricted 11	Ancillary Fund 15	Capital Fund 40	Trust Fund (Non- Endowed) 50	Research Fund 60	Agency Fund 70	Endowed Funds 51,80,81,82,83 195	Reclassify	Adjust	Adjust	Adjust	TOTAL	TOTAL	TOTAL	Inc (Dec) over PY	
											Fixed Asset Additions	EFB	Transfers from Internally Restricted	Correct Gl./Statement Difference]	April 30, 2019	April 30, 2019 Rounded 000's	April 30, 2018 Rounded 000's		
REVENUE			600	11	015	141	151	161	173										
Colleague Report # from FSRP																			
Student Fees	28,000,512	943,572	28,944,084						151,101		-			-	29,095,185	29,095	28,652	443	
Government Grants	38,134,290	451,393	38,585,683			11,155		1,744,457			-			-	40,341,295	40,341	42,107	(1,766)	
Accommodation Fees and Conference Services	-	-	-		6,053,015						-			-	6,053,015	6,053	5,673	380	
Other	2,089,694	(62,065)	2,027,629				16,000	715,100	629,805		-			-	3,388,533	3,389	3,132	257	
Amortization of Deferred Capital Contributions	-	-	-			1,532,121					-			-	1,532,121	1,532	1,887	(355)	
Investment	-	380,171	380,171				690,587			337,780	-			-	1,408,538	1,408	1,122	286	
Donations	-	40,467	40,467				674,587		1,670	262,530	-		(263,000)	-	716,252	717	483	234	
TOTAL REVENUE	68,224,496	1,753,538	69,978,034	-	6,053,015	1,543,276	1,381,173	2,459,557	782,576	600,310	-	-	-	-	82,534,941	82,535	83,056	(521)	
EXPENSES																			
Salaries and Benefits	54,123,459	529,555	53,593,904	24,602	2,036,104	-	6,450	1,264,397	239,134	(511)	-	556,000		-	57,720,081	57,720	56,254	1,466	
Operating and Research	9,697,161	(371,518)	10,068,679	455,509	1,652,321		176,463	1,403,213	360,479	5,394	(196,000)			(413,000)	13,513,057	13,513	13,522	(9)	
Scholarships and Bursaries	3,934,482	(3,020)	3,937,502		43,559		284,125			231,705	-			-	4,496,891	4,497	4,432	65	
Occupancy Costs	4,540,050	(1,224,814)	5,764,864								-			413,000	6,177,864	6,178	5,608	570	
Amortization of Capital Assets	-	-	-			3,605,643					-			-	3,605,643	3,606	3,975	(369)	
Interest on LTD	1,135,739	635,049	500,690		583,923						-			-	1,084,613	1,085	1,705	(620)	
Principal Repayments on Debt	-	(685,645)	685,645		599,736	(1,285,381)					-			-	-	-	-	-	
TOTAL EXPENSES	73,430,891	(1,120,393)	74,551,284	480,111	4,915,644	2,320,262	467,038	2,667,610	599,613	236,588	(196,000)	556,000	-	-	86,598,149	86,599	85,496	1,103	
EXCESS OF REVENUES OVER EXPENSES (EXPENSES OVER REVENUE) BEFORE THE UNDERNOTED	(5,206,395)	2,873,931	(4,573,250)	(480,111)	1,137,371	(776,985)	914,136	(208,053)	182,963	363,722	196,000	(556,000)	-	-	(4,063,208)	(4,064)	(2,440)	(1,624)	
Transfer from (to) other funds	1,346,888	513,187	1,860,075	(33,444)	(1,136,433)		(813,845)	201,051	22,713	(101,117)	-			1,000	0	-	-	-	
Gain/Loss on Disposal	-	19,200	19,200								-			-	19,200	19	2,916	(2,897)	
Change in fair value of swaps	-	-	-								-			-	-	-	377	(377)	
EXCESS OF REVENUES OVER EXPENSES (EXPENSES OVER REVENUE) FOR THE YEAR	(3,859,507)	1,165,532	(2,693,975)	(513,555)	938	(776,985)	100,291	(7,002)	205,676	262,605	196,000	(556,000)	-	-	(4,044,008)	(4,045)	853	(4,898)	
Transfer from (to) Internally Restricted Net Assets			(550,188)	463,121		(11,155)	(99,462)		(205,676)		2,050,000	(81,000)	(1,647,000)	-	(81,360)	(81)	-	-	
Transfer to endowments													263,000	-	263,000	263	-	-	
Transfer Change in Fair Value of Swaps from Unrestricted														-	-	-	-	-	
NET CHANGE IN UNRESTRICTED NET ASSETS	(3,859,507)	1,165,532	(3,244,163)	(50,434)	938	(788,140)	828	(7,002)	-	262,605	2,246,000	(637,000)	(1,384,000)	-	(3,862,368)	(3,863)			
OPENING UNRESTRICTED NET ASSETS															25,218,000	25,218			
CLOSING UNRESTRICTED NET ASSETS															21,355,632	21,355			

Nipissing University

Policy Category: Campus Conduct

Policy Number: 6.1.205.B

Policy Name: Sexual Violence Prevention, Support and Response Policy for Students

Responsible Department: Student Development and Services, Human Resources

Approval Date: December 13, 2016

Approval Authority: Board of Governors

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Review Date: Every three years following approval

Nipissing University

Sexual Violence Prevention, Support and Response Policy for Students

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1. Introduction*

- 1.1. Nipissing University is committed to creating and maintaining a safe educational and working environment for its students, faculty, staff and visitors to campus. The University is not only dedicated to ensuring a safe and respectful environment, but also providing prevention, education, and response efforts to address sexual violence for the campus community. Sexual violence will not be tolerated, and the University is committed to prompt and supportive response to students who disclose sexual violence. Additionally, the University is committed to procedural fairness and fair process for all parties involved in the formal complaint process.
- 1.2. Nipissing University is aware that sexual violence can be experienced by people of all ages, genders and sexualities. The University recognizes the intersection of sexual violence with both discrimination and harassment, on grounds including but not limited to the grounds set out in the *Ontario Human Rights Code*.
- 1.3. Nipissing University recognizes that individuals who have experienced sexual violence may also experience emotional, academic, social and environmental challenges and that students can experience barriers to disclosing, reporting and seeking support and healing. The University will ensure that all incidents of sexual violence that are the subject of a formal report under this Policy are investigated in a fair and impartial manner, and that the appropriate supportive services are put in place to help students who have experienced sexual violence whether or not a formal complaint is made.

* Relevant terms are defined in section 5 of this Policy

2. Purpose

- 2.1. The purpose of this Policy is to outline the University’s commitment to students in addressing sexual violence in its community through:
 - a) Awareness, education, and prevention training;

- b) Support and response for students who have experienced sexual violence;
- c) Responsive, coordinated, and fair procedures in response to disclosures and formal reports of sexual violence.

3. Scope

- 3.1. This Policy outlines response to disclosure and reporting for students of Nipissing University. Response to disclosures and formal reports made by faculty or staff are reported under Nipissing University's Respect in the Workplace Harassment Prevention Policy or the Workplace Violence Prevention Policy, reported to Human Resources.
- 3.2. The disclosure response and formal complaint process outlined in this policy is for currently enrolled students of Nipissing University. Should other members of the University Community disclose sexual violence or wish to file a formal report they must follow the appropriate Human Resources Policies (such as: Nipissing University's Respect in the Workplace Harassment Prevention Policy or the Workplace Prevention Policy). Should any member of the University Community disclose an incident of sexual violence, they may choose to file a formal report under the appropriate policy, however it is not mandatory.
- 3.3. This Policy pertains to sexual violence that may have been perpetrated on a student by any member of the Nipissing University Community, including all students, alumni, employees, faculty, contractors, suppliers of services, volunteers, visitors, and other third parties affiliated with the University related to initiatives, research, or other contractual agreements.
- 3.4. This policy outlines the formal reporting process for students, which includes interim measures that can be implemented at the request of a currently enrolled students who have experienced sexual violence and be applied against any named respondent. In addition, the policy outlines all support options for complainants and students who are named as respondents.
- 3.5. This Policy and its associated procedures do not overrule or replace the criminal justice system or other relevant legislation. All persons have the right to pursue legal proceedings whether or not they choose to proceed with a formal report to the University under this Policy. This Policy does not prevent students who have experienced violence from seeking recourse via criminal or civil proceedings and in some cases there may be compelling reasons to do so. Legal proceedings and findings with regard to sexual violence do not limit or prohibit the ability of the University to act under this Policy, associate procedures, or related policies and procedures of the institution. However, if requested by law enforcement officials to suspend proceedings

under this Policy pending the outcome of a criminal investigation, the University may be obliged to do so.

4. Commitments

- 4.1. Nipissing University is a diverse educational community that recognizes the importance of ensuring that efforts focused towards eliminating sexual violence need to be grounded in an appreciation that a student's experience is influenced by a multitude of factors, such as: sex, race, ethnicity, ancestry, language, faith, age, ability, socioeconomic status, sexual orientation and gender identity. The University also acknowledges that some acts of sexual violence are also acts of racism, ableism, sexism, transphobia, or homophobic or gender-based bullying.
- 4.2. Nipissing University realizes the integral role that the institution has in addressing sexual violence, supporting students who have experienced violence, and raising public awareness about sexual violence. The University is committed to creating an environment where it is understood by all that sexual violence is unacceptable, and will not be tolerated in any form. The University is dedicated to implementing ongoing sexual violence awareness, education, and prevention initiatives on campus, including topics such as consent, and supporting students who have experienced violence. The University will support these critical initiatives through the creation of an ongoing Sexual Violence Education and Support Committee, which will advise on campus initiatives relating to sexual violence.
- 4.3. Nipissing University will ensure, to the best of its ability that appropriate procedures are in place to respond to disclosures and reports of sexual violence. Supports and services are always available to all students who have experienced violence whether a formal complaint is filed or not. Pathways to disclosure and reporting are outlined in Section 8.3 of this Policy. Additionally, the University will support members of the University Community who have experience sexual violence, regardless of where or when the violence occurred. All students enrolled at Nipissing University, including those who are on placement, studying at a distance, online or are not physically in North Bay can receive support from the Sexual Violence Prevention and Education Coordinator. All members of the University Community should expect to receive support through the appropriate office if they have experienced sexual violence. Detailed information about on and off campus supports are provided on a dedicated website: www.nipissingu.ca/sexualviolence and in Section 8.5 of this Policy.
- 4.4. Nipissing University is committed to the provision of fair process for all parties and one that respects due process and procedural fairness. Any student member of the University Community who is found to have committed an act of sexual violence shall

be held accountable, under the University's Code of Student Rights and Responsibilities, to the process outlined in this Policy and will be subject to outcomes, up to and including expulsion from academic enrollment and/or termination of student employment.

- 4.5. Nipissing University is committed to responding to student disclosures and formal complaints of sexual violence fairly and expeditiously.

5. Definitions

- 5.1. The following definitions are applicable in the interpretation of this Policy, as well as to the University Community in developing an understanding of the problem of sexual violence. They are separated into five categories: Nipissing University, Sexual Violence, Reporting Options, Student and Human Rights.

a) Nipissing University

Nipissing University Community: Also referred to as the University Community, means all students, employees, faculty, contractors, suppliers of services, volunteers, visitors, and any other third parties affiliated with the University related to initiatives, research, or other contractual agreements. Under this policy, any member of the University Community can be named as a Respondent in the reporting process. Only currently enrolled Nipissing University students can engage in the reporting process outlined in this policy, all other members of the University Community are to use the appropriate Human Resource Policy, as outlined in Section 3.3.

Complainant: Refers to a person who is making a formal complaint of sexual violence, to the University, under this Policy.

Respondent: Refers to the person, or persons, against whom a formal complaint has been filed with the University under this Policy.

b) Sexual Violence

Sexual Violence: Is 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, degrading sexual imagery, stealing, distribution of sexual images or video without consent and cyber harassment or cyberstalking of a sexual nature.

Sexual Assault: is any type of unwanted act committed in circumstances of a sexual nature, such that the sexual integrity of a person is violated. This can include any physical contact or behavior that occurs without the explicit consent of the complainant. Sexual assault is characterized by a broad range of behaviours that can include unwanted kissing, touching, fondling, oral or anal sex, intercourse, forms of penetration or any other unwanted contact of a sexual nature.

Sexual Harassment: A form of sexual violence that is described by the Ontario Human Rights Commission sexual harassment means engaging in a course of vexatious comment or conduct against another person where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. This definition also includes making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. Sexual harassment may include but is not limited to:

- Sexual solicitation and advances (for example, demanding hugs, invading personal space, unnecessary physical contact);
- Implied or expressed promise of reward after complying with a sexually oriented task;
- Implied or expressed threat of repercussions or consequences for refusing to comply with a sexually oriented task;
- A poisoned environment (for example, pornographic images in a public, social or work space or exposure to a learning or working environment involving periodic or frequent sexualized comments or conduct);
- Gender-based harassment (for example, targeting someone based on their gender or for not adhering to binary or stereotypical gender roles).

Intimate and Relationship Violence: Act(s) of violence or abusive behavior in an intimate relationships, such as marriage, domestic partnership, casual or long term dating relationships, sexual relationships or former relationships. The act(s) or violence are used by one partner to gain or maintain control over another partner. Intimate and Relationship violence can include, but is not limited to: physical violence, sexual violence, emotional violence, psychological violence, spiritual violence, economic violence, and/or controlling of movements and social contacts.

Microaggressions: The everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, that communicate hostile, derogatory, or negative messages to target persons based solely on their marginalized group membership, such as gender or sexual orientation.

Consent: The active, direct, expressed, voluntary and conscious agreement between adults to engage in sexual activity. These elements of consent must be present, even if alcohol or drugs have been consumed. Furthermore, consent is not implied and cannot be assumed. The following points are important when understanding consent:

- Someone who is incapacitated in any way (i.e., due to use of drugs or alcohol, being asleep or unconscious, or a disability that prevents an individual from giving consent) cannot consent.
- Past consent does not imply future consent.
- Being in a relationship with an individual does not constitute consent.
- Silence or absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent cannot be assumed or implied.
- Consent is voluntary and can be withdrawn at any time.
- Consent cannot be obtained through coercion and threats.
- Consent cannot be obtained if the perpetrator abuses a position of trust, power, or authority.

Coercion: The use of emotional manipulation, blackmail, threats, harassment, threats to family or friends, or the promise of rewards or special treatment in order to persuade someone to do something that they do not wish to do. This includes but is not limited to being forced to watch a sexual act or perform sexual acts. Coercion can happen in personal and professional relationships.

Force: The use of force includes emotional coercion, psychological or physical force, or the use of manipulation to coerce a person into non-consensual sexual acts. This includes the use of threats to force a person to comply, such as threatening to hurt the person or their family, or loved ones (i.e. pets) through the use of other intimidation tactics.

Incapacitation: Is a state in which an individual lacks the ability to give consent. Sexual activity with a person who one knows to be, or based on circumstances should reasonably have been known to be, mentally or physically incapacitated (may it be by drugs or alcohol, sleep, unconsciousness or a blackout, or disability) constitutes sexual assault. The initiator of sexual activity must always err on the side of assuming an individual to be incapacitated, rather than risk committing sexual assault. Evidence of incapacitation may include:

- Slurred speech
- Bloodshot eyes
- The smell of alcohol on a person's breath
- Shakiness
- Vomiting
- Disorientation
- Uncharacteristic or unusual behavior
- Being asleep or unconscious

Students who are disclosing or reporting an incident of sexual violence will not be subject to reprisals related to the consumption of alcohol or drugs at or near the time of an incident of sexual violence.

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 sexual violence and by blaming survivors for the abuse they have experienced.

c) Reporting Options

University Formal Report: The lodging of a complaint with the University for the purpose of initiating some form of investigation against another member of the University Community for allegedly perpetrating sexual violence. In order to file a formal report through this policy, both the Complainant and Respondent must be currently enrolled students.

Police Report: The lodging of a formal complaint to police officials against another person for perpetrating sexual violence. All members of the University Community can file a Police Report.

Disclosure: When a student discusses an experience of sexual violence to staff or faculty of the University. This is not the same as a formal report or complaint, as outlined below, which activates the formal complaint process described in sections 9 and 10 below.

d) Student & Human Rights

Ableism: According to the Ontario human Rights Commission is “analogous to racism, sexism or ageism, [and] sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities”

Homophobia or Heterosexism: according to the Ontario Human Rights Commission are: “terms used to describe prejudice relating to sexual orientation. They refer to the assumption that heterosexuality is superior and preferable, and is the only right, normal or moral expression of sexuality. Both may also be the basis for negative treatment of gay, lesbian or bisexual people based on sexual orientation. Although these terms are closely related and overlapping, they also can emphasize different aspects and expressions of prejudice, and can therefore be helpful in identifying and addressing different aspects of the discrimination and harassment experienced by lesbian, bisexual or gay people. “Homophobia” is often defined as the irrational aversion to, or fear or hatred of gay, lesbian or bisexual people and communities, or to behaviours stereotyped as “homosexual.” It is commonly used to signify a hostile psychological state in the context of overt discrimination, harassment or violence against gay, lesbian or bisexual people. “Heterosexism” refers to the assumption that everyone is heterosexual. This definition is often used in the context of discrimination against bisexual, lesbian and gay people that is less overt, and which may be unintentional and unrecognized by the person or organization responsible for the discrimination. It can also be useful in understanding and identifying some kinds of institutional or societal bias, although homophobia may also be at play.”

Racism: As described by the Ontario Human Rights Commission racism is the conscious or unconscious belief that one racialized group is inherently superior to others. Racism can be openly displayed in racial jokes, slurs or hate crimes.

Transphobia: According to the Ontario Human Rights Commission, transphobia is “the aversion to, fear or hatred of trans people and communities. Like other prejudices, it is based on stereotypes that are used to justify discrimination, harassment and violence toward trans people”

6. Education, Support and Response

- 6.1. The University provides support to students of the University Community who have experienced sexual violence and to those who may receive a disclosure or report of an incident of sexual violence.
- 6.2. The University provides sexual violence education and prevention initiatives for all members of the University Community. This includes, but is not limited to: bystander intervention training, training on this Policy and programs and events that raise awareness about sexual violence and personal safety. These trainings offer opportunities to share available supports and resources with those who attend.
- 6.3. Violence prevention and awareness training will be offered to student leaders, staff and faculty on campus. This training supports Nipissing University's commitment to create an environment where sexual violence is recognized as unacceptable and is not tolerated, as outlined in section 4.2 of this Policy.
- 6.4. The University provides training on this Policy to staff and faculty members of the University Community who are likely to receive a disclosure or report. This training is provided in order that these members offer support with dignity and compassion, grounded in an understanding that a student's experience of sexual violence is influenced by multiple factors, such as: sex, race, ethnicity, culture, language, faith, age, ability, economic status, sexual orientation and gender identity.
- 6.5. The University provides support to members of the University Community who have had an allegation of sexual violence made against them. Information and services for student respondents are offered by the Student Intervention Specialist in Student Development and Services.
- 6.6. Sexual violence prevention and education initiatives are supported by Student Development and Services with a mandate to provide prevention, education as well as awareness programming to the University Community. Additionally, this mandate includes providing support and response to students who have experienced violence.

7. Confidentiality

- 7.1. Confidentiality is of paramount importance in response to disclosures of sexual violence. The privacy of all individuals involved in a disclosure or complaint of sexual violence must be respected, and the University will endeavor to maintain the confidentiality of a student who has experienced sexual violence, respondent and any witnesses, subject to the limitations set out in this section. If the student discloses to a University Official, the Official should be aware of legal requirements with respect to information and privacy (e.g. under the *Freedom of Information and Protection of*

Privacy Act (FIPPA) and Personal Health Information Protection Act (PHIPA)), including who the Official is required to share information with on a need-to-know basis, or under supervisory circumstances.

- 7.2. If the student is working with the Sexual Violence Prevention and Education Coordinator, they will be advised that the SVPEC will hold information about the student in confidence and will only release personal information with the student's consent, or otherwise in accordance with the applicable law. The following circumstances constitute situations wherein there are limits to confidentiality and the University may be required to provide some disclosure of information provided by a student who has experienced sexual violence, respondent, or witness:
- a) An individual is at serious risk of harming themselves;
 - b) An individual is at serious risk of harming others;
 - c) There are reasonable grounds to believe that others at the University or wider community may be at risk of harm;
 - d) Reporting is required by law or professional practice (e.g., sexual violence towards a minor, sexual violence by a regulated health care professional);
 - e) In the event a formal complaint is made, information regarding the complainant's allegations, the respondent's response, and information provided by the witnesses may have to be shared with the complainant or respondent by the investigator in order to ensure a full and fair investigation can be conducted.
- 7.3. Instances of limits of confidentiality have been listed above, however, students who have experienced sexual violence should be aware that there are other instances where information may be shared among staff and faculty in the University in order to facilitate requests for accommodations, support and/or official Reports.
- 7.4. In cases where information has been shared among staff and faculty in the University, the student who has experienced sexual violence will be kept informed about which individuals have been notified and what information they have been given. When seeking services from the Sexual Violence Prevention and Education Coordinator, students who have experienced sexual violence will be provided with extensive information regarding confidentiality. Similarly, when a respondent is working with the Student Intervention Specialist, Respondents will also be provided with information regarding confidentiality. Where limits to confidentiality exist in order to prevent the occurrence of harm, information will only be shared with necessary internal and/or

external services, including the Safe Campus Evaluation and Assessment Team (SCEAT). Additionally, the identity of the student who has experienced sexual violence will not be released to the public. If the respondent is a member of the University Community, and the risk level posed is considered high, the name of the respondent may be released by the University for safety reasons. The nature and degree of information that needs to be shared will be assessed by the SCEAT.

8. Disclosures, Supports and Reporting

8.1. Principles of Response

- a) Those who have been affected by sexual violence will be treated with dignity and respect;
- b) Where a disclosure or formal report is made pursuant to this Policy, confidentiality will be respected and where there are limits to confidentiality, listed in section 7.2 of this Policy, these limits will be clearly communicated to the person seeking support;
- c) Students who have experienced sexual violence have the right to decide what the next steps are for them and how much they would like to share when disclosing their experience;
- d) Confidential counselling and support should be available as quickly as possible to any student who experiences an incident of sexual violence;
- e) Students who have experienced sexual violence have the right to choose whether or not they file a formal report including those with Campus Security, North Bay Police Services, Ontario Provincial Police, Anishinabek Police Services, Student Code of Conduct, Residence Life, or a formal report under this Policy. Supports and services will always be accessible regardless of whether the person chooses to file a formal report or makes a disclosure of sexual violence. Please see definitions of terms in section 5 of this Policy;
- f) The Sexual Violence Prevention and Education Coordinator is available to all members of the University community who may seek support or information that relates to sexual or gender-based violence. Additionally, the Sexual Violence Prevention and Education Coordinator is available to debrief with and provide support to those who have received a disclosure.

8.2. Disclosures and Reporting

- a) A disclosure and formal complaint are two separate actions that may be taken by a student. These terms are defined in section 5 of this Policy.
- b) Supports and services are always available to a student who have experienced sexual violence whether a formal complaint is filed or not. The options available to students who experience sexual violence will depend on the community status of the Respondent. Specifically, options will vary depending on if the respondent is a student, faculty or staff member. All processes must appropriately provide a fair and impartial process to all parties. Students who disclose sexual violence have a number of possible options available to them. These options are outlined below, in section 8.3 of this Policy.
- c) The Sexual Violence Prevention and Education Coordinator can help a student who has experience sexual violence in understanding each of these pathways and in ensuring that the student has the information they need in order to move forward as they choose. Students who may wish to make a disclosure, or staff or faculty who have received a disclosure and who wish further assistance, are encouraged to contact the Sexual Violence Prevention and Education Coordinator for more information on supports, services and pathways to reporting. This contact is listed in section 9.3 of this Policy.
- d) For student respondents information and services are available through the Student Intervention Specialist. This contact is listed in section 9.3 of this Policy.

8.3. Pathways to Disclosure and Reporting for Students

- a) Disclosure in an emergency situation
 1. In an emergency on campus (i.e., imminent threat of sexual violence and of harm to a person or sexual violence actually occurring) a report can be made 24 hours a day, 7 days a week and 365 days a year in the following ways:
 - a. Call 911
 - b. Call Campus Security 705-498-7244
 - c. Emergency phones located inside the Education Centre near the elevators of the H and A wings. These phones are connected directly to Campus Security. All payphones have free access to 911.

- d. Emergency phones located outside the Education Centre and Residence buildings. These phones can be identified by the blue light and link a caller to an emergency answering service attendant. Simultaneously a call from these phones notifies Campus Security of the call and caller's location.
 - e. In person: Campus Security office, Education Centre B203
 - i. When a person discloses an incident of sexual violence to Campus Security, Campus Security will inform Student Development and Services that an incident has occurred.
- b) Disclosure in a non-emergency situation with the intent to seek support and information
1. The Sexual Violence Prevention and Education Coordinator, in Student Development and Services, is a resource for all disclosures in a non-emergency situation, whether the violence happened on or off campus. They will provide information about available supports and services, including information on interim measures that may be available to address the immediate needs of the student. The Sexual Violence Prevention and Education Coordinator is the point of contact for a student affected by sexual violence to request academic considerations, interim measures or other accommodations. These supports and services may include information on available supports (both on and off campus), accommodations for the student (academic accommodations and safety planning), or the student may not wish any action on the University's part. A formal report to the University or criminal report to police is not required in order to access supports and services.
 2. Additionally, students who have experienced sexual violence may choose to disclose to a University staff or faculty member. The Sexual Violence Prevention and Education Coordinator, Residence Life Professional Staff and Staff in Student Counselling Services are all trained to receive disclosures.
- c) Formal University Complaint Process
1. Section 9 of this Policy: Reported to Student Development and Services, 705-474-3450 ex. 4099;
 2. [The Code of Student Rights and Responsibilities](#): Reported to Office of the Assistant Vice President, Students;
 3. [Residence Life](#): Reported to a member of the Residence Life Management Team.

- d) Criminal Report: Criminal Report. Students who have experienced sexual violence may choose to file a criminal report with:
 - 1. City of North Bay Police Services: 705-472-1234
 - 2. Ontario Provincial Police: 1-888-310-1122
 - 3. Anishinabek Police Services: 705-472-0270 or 1-888-310-1122
 - a. The Sexual Violence Prevention and Education Coordinator can provide more information about what can be expected should a criminal report be filed.
- e) Civil Litigation. Students who have experienced sexual violence may choose to file a civil proceeding. To find information on civil proceedings for sexual violence please visit www.sexassault.ca. Information on filing a civil proceeding can also be provided by the Sexual Violence Prevention and Education Coordinator.

8.4. Follow up on Student Disclosure with Student Development and Services

- a) When a person discloses an experience of sexual violence to a staff or faculty member and wishes to learn more about supports and services they may be referred to the Sexual Violence Prevention and Education Coordinator. The Sexual Violence Prevention and Education Coordinator will make every effort to assist the person disclosing and will discuss options for support, services and reporting. The options will depend on the person's needs and circumstances. The following are some, but do not include all of the options that are available:
 - 1. A referral to supports or services within the University or within larger North Bay community;
 - 2. May work in conjunction with a community based service provider;
 - 3. Availability of interim academic or living accommodation, or other measures to stabilize a situation, to protect a person from retaliation or the threat of retaliation, to address safety concerns, and/or to otherwise support the person. Examples of measures for students are listed in section 8.6.
 - 4. If the student is studying online, at a distance, or is on placement, the Sexual Violence Prevention and Education Coordinator is available to provide support and the student with options for support, services, and reporting based on their location.

8.5. Supports and Services for Students

- a) Nipissing University is committed to ensuring that appropriate procedures are in place to respond to student disclosures of sexual violence. The University will support students who have experienced sexual violence, regardless of where or

when the violence occurred. As per section 8.2(b) of this Policy, students are not required to make a formal complaint about sexual violence in order to access supports from the University or from within the larger community. Supports from the Sexual Violence Prevention and Education Coordinator and the Student Intervention Specialist are available to students regardless of location of study.

- b) For more information about on and off campus supports, please visit:
nipissingu.ca/sexualviolence
- c) On Campus Supports for Students
 1. Sexual Violence Prevention and Education (SVPE) Coordinator: Referral, support and information regarding reporting and academic accommodation: T: 705-474-3450 ex. 4075, e: SVsupport@nipissingu.ca
 2. Student Counselling Services: Individual Counselling, referral and safety planning: T: 705-474-3450 ex. 4507
 3. Campus Security Services: Immediate safety concerns: T: 705-498-7244
- d) Community Supports
 1. [Amelia Rising Sexual Assault Center](#), North Bay: T: 705-476-3355
 2. [Community Counselling Centre of Nipissing](#): program and services for survivors including a male survivor program: T: 705-472-6515
 3. North Bay Indigenous Friendship Centre: T: 705-472-2811
 4. North Bay Regional Health Centre, [Sexual Assault Treatment Center](#) : includes forensic testing kits: 705-474-8600 ex. 4478
- e) Students located outside of North Bay and area may contact the Sexual Violence Prevention and Education Coordinator to assist with identifying community supports in their area. More details available at www.nipissingu.ca/sexualviolence

8.6. Accommodations and Safety Planning for Students

- a) Nipissing University will provide reasonable accommodations for students whose academic and living experience is impacted by sexual violence. As per section 8.2(b) of this Policy, students who have experienced sexual violence are not required to make a formal complaint about sexual violence in order to seek accommodations from the University.
- b) Academic considerations may be requested through the Sexual Violence Prevention and Education Coordinator. Specific academic considerations will depend on the nature of the student's individual needs. Options are arranged through Student Development and Services. Student Development and Services staff will work with a student to determine what academic considerations are required in the circumstances. These may include, but are not limited to:

1. Supporting students through a formal complaint process;
 2. Academic Support such as working with an academic strategist;
 3. Testing accommodations such as: additional time and distraction reduced writing space;
 4. Assignment accommodations such as: additional time with assignments.
- c) The Sexual Violence Prevention and Education Coordinator or a Student Counselling Services Counsellor will be available to assist survivor student who has experienced sexual violence with safety planning when needed. Each student's circumstances are unique, therefore, each safety plan will be tailored to meet an individual student's needs. A typical safety plan identifies ways that safety can be enhanced including a student's home, work and school environment, social situations and in the case of emergency. Student centered safety planning is based on the student's safety needs and can include, but is not limited to:
1. Evaluation of current risk
 2. Identification of strengths and resources;
 3. Assistance with safe housing
 4. Provision of cell phone

8.7. Students who are identified as Respondents

- a) When a currently enrolled student is identified as Respondent, they are able to seek assistance from the Student Intervention Specialist and support from Student Counselling Services.
- b) Respondents may be eligible for academic considerations on a case by case basis. The Student Intervention Specialist can inform the Respondent of what services are available to them.

9. General Provision Regarding the Formal Report and Complaint Process for Students

9.1. The formal complaint process outlined in the following sections is applicable only when:

- a) The complainant is a currently enrolled student
- b) The respondent is a member of the University Community
 1. If a report of sexual violence is brought forward but does not meet this criteria, the Sexual Violence Prevention and Education Coordinator can assist complainants in identifying next steps and alternative complaint processes such as: reporting to police.

9.2. External reporting and recourse

- a) This Policy and the formal complaint process do not prevent and are not intended to discourage an individual from also reporting sexual violence to the police, pursuing a complaint of sexual violence through the criminal justice system, or from filing a complaint under the Ontario *Human Rights Code* or another civil proceeding.

9.3. Choice not to file a formal report or complaint or not to investigate

- a) A complainant may choose not to file a formal report as outlined in section 10 of this Policy. As per section 8.2 (b) of this Policy, if a student complainant decides not to file a formal report or requests that the University not investigate, supports and services will remain available to the complainant. Subject to Section 9.2 (b) below, the University will respect the student complainant's choice not to proceed with a formal report or to request that the University not investigate a disclosure, and a Complainant who has filed a formal report may withdraw that report in writing at any time prior to completion of the process outlined in Section 10.
- b) The Sexual Violence Response Committee (SVRC) may still initiate an investigation if it has reason to believe that a member of the University Community or broader community may be at risk of harm, or if the SVRC determines that the University has a legal obligation to investigate. In such cases, subject to legal requirements, the complainant has the right not to participate in such an investigation. The Committee will appoint an Investigator who will investigate the matter and provide the Committee with a written confidential report containing the details and information gathered during the investigation. The SVRC will consult with the internal authorities on the investigation report and on the appropriate means for further addressing the matter. Please see Section 10.2 for more details on the SVRC.

9.4. Support Person

- a) The Complainant or the Respondent can be accompanied by a support person of their choice at any time during a formal complaint process outlined in this Policy. The support person may be a friend, family member, advisor or other individual however the support person cannot be a witness in the complaint process. The support person may provide encouragement or other emotional or moral support and may accompany the Complainant or Respondent to meetings. The support person's role is not to act or speak on behalf of the Complainant or Respondent. Oral and written submissions to the Sexual Violence Response Committee must come directly from the Complainant and Respondent. The support person must also agree in writing to maintain confidentiality in accordance with this Policy.

- b) The Complainant may wish to access the support and services of the Sexual Violence Prevention and Education Coordinator to assist with navigating the provisions of this Policy.
 - 1. Sexual Violence Prevention and Education Coordinator:
 - 2. 705-474-3450 ex. 4075
 - 3. SVsupport@nipissingu.ca
- c) Where the Respondent is a student they may wish to contact the Student Intervention Specialist who is available to provide support and referral and to assist with navigating this Policy.
 - 1. Student Intervention Specialist
 - 2. 705-474-3450 ex. 4605
 - 3. SIS@nipissingu.ca

9.5. Confidentiality

- a) In addition to the provisions outlined in section 7 of this Policy, when a formal report is filed under this Policy, there are the following matters of confidentiality to consider:
 - 1. Confidentiality of information disclosed under this Policy is to be maintained to the greatest extent possible, subject with the University's need to respond appropriately to the situation and to the safety of all members of the University Community. This means that, subject to the limitations on confidentiality set out in section 7, information about an alleged incident of sexual violence may be disclosed (as provided for in this Policy) to those who need to know in order to investigate and/or address the formal report.
 - 2. To ensure procedural fairness while a formal complaint process is underway, the Complainant, the Respondent and others who may have knowledge of the matter, including a support person, must maintain confidentiality in accordance with this Policy. This means these people are not to make public statements pending the allegations of sexual violence contained in the report and that includes sharing information on social media. Breaches of confidentiality may jeopardize the proper handling of the allegations and the process outlined in this Policy.
 - 3. If a breach of confidentiality occurs, the circumstances of the breach and its impact on properly addressing the matter and the fairness of the formal complaint process may be considered in handling the matter and in processing the formal report. Additionally, a breach of confidentiality could result in sanctions under the Code of Student Rights and Responsibilities.
 - 4. The confidentiality requirements outlined in the formal complaint process do not prevent the Complainant, Respondent, or support person from seeking

counselling, treatment, support services, or from speaking to family and friends for support. Any questions regarding confidentiality can be clarified by contacting the Sexual Violence Prevention and Education Coordinator for the Complainant and their support person, or the Student Intervention Specialist for the Respondent and their support person.

5. Documents and information related to a formal complaint, including written formal report, written responses, witness statements, investigation notes and reports, and documents related to the formal report and its investigation will be securely maintained by Student Development and Services or by Human Resources as appropriate, details outlined in section 10.1 below.
- 9.6. The timelines in this Policy are meant to ensure that formal reports by students are dealt with in a timely fashion. There may be, in compelling circumstances, reasons to extend a timeline. In such cases, where the request is made in good faith and the extension does not prejudice or harm those involved in the report, extensions may be granted. It can be difficult to determine appropriate timelines for the resolution, investigation or a final disposition with respect to a formal report. Therefore, where no timelines are mentioned in this Policy, the intention is always to use a reasonable time period and to act as quickly as possible in light of the complexity of the circumstances of the report and in light of circumstances that may arise during the process that are beyond a person's reasonable control.
- 9.7. The University recognizes that some individuals may be hesitant to come forward with a complaint of sexual violence in cases where there was underage drinking or using illicit drugs at or near the time the sexual violence took place. A complainant who discloses sexual violence will not face repercussions or reprisal relating to drug or alcohol use at or near the time the sexual violence took place
- 9.8. Interim measures may be implemented during the formal complaint process and pending final decisions. When utilized, interim measures will be put in place by the Assistant Vice President, Students and can apply to all respondents including: students, alumni, faculty, contractors, suppliers of services, volunteers, visitors, and other third parties affiliated with the University. Measures may include, but are not limited to:
 - a) Separation of the complainant and the Respondent: with regard to academics, living situations, and/or office location;
 - b) No-Contact orders: A university document which requires two students to refrain from contacting one another in person, online, or through a third party.
 - c) Writ of Trespass: A document which restricts one party from entering or using a space on campus.
 - d) Restriction of privileges.

1. The Sexual Violence Response Committee can review the implementation of interim measures to ensure the measures are appropriate in the circumstances.

9.9. Alternative Resolution

- a) In appropriate circumstances, a complainant may be willing to resolve the situation before an investigation has started, finished or before a decision is made with the Sexual Violence Response Committee. A respondent could also initiate this process by notifying the Student Intervention Specialist. Both parties must consent to this process voluntarily and free from reprisal. At any stage during the process either party may indicate that they would like to end the process or resume investigation. Information collected during this process is not to be used should the investigation continue unless all parties agree.
- b) Examples of Alternative Resolutions include:
 1. Mediation
 2. Restorative Justice
 3. Education
 4. Or other similar methods
- c) Preference for an alternative resolution can be submitted with the initial complaint report, or before the investigation begins.
- d) Complainants can speak to the Sexual Violence Prevention and Education Coordinator, and Respondents can speak with the Student Intervention Specialist, for more information about options available.

10. Formal Complaint Process

10.1. Filing and initiating a formal complaint with Nipissing University

- a) Student Development and Services is responsible for receiving formal complaints of sexual violence related to students. A formal complaint can be filed under this policy if the Complainant is a currently enrolled student and if the Respondent is a part of the Nipissing Community. In the case where the Respondent is both a student and employee, Student Development and Services and Human Resources will jointly receive the report.
- b) A formal complaint can be filed with either of the above named offices if the Respondent is a member of the University Community and was a member of the University Community at the time of the incident(s) alleged in the formal complaint.
- c) If the Respondent's relationship with the University ends and they are no longer at or with the University, the formal complaint process in this Policy may be

suspended. In the event that there is a change in the Respondent's relationship with the University, a conversation will be had with the Complainant about the University's capacity to continue an investigation. If the Respondent returns and once again becomes a member of the University Community, a formal complaint process may resume.

- d) If the Respondent is an employee of Nipissing University, they may be put on paid leave from their position for the duration of the investigation.
- e) Legal considerations may arise during the course of an investigation where the formal complaint process as outlined in this policy may be suspended following a discussion with the Complainant and Respondent. In these circumstances, a Complainant can still seek support from the Sexual Violence Prevention and Education Coordinator and a Respondent can still seek support from the Student Intervention Specialist.
- f) A formal complaint can be typed or written and must include the following information:
 - 1. The student's (Complainant's) name and student number
 - 2. The name of the Respondent (or information that can be used to identify the respondent if name is unknown)
 - 3. Date of the incident
 - 4. Specific details of the incident
 - 5. Any potential witnesses
- g) If a student files a formal complaint directly to Student Development and Services, they must provide all of the information described above.
- h) Upon receiving the formal complaint Student Development and Services will acknowledge receipt, review it if necessary and seek clarification from the Complainant on the information it contains.
- i) Depending on the status of the Respondent, the following offices may be included or involved in the formal complaint process:
 - 1. If the Respondent is a student: Student Intervention Specialist and Student Development and Services
 - 2. If the Respondent is a faculty member or academic employee: Human Resources
 - 3. If the Respondent is a staff member: Human Resources
 - 4. If the Respondent is a University visitor: Human resources and/or Campus Security
 - 5. If the Respondent is a student and an Employee: Student Development and Services and Human Resources

10.2. Throughout the formal complaint process information regarding a Complainant and Respondents past sexual history will not be considered nor will it have an influence on the process, including the final decision of the Sexual Violence Response Committee

10.3. Sexual Violence Response Committee Assessment

- a) Student Development and Services will provide the report to the Sexual Violence Response Committee (SVRC). The Chair of the Response Committee will be the Assistant Vice President, Students or designate and is non-voting. The SVRC has three voting members who include: Faculty representative; Dean (alternating); and a representative from the Office of Indigenous Initiatives; or appropriate designates. The SVRC will receive training in trauma informed practices for adjudication of incidents of sexual violence. Additionally, whenever possible members of the SVRC will be selected in order to achieve gender parity within the four-member committee. The SVRC may consult with multi-disciplinary professionals or external experts.
- b) The Response Committee will assess the formal complaint and determine whether the conduct forming the basis of the report appears to fall within the definition of sexual violence as set out in this Policy.
- c) If the Response Committee considers that the conduct in question appears to fall within the definition of sexual violence as set out in Section 5 of this Policy and meets all requirements of a valid complaint, the SVRC will appoint an Investigator as per Section 10.5(a) of this Policy and inform the Complainant and respondent in writing.
- d) The Respondent, if the committee considers the conduct in question to fall within the definition of sexual violence as outlined in the policy will be notified in writing of: a summary of allegations, any interim measures, a summary of the investigation process, and sources of support.
- e) If the Response Committee considers that the conduct does not fall within the definition of sexual violence and requirements of a formal complaint as set out in this Policy, the Response Committee will convey this assessment in writing to the Complainant and inform the Complainant of their right to request a review under 10.3 of this Policy, and will provide the applicable timelines and procedures for requesting this review. In these cases, the Response Committee may also refer the Complainant to another University policy or office as may be applicable or legally required.

10.4. A request to review the Response Committee's assessment of the report can be made only if it has determined that the report falls outside the definition of sexual violence as set out in this Policy. If the Complainant disagrees with the determination that the report is outside the definition of sexual violence and requirements of a formal

complaint as set out in this Policy, then the Complainant may ask the Provost & Vice-President Academic & Research to review the assessment, if the Complainant submits the request in writing within 10 business days after the date of determination. Upon review, the Provost & Vice-President Academic & Research's decision is final and will be communicated to the Complainant in writing.

10.5. Investigation

- a) Where the Response Committee determines that the allegations contained in the report fall within the definition of sexual violence and requirements of a formal complaint as set out in the Policy, the Response Committee will appoint an investigator, with competence in conducting investigations related to allegations of sexual violence, to investigate the allegations contained in the report. Investigator may include an individual internal or external to the university, but in no event will an investigator be in a reporting relationship to any of the parties to the Complaint or have a conflict of interest. University-appointed investigators will be neutral and have appropriate experience and skills in completing investigations relating to issues of sexual violence.
- b) Once an investigator has been appointed, either Human Resources or Student Development and Services will send a written notice to the Respondent and the Complainant, enclosing a copy of the initial complaint submitted by the Complainant and informing them of the name of the investigator. This notice will indicate that the Respondent will have the opportunity to provide the investigator with a written response to the report. Both the Complainant and the Respondent will be provided with a copy of the formal complaint process under this policy along with information about appropriate support services on campus.
- c) The investigation will be carried out in a timely fashion. The investigator will endeavor to meet in person with the parties and any witnesses. The investigator will ask the Respondent to respond in writing to the formal report. If the Respondent does not provide a written response within the time requested, the investigation will proceed in the absence of a written response.
- d) The investigator will then send the Respondent's written response to the Complainant, who can submit a written reply within the time requested by the investigator. If no written reply is provided within the time requested, the investigator will proceed in the absence of a written reply. The Respondent will receive a copy of the reply, if any. The investigator will examine all of the information submitted by the parties as well as any other information gathered during the investigation and conduct all interviews in a fair, impartial and professional manner. The investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the

persons involved in the investigation, as noted in the confidentiality form signed at the beginning of the reporting process.

- e) The investigator will keep the Response Committee informed on the status of the investigation at regular intervals or at the request of the Response Committee. The officers charged with receiving the report will keep the Complainant and the Respondent informed on the status of the report and of the investigation.

10.6. Investigation Report

- a) Upon completion of the investigation, the Investigator will provide to Student Development and Services or Human Resources, or both, a written confidential report containing the facts and information gathered during the investigation.
- b) The relevant office named above will send the investigation report to the Complainant(s) and to the Respondent(s) and remind them of the need to protect and keep confidential the personal information of those involved in the investigation and to avoid acts of reprisal. Investigation reports will be treated in a confidential manner in accordance with the Freedom of Information and Protection of Privacy Act. Witness and other personal information will be omitted from the investigator's report when provided to the Complainant(s) and the Respondent(s).

10.7. Review of Report and Committee Meetings

- a) Student Development and Services or Human Resources will send a copy of the report, the response and the written replies as well as the final investigation report to the members of the Response Committee who will review the report.
- b) After this documentation is provided to the Response Committee, the Chair of the Response Committee will convene a meeting at which the Response Committee will formally consider the matter and send a written notice of the meeting to the Complainant and the Respondent. The notice will indicate the time, place and purpose of the meeting and will provide notice of all issues to be considered at the Response Committee's meeting. This notice will indicate that the Complainant and Respondent have the opportunity, but not the obligation, to meet in person with the Response Committee and to submit any new information or make written submission relevant to the official complaint or the investigators report. If the Complainant or the Respondent do not attend the meeting, the Response Committee will proceed in their absence.
- c) All meetings of the Response Committee will be conducted in person, unless agreed to by all parties, and in private. If requested, appropriate accommodations will be made for all parties to attend in person with steps taken to prevent the Complainant and Respondent from meeting face to face.

- d) As indicated in section 10.6 (b) the Complainant and the Respondent have the opportunity, but not the obligation, to attend any portions of the Response Committee's meetings at which the Response Committee is receiving representations from the parties in accordance with section 10.6 (d) below. If the Complainant and/or the Respondent choose to involve support person(s) as contemplated by section 8.4 of this Policy, the support person(s) can attend as an observer only and may not speak on behalf of or represent the Complainant or Respondent.
- e) The Complainant and the Respondent will be afforded the opportunity to make written and oral presentations to the Response Committee at the meeting, including representations on the investigation report and on any potential corrective action or other measures. The Complainant and the Respondent are expected to speak for themselves. Members of the Response Committee may ask questions of the Complainant and the Respondent. If the Committee requires further information they may return to the investigator for further investigation.
- f) The Response Committee will ensure that the Complainant and the Respondent are given the opportunity to know and respond to information that it intends to rely upon in making the decisions and recommendations.

10.8. Decision of the Review Committee

- a) Upon reviewing and considering the final investigation report and any representations made by the Complainant and the Respondent or other person at its meeting with them, the Response Committee will:
 - 1. Consider any process issues raised concerning the investigation.
 - 2. Decide whether the Respondent has engaged in any conduct contrary to this Policy.
 - 3. Decide what corrective or other action, if any, is appropriate to remedy the policy violation, to prevent future policy violations by the Respondent or others and to ensure the safety of all individuals.
- b) The decisions and any associated consequences of the Response Committee and the reasons in support of it must be in writing and be delivered to the Complainant(s) and to the Respondent(s). Whenever appropriate the Complainant(s) will receive information in advance of the Respondent(s). Additionally, the Sexual Violence Prevention and Education Coordinator will be available to work with the Complainant to address plans for safety and wellness. The Complainant will be advised of the outcome of the investigation and any corrective action taken. In addition, it may be deemed necessary to share further information if withholding that information may impede a Complainant's or Respondent's ability to continue their studies in a safe environment.

- c) Consequences or measures in response to sexual violence will depend on the circumstances, on the severity of the conduct, on any mitigating factors and on applicable collective agreements or other University policies. If a Respondent is found to have engaged in conduct contrary to this Policy, consideration will be given to imposing appropriate sanctions on the Respondent, to taking steps to prevent the reoccurrence of similar incidents in the future, to addressing the negative impact of the incident on the Complainant, and to ensuring or enhancing the safety of all individuals. The following list provides examples of consequences and measures and is not meant to be exhaustive nor necessarily representative of a progression of consequences or measures:
 - 1. A letter of apology;
 - 2. Attendance at educational sessions on the impact of sexual violence;
 - 3. No contact order;
 - 4. Writ of Trespass;
 - 5. Restricted or prohibited access to University campuses and/or services;
 - 6. For student employees discipline up to and including termination;
 - 7. For students' suspension or expulsion from the University, with or without ongoing restrictions or prohibitions on access to University property.
- d) If interim measures were in place prior to the investigation and the decision of the review committee states that no sexual violence happened, interim measures may be removed.

11. Appeal Process

11.1. The appeal must be made in writing to the Assistant Vice President, Students.

Following receipt of the appeal, the Assistant Vice President, Students will contact the Provost & Vice President Academic and Research (PVPAR). The (PVPAR) will be responsible for reviewing all of the information collected and the process followed by the SVRC to determine if either of the grounds for appeal are present. The PVPAR is not responsible for reviewing any consequences or measures imposed by the SVRC. The PVPAR will receive sexual violence and procedural fairness training. The PVPAR may consult with multi-disciplinary professionals or external experts.

11.2. Appeal

- a) The appeal is of a final decision of the Response Committee.
- b) An appeal can only be made by either the Complainant or the Respondent.
- c) The appeal must be made in writing and within 10 business days after the date of the final decision that is the subject of the appeal.

- d) The written appeal must include the reasons for the appeal, the reasons why the appeal should be granted, the arguments in support of the appeal and the outcome sought.
- e) Appeals must be based on one of the following two grounds. The person seeking to appeal must demonstrate that:
 - 1. There has been a fundamental procedural error in the making of the final decision and that such an error caused or will cause actual prejudice to the person seeking the appeal; or,
 - 2. There are new facts relevant to the final decision that were not available and could not have been provided to the Response Committee.
- f) The following is a non-exhaustive list of some of the examples of situations where an appeal would not meet the requirements of this section:
 - 1. The appeal asks for review of a consequence or measure that has not yet been fully decided or approved;
 - 2. The appeal repeats arguments made at the meeting of the Response Committee or in written submissions and does not provide any new information relevant to the final decision;
 - 3. The appeal is based only on a disagreement with a finding of fact, including findings made about the credibility of witnesses;
 - 4. The appeal raises new arguments that were not made, but could have been made at the Response Committee meeting or in written submissions or to the appropriate Manager/Supervisor or University governing body; and
 - 5. The appeal amounts to a mere speculation or a bold statement of a procedural error causing prejudice and does not provide detailed and convincing information to establish the error and to establish a link between the error and the actual prejudice or a reasonable expectation of prejudice to the person seeking the appeal.

11.3. The appeal process is conducted in writing. The Complainant and Respondent, as the case may be, do not need to respond to the appeal unless the PVPAR sends a letter requesting them to do so.

11.4. The PVPAR reviews the appeal, determines whether the appeal meets the requirements of the paragraph 11.2 (e) of this Policy and makes the decision either dismissing or granting the appeal. All decisions of the PVPAR are final. If an appeal is granted by the PVPAR, the SVRC will be reconstituted with a new panel of members and a new investigator appointed to conduct a new investigation.

12. Maintenance of Statistics

- 12.1. Statistics will be maintained as per the regulations outlined in Bill 132 and subsequent legislation. Anonymous statistics will be collected from Student Development and Services and Campus Security.
- 12.2. The Board of Governors will receive and review an annual report on sexual violence from Student Development and Services. This annual report will include the following:
- a) The number of times supports, services and accommodations relating to sexual violence have been requested by students.
 - b) Information about the types of supports, service and accommodations requested.
 - c) Education and prevention programming that has been implemented to promote the awareness of both supports and services that are available to students.
 - d) The number of incidents and formal reports of sexual violence made to Campus Security and Student Development and Services.
 1. Because of the nature of response for incidents of sexual violence combined with the need for confidentiality, it is possible that the number of times support services and accommodations are requested may represent multiple support requests from a single student.
- 12.3. This Policy falls under the jurisdiction of the Provost and Vice President, Academic and Research, and the Vice President, Finance and Administration. The interpretation and application of this Policy is the responsibility of the Assistant Vice President, Students.

To prevent delay, when positions authorized to exercise responsibility under this Policy are vacant or during the unavailability of persons holding these positions, a designate may be appointed to exercise their authority under this Policy.

13. Review of Policy

- 13.1. The University recognizes that appropriately addressing sexual violence on campus is an evolving issue and that the University will revisit this Policy and its associated resources, and other related and existing University policies, on a regular basis.
- 13.2. Student Development and Services is responsible for the review and implementation of this Policy. This review will be done with involvement from stakeholder groups. This Policy will be reviewed at least once every three years.
- 13.3. Updates to the following information contained in this Policy do not require additional approval:

- a) The supports and services outlined in section 8 of this Policy;
- b) The identity of the officials, offices and departments at the University that provide information about supports, services and accommodations or that receive formal reports.

14. Related Legislation

Ontario Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016

O. Reg. 131/16: Sexual Violence at Colleges and Universities

Ontario Human Rights Code

Freedom of Information and Protection of Privacy Act (FIPPA)

15. Related Policies and Procedures of Nipissing University

Code of Student Rights and Responsibilities

Emergency Management Plans

Harassment and Discrimination Policy and Procedures

Respectful Workplace & Harassment Prevention Policy

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McMaster University

Nipissing University Sexual Violence Prevention and Response Committee

Nipissing University Gender and Diversity Management Class

Ontario Coalition of Rape Crisis Centers

Queen's University

Ryerson University

University of Toronto

Wilfrid Laurier University