

**Name:** **Sexual Violence and Harassment Policy**

**Policy Number:** 6-2025

**Approving Authority:** **Executive Management Group**

**Approved:** September 15, 2022

**Responsible Office:** **President and Vice Chancellor**

**Responsibility:** Sexual Violence Advisor  
Associate Vice President, Student Affairs and Services, with respect to application of this Policy to Students  
Associate Vice President, People and Culture, with respect to application

such as on the basis of sex, gender, gender identity or expression, sexual orientation, Indigeneity, race, age, ability, class, and other forms of oppression.

- 1.5 Saint Mary's affirms its commitment to fostering a culture on campus where attitudes and behaviours that perpetuate Sexual Violence and Harassment are challenged, discouraged, and rejected; those who experience Sexual Violence and Harassment are supported; and Disclosures and Reports of Sexual Violence and Harassment are responded to seriously and in a manner that is Trauma Informed and Procedurally Fair.
- 1.6 The University recognizes Sexual Violence and Harassment are under-reported for a variety of reasons, including shame, stigmatization, self-blame, and fear of reprisals, isolation, ostracism, or fear of being dismissed or disbelieved. The problem is exacerbated for members of social groups who experience intersectional grounds of discrimination or marginalization, such as based on sex, gender, gender identity or expression, sexual orientation, Indigeneity, race, age, ability, class, and other forms of oppression.
- 1.7 The University recognizes that persons who have experienced Sexual Violence and Harassment frequently first talk to a trusted person, such as a friend, peer, colleague, faculty member, union representative, Residence Assistant, Residence staff member, mentor, or a university employee. A Member of the University Community who is told about an incident or experience of Sexual Violence shall listen compassionately without judgment, inform the individual about this Policy, and refer the individual to the Sexual Violence Advisor.

## **2. Purpose**

3.2. No Member of the University Community or Visitors shall commit an act of Sexual Violence or

necessary to access support, Accommodations, or Interim Measures through the Sexual Violence Advisor.

- 4.4 A Report of Sexual Violence or Harassment may be investigated in circumstances where the Respondent is a current Member of the University Community. A current Member of the University Community for the purposes of an investigation includes Respondents who may not presently be at Saint Mary's but have at some point been a member of the Saint Mary's University Community.
- 4.5 The University does not have the jurisdiction to investigate Reports made against a person who was not a Member of the University Community at the time of the reported conduct. The University does not have the jurisdiction to compel a Respondent who is not a Member of the University Community at the date of the Report to participate in an investigation. However, in the event of such Disclosures, the University will provide support to persons who have experienced Sexual Violence and Harassment and may be able to take measures such as restricting access to campus by the person against whom a Disclosure is made.
- 4.6 If there is any inconsistency between this Policy and other Saint Mary's policies, including the Policy on Conflict Resolution and the Prevention and Resolution of Harassment and Discrimination Policy, this Policy governs.
- 4.7 Where there is any express conflict between this Policy and the terms of a collective agreement to which the University is a party, the collective agreement governs.
- 4.8 This Policy applies even if:
  - a. The person who has experienced Sexual Violence or Harassment is pursuing processes external to the University, including:
    - i) reporting to police;
    - ii) initiating a civil proceeding; and
    - iii) making a complaint to the applicable Human Rights Commission;
  - b. The Respondent is pursuing processes external to the University, including:
    - i) criminal investigation or appeal;





**Visitors:** persons who are not Members of the University Community who are engaged in activities on Saint Mary's University's property or with Members of the University Community and are involved in Sexual Violence or Harassment in this capacity. Visitors include agents, suppliers, alumni, donors, and users of University facilities.

**Name: Sexual Violence and Harassment Regulations**

<b>Approving Authority:</b>	<b>Executive Management Group</b>
<b>Approved:</b>	September 15, 2022
<b>Responsible Office:</b>	<b>President and Vice Chancellor</b>
<b>Responsibility:</b>	Sexual Violence Advisor Associate Vice President, Student Affairs and Services, with respect to application of this Policy to Students Associate Vice President, People and Culture, with respect to application of this Policy to Employees
<b>Revision Date(s):</b>	September 2022
<b>Next Required Review:</b>	Review to be started at the beginning of the third year from the original approval date, and every three years thereafter

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**1. Purpose**

1.1 The Sexual Violence and Harassment Regulations outline a Trauma Informed, centralized system of Disclosure, Reporting, Informal and Formal Resolution, and Review related to Sexual Violence and Harassment.

**2. Administration of the Policy and Regulations: Roles and Responsibilities**

- 2.1 The Sexual Violence and Harassment Policy and Sexual Violence and Harassment Regulations are under the authority of the Executive Management Group.
- 2.2 Student Affairs and Services (on student-based issues) and People and Culture (on all employee-based issues) are jointly responsible for the administration of the Policy and Regulations, in consultation with the Sexual Violence Advisor. The Vice President Academic will be consulted as appropriate by People and Culture on faculty related matters.
- 2.3 The University has established the role of Sexual Violence Advisor with a mandate to:
- Develop and disseminate information and training on how to appropriately support and refer Members of the University Community who disclose an experience of Sexual Violence or Harassment.
  - Provide advice, information, support, and resources in relation to the Sexual Violence and Harassment Policy, provide information, support, and resources to people who have experienced Sexual Violence and Harassment, and referrals to support for respondents of Reports through the Sexual Violence and Harassment Policy.
  - Develop and disseminate information and training on Sexual Violence and Harassment for the Campus Community.
- 2.4 Support will also be provided to those who have received a Disclosure.
- 2.5 If the Sexual Violence Advisor is unable to discharge their responsibilities under the Policy for any reason, the Associate Vice President, Student Affairs and Services, in consultation with





- 3.4 The University will respond to Disclosures and Reports of Sexual Violence and Harassment fairly and expeditiously.

#### **4. Confidentiality**

- 4.1 Ensuring confidentiality is a key principle in creating an environment where people who have experienced Sexual Violence or Harassment feel comfortable exploring their options and seeking support and Accommodations. Disclosures and Reports of Sexual Violence and Harassment will be kept confidential to the greatest extent possible, within the limitations described in this section.
- 4.2 Where a person who has experienced Sexual Violence or Harassment wishes to make a Report, Procedural Fairness will require disclosure of the Complainant's identity and the details of the report being made against the Respondent to the Respondent.
- 4.3 The University will limit sharing of information to those within the University who need to know information to carry out their responsibilities under the Policy, including providing Accommodations, interim measures, investigating and decision-making processes, and taking corrective action resulting from those processes. In all cases, the Sexual Violence Advisor will share the least amount of information possible.
- 4.4 Confidentiality is limited where information needs to be disclosed to address a serious risk or meet a legal obligation. The University cannot guarantee absolute confidentiality in all cases of a Disclosure or Report. For example, the University may be required to disclose information and/or undertake its own investigation where:
- a) An individual is at risk of imminent and serious harm to themselves or others;
  - b) There are reasonable grounds to believe that one or more Members of the University Community or Visitors pose a serious and credible risk of harm based on information that has been provided;
  - c) There is objective evidence of Sexual Violence, such as evidence of Sexual Violence in the public realm (e.g. a video posted on social media) or otherwise recorded or documented and available to the University;
  - d) There is a risk to the safety of the University and/or broader community;
  - e) There is a legal obligation to report, or investigation is required by law (for example, but not limited to, an incident involving a minor, or obligations related to occupational health and safety or to human rights legislation); or
  - f) There is a legal obligation to act or cooperate in an extra-University judicial process.
- 4.5 Records of all Disclosures, Reports, and Referrals will be maintained and stored securely and

## **5. Principles related to Disclosures and Reports**

- 5.1 For emergency situations, contact 9-1-1 or Campus Security (902 420 5000)
- 5.2 A Disclosure and a Report are separate actions. A person who has experienced Sexual Violence or Harassment can choose to take either or both actions.
- 5.3 A Visitor can make a Disclosure but not a Report.
- 5.4 A Member of the University Community may provide the Sexual Violence Advisor information on an anonymous basis.
- 5.5 When a Member of

- 6.2 If the person disclosing does not want to access the support of the Sexual Violence Advisor, the person being disclosed to will fill out the anonymous 'Sexual Violence Disclosure and Referral' form and send it to the Sexual Violence Advisor. The form does not collect the personal information of the person who experienced Sexual Violence and Harassment, and is used for incident tracking and statistical purposes.
- 6.3 A Disclosure does not result in a Report being made and does not initiate the Informal or Formal Resolution processes set out in Regulation 9 and 10 of the Regulations.
- 6.4 A Disclosure may relate to a Respondent who is or is not a Member of the University Community.
- 6.5 When the Sexual Violence Advisor meets with a person who has experienced Sexual Violence or Harassment, they will inform the person about the Policy and advise of supports, services, Accommodations, and reporting options provided under the Regulations.
- 6.6 The Sexual Violence Advisor will inform the person who has experienced Sexual Violence or Harassment of their rights with respect to confidentiality, as set out in section 4 of the Regulations.
- 6.7 A person who has experienced or witnessed Sexual Violence or Harassment is not required to make a Report about an incident of Sexual Violence or Harassment to obtain the support and services or Accommodations referred to in the Sexual Violence and Harassment Policy and/or Regulations.

**7. Reports**

- 7.1 A Report initiates a formal process under the Policy and shall be directed to the Sexual Violence Advisor.
- 7.2 The Sexual Violence Advisor will provide information and support to assist the Complainant with submission of the Report and to understand the reporting process under the Policy.
- 7.3 A Report must be submitted by the Complainant in writing to the Sexual Violence Advisor.

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- a. written notice that a Report has been brought against them;
- b.

a. Provide written notice to the Respondent that a Report has been brought against them. The notice will include a copy of the Report, a copy of the Sexual Violence and Harassment Policy, details of procedures that will be followed, details of any Interim Measures imposed, details of available support services (including an appropriate staff support on campus, the right to access the Saint Mary's University Students' Association and the right to have present a support person of their choice throughout the process), a reminder that the

- f. At the conclusion of the investigation, the Investigator will prepare a written investigation report that makes a finding as to whether or not, on a balance of probabilities (i.e. more likely than not), the Respondent has committed an act of Sexual Violence against the Complainant in violation of the Policy and provide reasons for the finding. Reasons will include a description of what evidence was accepted and was not, and a weighing of that evidence.
- g. The Investigator will provide the investigation report to the Sexual Violence Advisor, who will then give a copy of the Report to the Responsible Authority. The Responsible Authority may seek further information or clarification from the Investigator before accepting the Investigator's Report.
- h. Upon acceptance by the Responsible Authority of the Investigator's Report, the Responsible Authority will inform the Complainant and Respondent in writing of the results of the investigation, with a reminder as to the Confidentiality provisions (Regulation 4). The University will make every effort to provide a copy of the Investigator's Report, which may be partially redacted to address any confidentiality concerns.
- i. The Complainant and the Respondent will be given ten (10) calendar days to provide written comments on the Investigator's Report

## **11. Outcomes and Disciplinary Measures – Student Respondent**







- b. A statement of the facts relevant to the grounds for Review
- c. A statement of the remedy or relief sought
- d. Copies of relevant documents that support the Review, and
- e. In the event of fresh evidence that was not available at the time of the investigation, copies of that evidence or witness statements.

- 15.5 The Vice President Academic & Research (Students) or the Vice President Finance and Administration (Staff and Faculty) shall review the request and decide whether the request for review demonstrates one or more of the required grounds for appeal. If the appeal is accepted, the Vice President will refer the review to a Sexual Violence Review Panel (SVRP). The Vice President shall notify the parties of their decision within fifteen (15) business days of receipt of the request for a review.
- 15.6 If a matter is referred to a SVRP, the President shall appoint the SVRP, which shall be comprised of three persons as follows:
- a. On the recommendation of the University Secretary and Senior Director Legal Services, an external lawyer who has experience in Administrative Law, Procedural Fairness, Gender-Based Violence and Sexual Harassment and Sexual Assault law, and
  - b. Two members of Faculty and/or University Administrators who have training or experience in this Policy, Procedural Fairness, Gender-Based Violence and the law of Sexual Assault and Sexual Harassment.
- 15.7 The SVRP may summarily dismiss a Request for Review that it determines does not raise a valid ground of Review. This decision to dismiss a Request for Review will be issued in writing to the individual submitting the Request for Review.
- 15.8 The Complainant will be provided notice of any SVRP hearing and will be entitled to make submissions, should the Complainant wish to participate.
- 15.9 If the SVRP determines that any of the grounds of Review set out in Regulation 15.3 are proven, the SVRP may, depending on the reasons for decision and the circumstances of the case before it:
- a. Refer the matter back to the Investigator for reconsideration
  - b. Require that a fresh investigation be undertaken and direct the Responsible Authority to appoint a new Investigator
  - c. Order that any Interim Measures in place during the investigation continue
  - d. Direct the Responsible Authority to determine whether any Interim Measures should be imposed pending the re-investigation,
  - e. Suspend any discipline or remedial measures ordered as a result of the finding.
  - f. Uphold the discipline or remedial measures ordered, or
  - g. Modify or reverse the discipline or remedial measure and substitute its own decision.
- 15.10 The SVRP shall issue its decision in writing to the Vice President Academic and Research (Students) or Vice President, Finance and Administration (Employees). The decision shall include an explanation of the basis and reasons for the decision in relation to each ground of Review put before the SVRP. The decision of the SVRP is final.