

Nipissing University

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

Responsible Department: Office of Assistant Vice President, Students, Human Resources

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Nipissing University

Sexual Violence and Sexual Misconduct 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 and staff. The University is not only dedicated to ensuring a safe and respectful environment, but also to providing prevention, education, and response efforts to address acts of sexual violence and sexual misconduct. Sexual violence and sexual misconduct will not be tolerated, and the University is committed to a prompt and supportive response to those who report an act of sexual violence or sexual misconduct. 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 and sexual misconduct can be experienced by people of all ages, genders and sexualities. The University recognizes the intersection of sexual violence and sexual misconduct 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 and sexual misconduct may also experience emotional, academic, social and environmental challenges and can experience barriers to disclosing, reporting and seeking support and healing. The University will ensure that all incidents of sexual violence and sexual misconduct 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 or sexual misconduct, whether or not a formal complaint has been 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 and sexual misconduct in its community through:

- a) Awareness, education, and prevention training;
- b) Support for and response to students who have experienced sexual violence or sexual misconduct;
- c) Responsive, coordinated, and fair procedures in response to disclosures and formal reports of sexual violence.

3. Scope

3.1. This Policy outlines the University’s response to disclosure and reporting options for currently enrolled students of Nipissing University.

3.2. The formal reporting process outlined in this Policy is for currently enrolled students at Nipissing University. Should other members of the University Community choose to file a formal report of sexual violence, they must follow the appropriate Human Resources Policies (such as: Respectful workplace and Learning Environment Policy or the Workplace Violence Prevention Policy).

3.3. This Policy pertains to acts of sexual violence that may have been perpetrated on a student by any member of the Nipissing University Community, including all students, employees, faculty, contractors, suppliers of services, volunteers, and other third parties affiliated with the University related to initiatives, research, or other contractual agreements.

3.4. This Policy also pertains to acts of sexual misconduct that may have been perpetrated on a student of Nipissing University by a community member of Nipissing University. Reports and Complaints of Sexual Misconduct, as defined by this Policy, against Employees of the University will proceed pursuant to the processes outlined in Section 9, General Provision Regarding the Formal Report and Complaint Process for Students, and Section 10, Formal Complaint Process, of this Policy.

3.5. This Policy outlines the formal reporting process for students, which includes interim measures that can be implemented at the request of currently enrolled students who have experienced sexual violence or sexual misconduct. In addition, the Policy outlines support options for Complainants and students who are named as Respondents.

3.6. 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 or sexual misconduct 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 or sexual misconduct do not limit or prohibit the ability of the University to act under this Policy, associated 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 and sexual misconduct 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 and sexual misconduct 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 and sexual misconduct, supporting students who have experienced violence or sexual misconduct, and raising public awareness about sexual violence and sexual misconduct. The University is committed to creating an environment where it is understood by all that sexual violence and sexual misconduct is unacceptable and will not be tolerated in any form. The University is dedicated to implementing ongoing sexual violence and sexual misconduct awareness, education, and prevention initiatives on campus, including topics such as consent, and supporting students who have experienced violence and/or misconduct. The University will support these critical initiatives through the Action Against

Gender Based Violence Committee, which will advise on campus initiatives relating to sexual violence and sexual misconduct.

4.3. Nipissing University will ensure, to the best of its ability, that appropriate procedures are in place to respond to disclosures of sexual violence and reports of sexual violence or sexual misconduct. Supports and services are always available to all students who have experienced sexual violence or sexual misconduct whether or not a formal complaint is filed. 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 experienced sexual violence or sexual misconduct, regardless of where or when the violence or misconduct 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 or sexual misconduct. 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 a process that provides procedural fairness to all parties. Any student member of the University Community who is found to have committed an act of sexual violence, or sexual misconduct if also an employee, 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. Any University employee who is found to have committed an act of sexual violence or sexual misconduct shall be held accountable under the processes outlined in this Policy and Nipissing University's Respectful Workplace and Learning Environment Policy or the Workplace Violence Prevention Policy and will be subject to discipline, up to and including termination of employment, without entitlement to notice of termination or termination pay or any other compensation or restitution as a result of the disciplinary measure.

4.6. Nipissing University is committed to responding to student disclosures of sexual violence and formal reports of sexual violence and sexual misconduct fairly and expeditiously.

5. Definitions

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

a) Nipissing University Community

Nipissing University Community, also referred to as the University Community, means all students, employees, faculty, contractors, suppliers of services, volunteers, 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 3.2.

Complainant: Refers to a student who is making a formal complaint of sexual violence or sexual misconduct, 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, stealthing, distribution of sexual images or video without consent and cyber harassment or cyberstalking of a sexual nature. Specific subcategories are addressed below.

Sexual Assault: 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 explicit consent. 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 as 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 student 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 relationship, 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.

Cyber Sexual Violence: Sexual violence that includes, but is not limited to, knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity. For the purpose of this Policy, Sexual Violence includes Cyber Sexual Violence.

Cyber Sexual Harassment: Harassment that includes, but is not limited, to Sexual Harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour. For the purpose of this Policy, Sexual Harassment includes Cyber Sexual Harassment.

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 race, 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.

Corrective Rape: A rape committed to control the victim's social or sexual behavior in which one or more people are raped because of their perceived sexual orientation or gender identity. The common intended consequence of the rape, as seen by the perpetrator, is to turn the person heterosexual or to enforce conformity with gender stereotypes

Economic Abuse: A form of coercive control, economic abuse consists of behaviours to control, exploit, and sabotage money and other economic resources, such as food, employment, education and property, limiting individuals' independence and autonomy.

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: 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 (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) Sexual Misconduct

Sexual Misconduct means, in relation to a student of Nipissing University:

- a) Physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the University where:
 - i) The act constitutes an offence under the *Criminal Code* (Canada);
 - ii) The act infringes the right of a student under clause 7(3)(a) of the *Human Rights Code* to be free from a sexual solicitation or advance by a person in a position to confer, grant or deny a benefit or advancement to the student; or
 - iii) The act constitutes Sexual Violence as defined in the Policy, or any other rule or requirement of the University respecting sexual relations between employees and students.
- b) Any conduct by an employee of the University that infringes the right of the student under clause 7(3)(b) of the *Human Rights Code* to be free from reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.

Recognizing that a student cannot give consent to those in a position of authority over them, Employees who are in a position of authority or who have power over a student are prohibited from engaging in sexual relations with students.

d) 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 or sexual misconduct. To file a formal report through this Policy, the Complainant must be a currently enrolled student and the Respondent must be a current member of the University Community.

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.

e) Student & Human Rights

Ableism: According to the Ontario Human Rights Commission, ableism 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, misconduct 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 perpetuating harmful stereotypes, racial jokes, slurs, microaggressions or hate crimes.

Transphobia: Transphobia is fear, hatred, disbelief in, or mistrust of people who are transgender, thought to be transgender, or whose gender expression doesn’t conform to traditional gender roles. Like other prejudices, it is based on stereotypes that are used to justify discrimination, harassment, misconduct and violence toward transgender people.

6. Education, Support and Response

6.1. The University provides support to students of the University Community who have experienced sexual violence or sexual misconduct and to those who may receive a disclosure of sexual violence or report of an incident of sexual violence or sexual misconduct.

6.2. The University provides sexual violence and sexual misconduct 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, sexual misconduct and personal safety. These trainings offer opportunities to share available supports and resources with those who attend.

6.3. Violence and misconduct 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 and sexual misconduct is recognized as unacceptable and is not tolerated, as outlined in section 4.2 of this Policy.

6.4. The University provides annual 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 or sexual misconduct 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 student members of the University Community who have had an allegation of sexual violence or sexual misconduct 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 and sexual misconduct 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 or misconduct.

7. Confidentiality

7.1. Confidentiality is of paramount importance in response to disclosures of sexual violence and reports of sexual violence or sexual misconduct. The privacy of all individuals involved in a disclosure or report of must be respected, and the University will endeavor to maintain the confidentiality of a student who has experienced sexual violence or sexual misconduct, of a Respondent and of any witnesses, subject to the limitations set out in this section. If the student discloses to a University employee, the employee 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 with whom the employee is required to share information on a need-to-know basis, or under supervisory circumstances.

7.2. If the student is working with Sexual Violence Prevention and Education (SVPE), they will be advised that the SVPE team 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 or sexual misconduct, by a Respondent, or by a 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 or sexual misconduct towards a minor, sexual violence and/or sexual misconduct 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. In addition to the instances of limits of confidentiality listed above, students who have experienced sexual violence or sexual misconduct 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 or sexual misconduct 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 and/or sexual misconduct 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 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 or sexual misconduct 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 they file a formal report including those with Campus Security, North Bay Police Services, Ontario Provincial Police, Anishinabek Police Services, Student Code of Rights and Responsibilities, 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 service navigation 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.
- g) Throughout all aspects of the response processes, Survivors, Complainants and Respondents will not be asked irrelevant questions about past behaviours, preferences, and/or other details that

speak to a person's personal sexual history, nor will it have an influence on any of the process outlined in this Policy.

h) Students who are disclosing 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.

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 has experienced sexual violence whether or not a formal complaint is filed. 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 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 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, the NUSU Student Center, 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 the Assistant Vice President Students or designate 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 and who wishes 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 the University to take any action. A formal report to the University or criminal report to police is not required in order to access supports and services.

2. The Sexual Violence Prevention and Education Coordinator, Residence Life Professional Staff, and Staff in Student Counselling Services are all trained to receive disclosures. The University provides annual training on this Policy to staff members of the University Community who are likely to receive a disclosure or report.

3. Additionally, students who have experienced sexual violence may choose to disclose to a University staff or faculty member. University employees who are not trained to receive disclosures shall:

a. Inform the student about this Policy and the support services available to them. Information about support resources available can be found on the Sexual Violence Prevention and Education [website](#);

b. Explain the limits of confidentiality to the student, as outlined in Section 7 of this Policy;

c. Emphasize that help is available, and part of that help means connecting them with the Sexual Violence Prevention & Education Coordinator. The SVPEC can provide professional support and advice on options moving forward. It is the student's choice if their identifying information, such as their name and contact information, is shared with the SVPEC;

d. For situations where there is an urgent personal safety concern or immediate risk/threat to the student or members of the University Community, contact Campus Security or 911;

e. If the student has provided their name and contact information, the SVPEC will contact the student to offer support. The purpose of the response from the SVPEC is to provide information regarding available supports and resources. It is the student's choice whether or not to access support services or resources or file a report.

4. Online and Anonymous Disclosures

Staff and faculty may wish to flag concerns related an incident(s) of sexual violence that they were either witness to or know about using the University's online early alert program, Student Retention Alert:

- a. An incident of sexual violence may be disclosed by someone other than the Survivor but the Survivor's personal information should only be provided with their consent, except in limited situations outlined in section 7 (Confidentiality).
- b. The University will accept these anonymous online disclosures for the purposes of:
 - i) Determining whether there is evidence of a safety concern for the University Community;
 - ii) Identifying whether it is reasonable or required for the University to investigate; and/or
 - iii) Compiling statistics related to sexual violence.
- c. Anonymous disclosures, while accepted for the above purposes, will generally limit the University's ability to investigate. In addition, anonymous disclosures cannot be used as the basis for disciplinary action in accordance with the University's principles of procedural fairness.

1) Formal University Complaint Process

1. Section 9 of this Policy: Reported to Office of the Assistant Vice President Students, avp@nipissingu.ca ;
2. The Code of Student Rights and Responsibilities: Reported to Office of the Assistant Vice President, Students avp@nipissingu.ca;
3. Residence Life: Reported to a member of the Residence Life Management Team.

c) 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

- The Sexual Violence Prevention and Education Coordinator can provide more information about what can be expected should a criminal report be filed.

d) 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

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. All University supports may work in conjunction with community-based service providers. The options will depend on the person's needs and circumstances. The following are some, but do not include all the options that are available:

- i) A referral to supports or services within the University or within the larger North Bay community;
- ii) 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.
- iii) 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) 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

For more information about on and off campus supports, please visit: nipissingu.ca/sexualviolence

c) 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 a 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 can 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 or sexual misconduct is brought forward but does not meet these 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 or sexual misconduct to the police, from pursuing a complaint of sexual violence or sexual misconduct 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.

- Sexual Violence Prevention and Education Coordinator:
- 705-474-3450 ex. 4075
- 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.

- Student Intervention Specialist
- 705-474-3450 ex. 4605
- 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 to 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 or sexual misconduct 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 or sexual misconduct 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. The Assistant Vice President, Students will notify the Complainant(s) and Respondent(s) if a breach of confidentiality occurs.

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 Office of the Assistant Vice President Students 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 considering 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 or sexual misconduct in cases where there was underage drinking or using illicit drugs at or near the time the sexual violence or misconduct took place. A Complainant who discloses sexual violence or sexual misconduct will not face repercussions or reprisal relating to drug or alcohol use at or near the time the sexual violence or sexual misconduct took place.

9.8 In some cases, it may be necessary to implement interim measures that are appropriate in the circumstances. Interim measures are temporary measures put in place to protect the parties, the community, and the integrity of the process during the investigation and decision-making process. Such measures are without prejudice to the ultimate outcome of the investigation. When utilized, interim measures will be put in place by the Assistant Vice President, Students and can apply to all parties including students, alumni, faculty, contractors, suppliers of services, volunteers, visitors, and other third parties affiliated with the University. A written copy of the interim measures to the Respondent and advise the Complainant accordingly. Both the Respondent and the Complainant may request modifications to interim measures and may make a written submission in support of their request. Concerns and requests for modifications will be forwarded in a timely manner to the AVP, Students for consideration. Interim 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.

The Sexual Violence Response Committee will 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 are 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. Education
3. Restorative Justice
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) The Office of the Assistant Vice President Students is responsible for receiving formal complaints of sexual violence or sexual misconduct 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 an employee, the Assistant Vice President Students 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. If 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 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 the Assistant Vice President Students, they must provide all the information described above.

h) Student Complainants may seek assistance in completing and filing formal complaints from the SVPEC.

i) Upon receiving the formal complaint the Assistant Vice President Students will acknowledge receipt, review it if necessary and seek clarification from the Complainant on the information it contains.

j) 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's and Respondent's 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) The Assistant Vice President Students 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: 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 and sexual misconduct. 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 or sexual misconduct as set out in this Policy.

c) The Response Committee will review the implementation of interim measures to ensure the measures are appropriate in the circumstances.

d) If the Response Committee considers that the conduct in question appears to fall within the definition of sexual violence or sexual misconduct 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.

e) If the committee considers the conduct in question to fall within the definition of sexual violence or sexual misconduct as outlined in the policy, the Respondent will be notified in writing of a summary of allegations, any interim measures, a summary of the investigation process, and sources of support.

f) If the Response Committee considers that the conduct does not fall within the definition of sexual violence or sexual misconduct 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 or sexual misconduct as set out in this Policy. If the Complainant disagrees with the determination that the report is outside the definition of sexual violence or sexual misconduct and requirements of a formal complaint as set out in this Policy, then the Complainant may ask the Provost & Vice President Academic 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 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 or sexual misconduct 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 or sexual misconduct, 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 or sexual misconduct.

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) During the investigative process, Complainants and Respondents will not be asked irrelevant questions about past behaviours, preferences, and/or other details that speak to a person's personal sexual history.

d) 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.

e) 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 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.

f) 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 as to the status of the report and of the investigation.

g) If there are any questions or concerns about the process or violations of any interim sanctions during the investigative process, the Complainant or Respondent can contact the chair of the SVRC. Questions regarding the status of the investigation from the Complainant or Respondent can be clarified by contacting the investigator directly.

10.6. Investigation Report

a) Upon completion of the investigation, the Investigator will provide to the Assistant Vice President Students 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 keep confidential the personal information of those involved in the investigation and protection from reprisal and the threat of reprisal. The University will address the potential for reprisals by holding individuals accountable who engage in or threaten reprisals and by imposing interim measures in response to complaints. 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) The Assistant Vice President Students 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 investigator's report. If the Complainant or the Respondent do not attend the meeting, the Response Committee will proceed in their absence.

c) All parties may participate in Response Committee meetings through telephone or any other communications method that permits all persons participating in the meeting to hear one another. All parties, including the Complainant and Respondent, will be advised of the details of available virtual connection(s) in advance of the meeting. Only such virtual means will be permitted and no recording shall be permitted. 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.

d) 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 with respect to the evidence in accordance with this policy. If the Committee requires further information, they may return to the investigator for further investigation.

e) The Response Committee will ensure that the Complainant and the Respondent are given the opportunity to review 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, disciplinary and/or interim measures in response to sexual violence or sexual misconduct 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 disciplinary 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 and/or sexual misconduct;
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.
8. For professional employees: Discipline up to and including termination, without entitlement to notice of termination or termination pay or any other compensation or restitution as a result of the disciplinary measure;
9. For professional employees: Nipissing University shall not subsequently re-employ the individual in any capacity.
10. For professional employees: Despite any provision of a collective agreement or employment contract, no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the discharge or disciplinary measure imposed by the institution.

d) Any interim measures that were in place prior to and during the investigation, will be reviewed as part of the deliberations of the SVRC and communicated as part of the outcomes of the investigation.

10.9. Following an investigation, The Sexual Violence Prevention and Education Coordinator and the Assistant Vice President, Students, will be available at the request of the Complainant and Respondent to receive concerns regarding the investigation process and provide ongoing support.

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 (PVPA). The (PVPA) will be responsible for reviewing all the information collected and the process followed by the SVRC to determine if either of the grounds for appeal are present. The PVPA is not responsible for reviewing any consequences or measures imposed by the SVRC. The PVPA will receive sexual violence, sexual misconduct and procedural fairness training. The PVPA 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 PVPA sends a letter requesting them to do so.

11.4. The PVPA 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 PVPA are final. If an appeal is granted by the PVPA, 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. 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 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, or in the event of a conflict of interest, 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 and sexual misconduct 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 Action Against Gender Based Violence Committee. 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

- a) Ontario Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016
- b) O. Reg. 131/16: Sexual Violence at Colleges and Universities
- c) Ontario Human Rights Code
- d) Freedom of Information and Protection of Privacy Act (FIPPA)
- e) Ontario Bill 26, Ministry of training, colleges, and Universities Act (Strengthening Post-secondary Institutions and Students Act), 2022

15. Related Policies and Procedures of Nipissing University

Code of Student Rights and Responsibilities

Emergency Management Plans

Respectful Workplace & Learning Environment Policy

Nipissing University would like to acknowledge the work of the following institutions and groups for informing the content of this Sexual Violence Prevention, Support and Response Policy. Acknowledgment and thanks to:

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Carleton University

Concordia University of Edmonton

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

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Revisions approved by the Board of Governors: Resolution #2019-09-04.

Revisions approved by the Board of Governors: Resolution #2022-06-03.

Revisions approved by the Board of Governors: Resolution #2022-11.2-04.