



Sexualized Violence Procedures for Students

**Group:** Institutional

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**Approved by:** President and Vice-Chancellor

**Administered by:** Vice-President, International and Student Affairs

## **Preamble**

The companion policy to this procedure is the Sexualized Violence Policy (Policy 1006) which can be found [on the Mount Allison website](#). Readers of this procedure are encouraged to read Policy 1006 for greater understanding of the University's approach to Sexualized Violence.

This procedure applies to all complaints received under the Sexualized Violence Policy where both the complainant(s) and respondent(s) are students. Complaint procedures involving employee(s) as a complainant or respondent are handled through the People and Culture department. Where a student is also an employee of the university, the student procedure will apply unless it is determined that the incident occurred while the student was acting in an employee capacity.

## **1. Disclosure**

A disclosure is when an individual shares that they have experienced sexualized violence – it is telling someone that something has happened. All survivors are entitled to support and resources whether or not they decide to file an official complaint.

### **1.1 Making a disclosure**

- a. A disclosure can be made through **REES (Respect. Educate. Empower Survivors)**, a 24/7 online reporting platform utilized by Mount Allison. REES will connect the individual directly to the Sexualized Violence Response Consultant (SVR Consultant).

- b. If an individual is not comfortable/familiar with REES, they can make an appointment with the SVR Consultant. This can be booked through the [Mount Allison booking platform](#) or by contacting the Wellness Centre.
- c. In accordance with a “community of care” process, any Mount Allison staff or faculty who receives a disclosure are asked to connect survivors to the SVR Consultant or to provide information on support available.
- d. The individual may also begin the disclosure process by contacting Campus Security. Campus Security is available 24/7 as a resource hub and can be called for information about support & crisis lines: (506) 364-2228.
- e. All disclosures are received by the SVR Consultant. In the event of the SVR Consultant being unavailable for an extended period, disclosures will be received and processed by a designate as appointed by the Director of Student Experience.

## 1.2 Disclosure process

- a. If an individual submitted a Connect to My Campus via **REES**, their **REES** disclosure will go directly to the SVR Consultant. This file is encrypted and password protected.
- b. The SVR Consultant will contact the individual via email to offer an in-person or online appointment.
- c. During the appointment/appointments, the SVR Consultant will review the supports and resources that may be available. They will also provide an overview of the complaint pathways.
- d. Internal supports and resources may include but are not limited to counselling, safety planning, academic accommodation, housing accommodations (for Students in residence), and medical services.
- e. External supports and resources may include but are not limited to external counselling, forensic nurse examiner services, sexual assault centres/support lines, transition houses/domestic violence shelters, law enforcement, and the New Brunswick Human Rights Commission.
- f. Subject to the considerations in (i) below, if the individual has been provided with the appropriate supports and resources, their immediate needs are met, and they do **not** want to file a complaint, the process can stop here.

- g. If the individual's immediate needs are met and they **do** want to file a complaint, the process proceeds to **Section 2 Complaints Process**. This also applies to individuals who have previously chosen not to proceed.
- h. If the individual chooses **not** to file a complaint, they will be offered the option of receiving follow-ups and check-ins with the SVR Consultant.
- i. The university may choose to take measures even when a survivor chooses not to file a complaint. Examples of such circumstances include, but are not limited to:
  - Where there is a risk of safety to the survivor or another person on campus.
  - Where there is a legal requirement.
  - Where there is evidence of sexualized violence in the public realm. For example, a video, image, or narrative posted on social media.

## 2. Complaints

### 2.1 Submitting a complaint

- a. All Complaints against students are submitted to and administered by the SVR Consultant. In the event of the SVR Consultant being unavailable for an extended period, complaints will be received and processed by a designate as appointed by the Director of Student Experience.
- b. All Complaints are submitted to the SVR Consultant in the form of a **Sexualized Violence Complaint Form**.
- c. The Complaint form may be submitted by email to: [svcomplaints@mta.ca](mailto:svcomplaints@mta.ca) or in person to the SVR Consultant's office at the Wellness Centre in the McCain Student Centre.

### 2.2 Complaint pathways

There are two pathways for the processing of a complaint: Investigative and Non-Investigative.

While efforts will be made to respect the complainant's pathway request, the ultimate decision on whether a complaint requires investigation will rest with the office of the Vice-President International and Student Affairs (VPISA). In certain circumstances, as identified above, an investigation will be required notwithstanding a complainant's request.

Complaint outcome(s) may also be requested by a complainant but will ultimately be determined by the Director of Student Experience and/or the VPISA. A list of immediate measures and accountability measures can be provided through the SVR Consultant.

Efforts will be made to follow the timelines noted in this policy. However, delays may occur. Any delay should be reasonable in nature and communicated to the parties involved.

### 2.3 Non-Investigative Complaint

A complainant may request specific immediate measures be put in place prior to an investigation.

- a. The complainant will complete the **Sexualized Violence Complaint Form**.
- b. The Complaint Form will then be submitted to the SVR Consultant.
- c. The complainant will receive a receipt response, via email or in person, as soon as possible but no later than three (3) business days after filing the Complaint Form. A receipt response is confirmation that the complaint has been received only.
- d. The SVR Consultant will notify the Director of Student Experience, or their designate, if the respondent is a student, by forwarding a copy of the Complaint Form as soon as possible but no later than three (3) business days after issuing a complaint receipt response.
- e. If not done previously, the SVR Consultant will meet with the complainant to review the complaint and provide an overview of the process as soon as possible but no later than ten (10) business days of sending the receipt response.
- f. The Director of Student Experience, or their designate, will meet with the respondent to review the complaint and provide an overview of the respondent process as soon as possible but no later than ten (10) business days after being notified. They will provide the respondent with the **Respondent Information Form**, which the respondent will complete and return to them within five (5) business days. The form will then be shared with the SVR Consultant.
- g. Parties may be accompanied by a support person. The support person may be a student, a MASU representative (e.g. Ombudsperson), a faculty member, a staff member, or another member of the Mount Allison community. The support person is only to be involved in a support capacity. It is a person who was not involved in the incident and does not have a conflict of interest. Any support person or representative involved must complete an **Undertaking of Confidentiality** before the party participates in the process and is privy to the complaint.
- h. Where there is an unreasonable delay by a complainant, respondent, or support person, this procedure may continue in their absence.

- i. The SVR Consultant may initiate accommodation and support during the process before any decision making takes place. This may require the SVR Consultant to share information and consult with appropriate staff. Any information shared will be kept to the minimum amount necessary to facilitate accommodation and support. Accommodation and support will not be disciplinary in nature and may be temporary.
- j. The Director of Student Experience will consider the information gathered and may implement immediate measures. Decisions will normally be made within 5 business days of receiving the respondent form. Reasonable delays will be communicated to the parties involved. Upon making the decision, the SVR Consultant will be advised of the decision and of the rationale for the decision. The SVR Consultant will share with the complainant. The Director will share the same information with the respondent.
- k. Under the SVR Consultant's guidance, restorative justice measures may be taken. Any restorative justice approach would be led by qualified individuals who could be internal or external to Mount Allison University. The purpose of any meeting(s) held would be to identify mutually agreed upon outcomes for all parties.
- l. A document will be signed by all parties to acknowledge that they have agreed to the outcomes.
- m. The SVR Consultant will continue to support the complainant and will bring forward any issues with compliance or support to the Director of Student Experience
- n. Non-compliance with implemented measures may lead to investigation, remedial action or discipline.

#### **2.4 Investigative complaint**

A complainant can request that the complaint proceed to investigation. Investigations can be conducted in-house or by an external party hired by the University.

In exceptional circumstances to ensure safety and compliance with applicable legal and other obligations, the VPISA may investigate a complaint notwithstanding a complainant's request.

- a. The complainant will complete the **Sexualized Violence Complaint Form**.
- b. The Complaint Form will then be submitted to the SVR Consultant.

- c. The Complainant will receive a receipt response, via email or in person, as soon as possible but no later than three (3) business days after filing the Complaint Form. A receipt response is confirmation that the complaint has been received only.
- d. The SVR Consultant will meet with the complainant and provide an overview of the process as soon as possible but no later than ten (10) business days from sending the receipt response.
- e. In exceptional circumstances, the SVR Consultant may complete the **Sexualized Violence Complaint Form** to initiate an investigation.
- f. The SVR Consultant will notify the Vice President of International and Student Affairs, or their designate, by forwarding a copy of the complaint and respondent form as soon as possible but no later than within three (3) business days after issuing a complaint receipt response.
- g. The Vice President of International and Student Affairs or their designate, will meet with the respondent to review the complaint and provide an overview of the process as soon as possible but not later than ten (10) business days after being informed of the complaint by the SVR Consultant.
- h. The respondent will be provided with the **Respondent Information Form**, which the respondent will complete and return to the VPISA, or designate, within five (5) business days. The VPISA, or designate, will then forward the form to the SVR Consultant within three (3) business days.
- i. Parties may be accompanied by a support person. Any support person or representative involved must complete an **Undertaking of Confidentiality**, which must be returned before participating in the process.
- j. Unreasonable delays (as determined by the SVR Consultant, Director of Student Experience or VPISA, or their designate(s), as applicable in accordance with the principles of the Sexualized Violence Policy), will not result in a delay in this process. Where there is an unreasonable delay by a party or their support person, this procedure may continue in their absence.
- k. After the respondent has provided a response to the complaint or the time has expired for doing so, the university may take appropriate action without appointing an investigator.
- l. Investigations are to be fair, expedient and comprehensive.

- m. The investigator will prepare and submit to the university a report of their investigation, findings, and determination of whether there was a breach of the Sexualized Violence Policy.
- n. A summary of the investigator's report will be shared with the complainant and respondent. The full report will not be disclosed to the complainant or respondent for any reason unless required by law.
- o. Upon receipt of the investigator's report, the appropriate university official will meet with all parties individually as soon as possible but no later than within five (5) business days.
- p. After disclosing the summary of findings, the university will make an investigation decision, determining the appropriate action that will be taken, if any.
- q. The university will communicate the investigation decision, reasons for the investigation decision and any applicable sanctions in writing.
- r. When there is involvement of Royal Canadian Mounted Police (RCMP) in an investigation, disciplinary measures may be deferred until the RCMP have concluded their investigation. The SVR Consultant can initiate accommodation and support for the complainant.

### **3. Appeals**

#### **3.1 Submitting an appeal**

- a. Complainants and respondents have the right to appeal a decision and will be provided with appeal information with an investigation decision.
- b. Decisions and any disciplinary or remedial measures may be appealed by the respondent or the complainant within fifteen (15) business days of a decision being communicated.
- c. Non-investigative appeals are made to the VPISA in writing.
- d. Investigative appeals are made in writing to the Sexualized Violence Appeals Committee at [svappeal@mta.ca](mailto:svappeal@mta.ca).
- e. Appeals will only be considered on the following grounds:
  - A significant error occurred where procedures were not followed correctly.
  - There is clear evidence of a significant conflict of interest on the part of a decision-maker.

- There is significant new evidence that was not available at the time of the decision, which has the potential to change the outcome of the complaint.
- f. Disagreement with the Investigation Decision and/or measures does not constitute a basis for appeal.

### **3.2 Sexualized Violence Appeals Committee membership**

- a. The Sexualized Violence Appeals Committee will have three members and a Chair serving up to 2-year terms. Panel members are faculty or staff members and must have full-time, tenure-track/tenure, or continuing full-time status and be willing to be trained on adjudication. Where possible, the Chair of the SVA Committee will be a staff or faculty member working outside of Student Affairs, with training in adjudication.

### **3.3 Appeals process**

- a. Rules and procedures respecting appeals in this procedure supersede those generally applicable to appeals under other policies or codes.
- b. Upon review of an appeal submission, the VPISA or Chair of the SVA Committee determines if there is reason for the appeal.
- c. If allowed, in general, appeals will be heard in writing and an oral hearing will proceed only in exceptional circumstances.
- d. The SVA Committee will receive copies of the complaints, from the VPISA, with identifying information of the parties removed.
- e. Any member of the SVP Committee who believes that their involvement in an appeals process would be considered a conflict of interest are to remove themselves from that process.
- f. Within fifteen (15) business days after receiving an appeal, and upon confirmation by the VPISA or Chair that it is admissible, the VPISA or SVA Committee will review the appeal and inform the complainant and respondent in writing of the decision taken.

## **4. Reprisals**

- a. The University will not tolerate retaliation against someone who discloses or reports sexualized violence. It is also prohibited to retaliate or conspire to retaliate against that individual's support networks, friends, families, or acquaintances. Retaliation is a serious offence and may result in disciplinary action according to the Student



Code of Conduct, other university policies, applicable collective agreement, or relevant contract.

## **5. Confidentiality**

- a. Standards of confidentiality not only protect the rights of those involved in a sexual violence disclosure or complaint but are also key to preserving the integrity of any investigation that is undertaken.
- b. Anyone involved in the complaints process, including complainants, respondents, and witnesses, must keep the details of any case confidential.
- c. The University may not be able to maintain confidentiality:
  - When employees require information to carry out their authorized duties under the Sexualized Violence Policy. For example, conduct investigations, implement a decision, or impose immediate measures.
  - When there is serious and immediate risk to the person's life; to the safety of another person; or of harm to the safety of other members of the community, on the basis of information provided following a report of an incident of sexualized violence;
  - In the event of a situation of sexualized violence towards a minor or vulnerable person;
  - If there is a court order.

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

## **6. Review**

These procedures will be reviewed at least every 3 years.