



Policy on Sexual Violence Involving Queen's University Students

Category: *Board of Trustees*

Approval: *Queen's University Board of Trustees*

Responsibility: *Provost and Vice-Principal (Academic)*

Date: *Approved December 2, 2016*

1 Purpose(s)/Reason(s) for Policy:

- 1.1 Queen's University is committed to maintaining a positive learning and living environment in which any form of Sexual Violence will not be tolerated. The purpose of this policy is to clearly state the university's commitment to addressing Sexual Violence through:
- (i) Coordinated and comprehensive awareness, training and education programs;
 - (ii) Coordinated and comprehensive support for Students who have been affected by Sexual Violence including counselling, health and medical care, academic accommodation and other support and accommodations as required; and,
 - (iii) Clear, appropriate and fair processes for handling reports of Sexual Violence covered by this and other university policies.

2 Policy Statement:

- 2.1 Sexual Violence is a serious problem in society and on university campuses. Through this policy, Queen's University is committed to addressing Sexual Violence in the Queen's Community through support, awareness, education, training and prevention programs, and through appropriate handling of incident Disclosures and Reports.
- 2.2 Sexual Violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship.
- 2.3 Sexual Violence can be committed against any person; however, there is often an intersection of Sexual Violence with discrimination and harassment, and those who experience the intersection of multiple identities such as, but not limited to, indigenous people, persons with disabilities, racialized people, and those whose gender identity or gender expression does not conform to historical gender norms.
- 2.4 Sexual Violence can have serious impacts on an individual's physical, mental, emotional, and spiritual health and wellness. Queen's University recognizes the possible traumatic effects of Sexual Violence and supports the efforts of individuals to seek supports and to recover.
- 2.5 The University will take reasonable steps to protect every Student involved in a process pursuant to this policy from reprisal. The University reserves the right to address the potential

for reprisals by providing accommodation(s) and/or by imposing interim measures appropriate in the circumstances.

3 Principles Guiding this Policy:

- 3.1 All persons who Disclose or Report an incident of Sexual Violence can expect to be treated with compassion, dignity, and respect.
- 3.2 All persons who Disclose or Report an incident of Sexual Violence will be:
 - (i) provided with non-judgmental support;
 - (ii) provided with timely safety planning assistance; and,
 - (iii) informed about on and off campus support services and resources available to them.
- 3.3 The university recognizes that Students affected by Sexual Violence are integral decision-makers in situations pertaining to themselves and should be allowed to determine whether and to whom they wish to Disclose or Report, including:
 - (i) whether or not to pursue formal criminal and/or internal university avenues of redress; and,
 - (ii) whether or not to Disclose to a support person and seek out support services.
- 3.4 The university will put academic, housing and other accommodations in place for persons who Disclose or Report an incident of Sexual Violence, as appropriate to individual circumstances.
- 3.5 The university will implement appropriate measures to prevent further unwanted contact with an alleged perpetrator to protect the safety and security of the Queen's Community.
- 3.6 The university will ensure that every Respondent receives appropriate support and advice related to all university procedures under this policy.
- 3.7 Queen's University is committed to the provision of a fair process and will adhere to the principles of procedural fairness in all processes under this policy.
- 3.8 Queen's University is committed to reducing barriers to and increasing awareness of policies, procedures and supports available to students in responding to and addressing Sexual Violence.
- 3.9 This policy was developed to create a system of reporting, investigation and decision-making in response to Reports of Sexual Violence; to avoid conflicts of interest or reasonable apprehension of bias; to preserve privacy; to minimize risk of reprisal; and, to ensure coordination and consistency across the university.

4 Definitions:

- 4.1 **Consent:** means an active, direct, voluntary, unimpaired and conscious choice and agreement to engage in sexual activity. For additional clarity:
 - (i) A person is incapable of giving Consent if they are incapacitated by drugs or alcohol, asleep, unconscious or otherwise lacking the capacity to Consent;
 - (ii) A person who has been threatened or coerced into engaging in the sexual activity is not Consenting to it;
 - (iii) The fact that Consent was given in the past to a sexual, dating or intimate partner does not mean that Consent is assumed to exist for all future sexual activity;
 - (iv) Consent cannot be given when there is an abuse of power or authority;

- (v) Consent, once given, is revocable, at any time;
 - (vi) Consent cannot be given on behalf of another person; and,
 - (vii) Consent is active and not passive or silent.
- 4.2 **Complainant:** means a Student affected by Sexual Violence who makes a Report under this Policy.
- 4.3 **Disclosure:** means the act, by a Student affected by Sexual Violence, of telling a staff or faculty member about an incident of Sexual Violence to seek support, counselling, or other services, or, to obtain information about formal Reporting options. A Student who makes a Disclosure is entitled to access the supports, accommodations and other resources outlined in this policy without making a formal Report.
- 4.4 **No-Contact Directive:** means a requirement that a person have no direct or indirect contact, including but not limited to in-person, phone, text, email, social media, or through a 3rd party, with a specified individual, individuals or group as outlined in a written communication from the university.
- 4.5 **Notice of Prohibition:** means a notice to a particular individual(s) that they are prohibited from all or a part of Queen’s University Property.
- 4.6 **Queen’s Community:** means students, faculty members and staff of Queen’s University.
- 4.7 **Queen’s University Property:** means property owned, rented or otherwise used by the university.
- 4.8 **Report:** means a formal allegation by a Student affected by Sexual Violence, which invokes the investigatory and adjudicative procedures set out in this policy. Students affected by Sexual Violence are not required to Report an incident of Sexual Violence to access the supports, accommodations or other resources outlined in this policy.
- 4.9 **Respondent:** is the person or group against whom a Report has been filed under this Policy.
- (i) “Student-Respondent” and “Respondent” refers to a Respondent(s) who is a Students as defined below in Section 4.13.
 - (ii) “Employee-Respondent” means a Respondent who is a member of Queen’s University faculty or staff. Cases involving an Employee-Respondent(s) are to be dealt with in accordance with the process outlined in Section 11.4(ii)(b) and the Procedures described in Appendix A to this Policy.
- 4.10 **Sexual Assault:** means any form of sexual contact without mutual Consent. Sexual Assault includes unwanted kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, or any unwanted act of a sexual nature that is imposed by one person onto another without Consent.
- 4.11 **Sexual Harassment:** means a course of unwanted remarks, behaviours, or communications of a sexual nature and/or a course of unwanted remarks, behaviours or communications based on gender - where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwanted. It includes, but is not limited to:
- (i) Sexual solicitations, advances, remarks, suggestive comments and gestures (including songs and chants); the inappropriate display of sexually suggestive pictures, posters, objects or graffiti;

- (ii) Non-consensual posting of pictures, aggressive comments and slurs on any form of social media;
- (iii) Physical contact of a sexual nature (including Sexual Assault under the Criminal Code); or,
- (iv) Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.

4.12 **Sexual Violence:** means 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, and includes such things as: sexual assault; sexual harassment; stalking; indecent exposure; voyeurism; and, sexual exploitation.

4.13 **Student:** means any person who is registered, in an academic program including a non-degree program, offered by Queen's University, and includes anyone who was so registered when an incident of Sexual Violence is alleged to have occurred. "Student" also means persons registered at Queen's on a letter of permission and persons on exchange at Queen's.

4.14 **Student Group:** means a group affiliated with the university (including the AMS, the SGPS and/or any club sanctioned by either of them) and constituted to promote such things as social, vocational, academic, cultural, and/or political interests of Students within its membership.

4.15 **Survivor/Victim:** means a person who discloses or reports having experienced Sexual Violence. It is the determination of the person who reports having experienced Sexual Violence to determine how they wish to identify.

5 Scope of the Policy:

- 5.1 This policy applies to all members of the Queen's Community.
- 5.2 Student affected by Sexual Violence are **not required to Report** an incident of Sexual Violence to receive the supports or accommodations outlined in this policy.
- 5.3 Students affected by Sexual Violence will receive appropriate support or accommodations with respect to Disclosures and Reports of Sexual Violence, regardless of the role of the Respondent in the Queen's Community.
- 5.4 The Reporting process and procedures outlined in this policy apply to all incidents in which the Complainant is/was a Student at the time of the alleged incident and the Respondent is/was a member of the Queen's Community at the time of the alleged incident, regardless of where the incident is alleged to have taken place and irrespective of whether it is alleged to have taken place in person or through social media.
- 5.5 This policy is not intended to supersede or interfere with the criminal justice system. All Students affected by Sexual Violence have the right to pursue legal avenues whether or not they choose to proceed with a Report under this policy.
- 5.6 All Students affected by Sexual Violence have the right to forego criminal and university Reporting avenues.

6 Sexual Violence Awareness, Education & Training

- 6.1 The Sexual Violence Prevention & Response Coordinator (or "SVPRC") will work with campus partners to develop and implement an annual education strategy to:

- (i) promote a culture of Consent;
 - (ii) address issues of Sexual Violence; and,
 - (iii) facilitate access to support mechanisms for Students affected by Sexual Violence.
- 6.2 The university will deliver appropriate information and education related to Sexual Violence to the Queen's Community, including Students in all years, with a focus on incoming Students during orientation week. The university will work with campus partners to provide ongoing awareness, education and training opportunities throughout the academic year.
- 6.3 Subject matter experts will collaborate to adapt existing content, lead the development of new content and format design, in consultation with Students, to ensure information and educational material is tailored to the audience and context.
- 6.4 Specific attention will be given to issues of Consent, healthy relationships, bystander intervention strategies, and policies and procedures for responding to Sexual Violence.
- 6.5 Awareness, education and training initiatives should take an intersectional approach to understanding Sexual Violence.
- 6.6 The university will make training related to the policy and procedure herein available for staff, faculty, Students, and members of the governing board and senior administration.

7 Confidentiality and Limits of Confidentiality

- 7.1 Confidentiality is an important principle in creating an environment where Students affected by Sexual Violence feel safe to Disclose, Report, and seek available supports and accommodation. The privacy and confidentiality of all members of the Queen's Community involved in any Disclosure or Report, will be protected to the extent possible, but cannot be maintained where disclosure is required to ensure the health and safety of Queen's Community members; for example, confidentiality cannot be maintained where there is reason to believe, for example, that:
- (i) an individual may be at risk of self-harm;
 - (ii) an individual may pose a threat or risk to a Student who has Disclosed or Reported having been affected by Sexual Violence;
 - (iii) an individual may pose a threat or risk to other members of the Queen's Community or the broader community;
 - (iv) reporting is required by law (e.g. where a Disclosure or Report involves a minor); and/or
 - (v) the university has an obligation to investigate the allegation of Sexual Violence (e.g. under human rights or health & safety legislation);
 - (vi) a residence don receives information about an incident that took place in a university Residence.
- 7.2 Specific instances of limits of confidentiality are listed above; however, Students affected by Sexual Violence should be aware that there are other instances where information may be shared among staff and faculty in the university in order to facilitate requests for accommodations, support, and/or reports.
- 7.3 In instances where confidentiality cannot be maintained, Students affected by Sexual Violence will be notified as to who has been told and what information has been shared.
- 7.4 All parties involved will be informed of possible limits of confidentiality.

- 7.5 Each member of the Queen’s Community who is involved in receiving a Report of Sexual Violence must treat the matter as discreetly as possible and within the context of their role in the university. Beyond the circumstances referenced in Section 7.1 above, information about a Disclosure or Report of Sexual Violence will be shared only to the extent necessary to fulfill responsibilities set out in this policy and as may be required to provide a fair process during an investigation or adjudication of a Report.
- 7.6 All information collected as a result of a Disclosure or Report made under the policy will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, as applicable.

8 Distinction between Disclosure and Reporting

- 8.1 The decision to Disclose and the decision to Report are discrete from one another and are each normally at the discretion of a Student affected by Sexual Violence (See section 3.3, but also Section 7 for a description of the “Limits of Confidentiality”).
- 8.2 The university recognizes that Disclosures are often made in confidence, and that the Student may have an expectation of confidentiality. The person to whom the Disclosure is made may consult with the SVPRC for advice.
- 8.3 In addition to the SVPRC, Campus Security & Emergency Services (CSES) staff are available on a 24/7 basis and can provide guidance and support to Students affected by Sexual Violence. CSES must advise the SVPRC of all alleged incidents of Sexual Violence against Students of which it becomes aware.
- 8.4 If an incident of Sexual Violence is Disclosed to a member of the Queen’s Community, the person to whom the Disclosure is made should refer the person Disclosing to this policy and should inform the person that the SVPRC can provide detailed information about the availability of supports and services, as well as information about Reporting options.
- 8.5 Members of the Queen’s Community who receive a Disclosure of an incident of Sexual Violence can, with the permission of the Student affected by Sexual Violence, provide the SVPRC with the Student’s name and contact information for the purpose of outreach.
- 8.6 A Disclosure is not the same as a formal Report and does not initiate an investigation/adjudication process.
- 8.7 A Student affected by Sexual Violence can make a Disclosure and choose to Report at a later date.

9 Academic and Other Types of Accommodations

- 9.1 Students requiring academic accommodations (e.g. extensions on assignments, deferrals of exams, dropping classes, continuing studies from home) or other types of accommodations can be assisted by the SVPRC, and/or other university staff and faculty including but not limited to Student Wellness Services and the Human Rights Office, in seeking those accommodations, in accordance with the university procedures and standards for requesting and granting accommodations.

10 Disclosure

Disclosure without Reporting

- 10.1 A Student affected by Sexual Violence can make a Disclosure.
- 10.2 If a person chooses to Disclose an incident of Sexual Violence but does not want to report the incident through the criminal justice system, or make a Report under this policy, they remain

entitled to access available personal supports and accommodations as appropriate to their circumstances.

- 10.1 A Student who makes a Disclosure about concerning another Student(s) or a Student Group can, without making a Report, pursue informal resolution options with the assistance of a Human Rights Office Advisor. The Human Rights Advisor must apprise the Student of the principles outlined in Section 7 regarding the Limits of Confidentiality. The Human Rights Office or its Advisor must, in all cases, consult with the SVPRC to first determine if the matter can appropriately be dealt with through informal resolution and must report the outcome of any informal resolution to the SVPRC.
- 10.2 With the consent of the Student affected by Sexual Violence, a Human Rights Advisor will take steps appropriate in the circumstances to effect and informal, voluntary resolution with the Student(s) or Student Group alleged to have engaged in Sexual Violence.
- 10.3 The Informal resolution process will be undertaken in accordance with the principles of procedural fairness and the Student(s) or Student Group alleged to have engaged in Sexual Violence will have the right to seek advice and support. The Human Rights Office Advisor will refer them to the Office of the University Ombudsman. A Student affected by Sexual Violence has the right to withdraw from an informal resolution process at any time, and make a Report under this Policy. Similarly, the Student(s) or Student Group alleged to have engaged in Sexual Violence can withdraw from the informal resolution process at any time.
- 10.4 Sexual Violence Prevention & Response Coordinator (SVPRC):
- 10.5 When the SVPRC receives a Disclosure of an incident of Sexual Violence involving a Student and if personal information has been provided with the Student's consent, the SVPRC will contact the Student to offer support and information.
- 10.6 The SVPRC will offer information, supports and options tailored to the person's needs, wishes and circumstances.
- 10.7 The SVPRC may make referrals to both on and off campus resources, discuss and facilitate appropriate accommodations and safety planning, and provide information about informal resolution options, and Reporting under this policy.
- 10.8 The SVPRC can, on a confidential basis, consult with and seek the assistance of other internal personnel or resources to facilitate the safety, follow-up and support of those who have Disclosed an incident of Sexual Violence.

11 Reporting Procedures

- 11.1 A Complainant can file a Report.
- 11.2 The SVPRC is best suited as the first point of contact for everyone in the Queen's Community seeking information about Reporting an incident of Sexual Violence.
- 11.3 Campus Security & Emergency Services (CSES) and/or Student Wellness Services staff can also provide information about Reporting options.
- 11.4 Any person affected by Sexual Violence may pursue any of the following Reporting options:
 - (i) **Criminal Reporting Option:** Individuals may report their allegations through the criminal justice system by contacting the Kingston Police Service. If an individual chooses this route, CSES and/or the SVPRC can facilitate making a report to the police.

(ii) **On-Campus Reporting Options:**

- (a) All Reports of Sexual Violence involving allegations against Students and Student Groups are to be made to CSES or the SVPRC. Upon receipt, the Report shall be provided to the Non Academic Misconduct Intake Office for referral according to the Category 2 NAM Procedures as outlined in this policy.
- (b) All other Reports are to be made to CSES, who will refer the matter to the Associate Vice-Principal (Human Resources), or designate, in the case of a Report against a member of staff or faculty. The procedure to be followed in the case of a Report against a member of staff or faculty is outlined in Appendix A to this Policy.

- 11.5 A Complainant may pursue both the Criminal Reporting Option and the appropriate On-Campus Reporting Option simultaneously.
- 11.6 The university does not have jurisdiction to address allegations of Sexual Violence made against a person who is not a member of the Queen's Community, but a Student may nevertheless use the Disclosure Procedure to access available supports and accommodations.
- 11.7 A Respondent is entitled to seek advice from the Office of the University Ombudsman. The Office of the University Ombudsman is available to provide independent, impartial and confidential advice.
- 11.8 Complainants and Respondents will be provided with information regarding the relevant polices, as well as contacts for support, including confidential counselling and advising services.

12 Interim Measures

- 12.1 Upon receipt of a Report of Sexual Violence, the university will consider, and may impose, interim measures that are appropriate in the circumstances to ensure a safe environment for the Student and a safe campus environment. As it relates to Student-Respondents, the assessment and imposition of interim measures will be coordinated by the Student Conduct Office.
- 12.2 Interim measures may include, but are not limited to:
 - (i) Separation of the academic and living situations of the Student and any Respondent(s);
 - (ii) Temporary administrative suspension of a Student Group;
 - (iii) A No-Contact Directive;
 - (iv) Restriction or suspension of campus privileges;
 - (v) A Notice of Prohibition to alter or suspend a Student-Respondent's access to all or part(s) of University Property;
 - (vi) Interim restrictions or measures permitted pursuant in relation to Student-Respondents under the *ResRules* and the *Athletics and Recreation Discipline Policy*;
- 12.3 A Student-Respondent who is subject to interim measures can seek an expedited review of the interim measures by a Chair of the University Student Appeal Board by filing a request with the Office of the University Ombudsman.

13 Assessment and Investigation

- 13.1 Upon receipt of a Report under 11.4(ii)(a) above, the NAM Intake Office will assess the Report and will decide whether to commence an investigation by forwarding an Incident Report to the Student Conduct Office. If, upon receipt of a case from the NAM Intake Office, the Case

Manager in the student Conduct Office determines the case ought to have been referred elsewhere, the Case Manager may, as noted in Section IV.6 of the *Code*, request that the NAM Intake Office re-direct the case accordingly.

- 13.2 The Student Conduct Office will conduct an investigation, generally in accordance with the “Formal Investigation Process” of the *Interim Procedures Under the Queen’s University Student Code of Conduct, 2016*.
- 13.3 If a Report is not referred for investigation, the Complainant and the Respondent will be notified of this decision in writing, which notification will include the reasons for the decision.
- 13.5 Upon referral of a Report from the NAM Intake Office, a Case Manager in the Student Conduct Office will either begin an investigation or appoint an external investigator with specialized knowledge or expertise.
- 13.6 ***Every Complainant has the right not to participate in an investigation.*** This may impact the scope of the investigation and the university’s ability to draw conclusions from any investigation report that may result.
- 13.7 All investigations will be conducted in accordance with the principles of procedural fairness, including:
 - (i) the Complainant and Respondent will receive notice of the investigation;
 - (ii) the Respondent will know the substance of the allegations and be given an opportunity to respond to the allegations;
 - (iii) the Complainant, Respondent and any witness(es) can be assisted at any investigation meeting by an advisor of the individual’s choice;
 - (iv) the Respondent’s right to be apprised of, and to respond to, any new information obtained during the investigation; and,
 - (v) the right of the Complainant and Respondent to be advised in writing about the outcome of the investigation.
- 13.8 If a Student-Respondent is also an employee, or if multiple Respondents hold different roles, the university will determine the appropriate avenue under which the investigation should proceed.
- 13.9 At any point, the Complainant can request that the university not conduct an investigation and has the right not to participate in any investigation that the university undertakes notwithstanding the Complainant’s request. In these circumstances, the Complainant will be advised that not participating may impact the scope of the investigation and the university’s ability to draw conclusions from any investigation report that may result.
- 13.10 A Complainant may withdraw a Report at any time. If a Report is withdrawn, the university will consider the Complainant’s request but may decide to proceed, in the interest of the health and safety of the Queen’s Community. The Complainant remains entitled to not participate in such investigation. In any event, a Complainant is still entitled to access available supports and receive appropriate accommodations as outlined in this policy.
- 13.11 At any point in the investigation process, an informal resolution may be reached with the consent of the Complainant and Respondent.

14 Decision-Making

- 14.1 The Student Conduct Office will receive and review the investigation report to determine whether the case is to be referred to a Student Conduct Panel for hearing pursuant to *Interim Procedures Under the Queen's University Student Code of Conduct, 2016*. If the Student Conduct Office conducted the investigation, the investigation report shall be reviewed by the Provost and Vice-Principal (Academic) for review, and referral if appropriate.
- 14.2 If it is determined that the complaint is to be referred to the Student Conduct Panel, the proceedings will be brought in the name of the university.
- 14.3 Notwithstanding the normal composition for Student Conduct Panels described in Section 33 of the *Interim Procedures Under the Queen's University Student Code of Conduct, 2016*, a Panel convened under this policy will normally consist of a single member. The Provost and Vice-Principal (Academic) can determine, in his/her sole discretion, that a 3-person Panel is warranted in a specific case. In any event neither a Student nor any faculty member currently teaching the Complainant or Respondent(s) shall be named to any Panel under this policy. The university can engage external panelists where the nature of a specific case requires specialized knowledge or expertise.
- 14.4 The university will provide training and education to members of the Panel about their roles and responsibilities.
- 14.5 The Student Conduct Panel will, in accordance with the "Student Conduct Panel Procedures" under the *Interim Procedures Under the Queen's University Student Code of Conduct, 2016* (Sections 39-75), determine whether or not Sexual Violence occurred and, if so, will conduct a "Sanction Proceeding" described in Sections 76-88 of the *Interim Procedures Under the Queen's University Student Code of Conduct, 2016*.
- 14.6 A Student Conduct Panel is not bound by strict legal procedures. The procedural guidelines are designed to assist in preparing and presenting their case(s), and to ensure they are given a fair opportunity to be heard. The procedural guidelines need not, however, be followed strictly or in their entirety, provided that the requirements of procedural fairness are satisfied.
- 14.7 Decisions related to procedure are made by the Chair of the Student Conduct Panel.
 - (i) the Chair may make preliminary or interim directions about a proceeding, including the power to make directions. The Chair may make procedural rulings concerning the conduct of the hearing, disclosure of documents and attendance of witness, and;
 - (ii) interim directions will only be made after giving both parties a reasonable opportunity to make submissions, usually in writing. There may also be teleconference or other forms of proceeding to resolve interim issues.
- 14.8 The **Parties** in a proceeding before a Student Conduct Panel are:
 - (i) Student Conduct Office, acting for the university and represented by the Case Manager or other person appointed by the Provost to represent the Student Conduct Office; and,
 - (ii) the Respondent(s).
- 14.9 The Respondent and the Student Conduct Office have the right to the assistance of an advisor or other person, including a legal representative, in a proceeding before a Student Conduct Panel.
- 14.10 The Student Conduct Panel shall conduct an oral hearing that considers all information, documents and submissions provided. Both parties to the hearing have the right to appear,

call evidence, make oral representations and cross-examine in accordance with the procedures established by the Student Conduct Panel.

- 14.11 Students affected by Sexual Violence will not be compelled to participate in a proceeding before a Student Conduct Panel, including as a witness; if the Survivor/Victim chooses not to participate, the scope of the proceeding and the Student Conduct Panel's ability to draw conclusions may be impacted.
- 14.12 The burden of proof, which lies with the Student Conduct Office on behalf of the university, required to prove a case of this nature is the balance of probabilities. This means that the evidence the Chair regards as reliable and credible supports the conclusion that it is more likely than not that a Respondent engaged in the behaviour alleged.
- 14.13 If at any time during the investigation or decision-making process the Respondent's relationship with the university comes to an end such that the Respondent is no longer a member of the Queen's Community (this does not include a leave of absence or other temporary break), the university may decide to suspend the process. If the Respondent re-joins the Queen's Community in future, the university will decide whether to reinstate the process.

15 Outcomes and Sanctions

- 15.1 If it has been determined that this policy has been violated a number of outcomes are possible pursuant to the [Student Code of Conduct](#), including:
 - (i) written warning or reprimand
 - (ii) letter of behavioural expectation
 - (iii) educational assignments
 - (iv) university community service
 - (v) behavioral bond
 - (vi) loss of privilege
 - (vii) no contact
 - (viii) notice of prohibition
 - (ix) Requirement to withdraw
- 15.2 In addition to the sanctions described in 15.1, sanctions delineated in the [ResRules](#) and [Athletics and Recreation Discipline Policy](#) will be available in cases arising from those units but which have been referred to the Student Conduct Office.
- 15.3 The decision and outcomes, with reasons, will be provided to the Complainant and the Parties to the proceedings.
- 15.4 Every decision imposing a sanction must describe any mitigating and/or aggravating factors that were considered by the decision-maker.

16 Appeals

- 16.1 The Respondent may appeal to the University Student Appeal Board, pursuant to its procedure, any of the following:
 - (i) a decision of the Student Conduct Panel;
 - (ii) a decision of the Provost, on the recommendation of the Student Conduct Panel, that the Respondent be required to withdraw from the university; and,
 - (iii) a Notice of Prohibition excluding the Respondent from all or part(s) of the university.

17 Third Party and Anonymous Complaints

- 17.1 When a Report of Sexual Violence is made by someone other than a Survivor/Victim, the university's ability to address the allegation will depend on, and will be limited by, a number of factors including the information available and the Survivor/Victim's decision whether or not to participate in an investigation and or a proceeding before a Student Conduct Panel.
- 17.2 When a Report of Sexual Violence is made anonymously, the university's ability to address the allegation will depend on, and will be potentially limited by, a number of factors including the information available to substantiate the allegation and to permit a fair process.

18 Maintenance of Statistics

- 18.1 The SVPRC will maintain annual, anonymized statistics about Disclosures and Reports, as well as information related to the access to supports, services and accommodations involving students, in accordance with legislative requirements. Any external reporting of statistics will be in accordance with provincial regulations.
- 18.2 Campus partners who provide supports and services for Students affected by Sexual Violence will assist the SVPRC in the data collection process.

19 Policy Review

- 19.1 The university recognizes that the issue of Sexual Violence on university campuses is an evolving issue. The university will revisit this policy, its associated resources and other related university policies as appropriate to respond to the evolving landscape.
- 19.2 In any event, the university will review this policy every three years, in consultation with Students, and will amend the policy as appropriate.

20 Special Circumstances

- 20.1 To prevent delay, when positions authorized to exercise responsibility under this policy are vacant or during the unavailability of persons holding those positions, the Provost may designate other persons to exercise their authority under this policy.

21 Related Resources

EMERGENCY

OFF CAMPUS: 911 (24/7)	ON CAMPUS Campus Security and Emergency Services (CSES) 613-533-6111
----------------------------------	---

NON-EMERGENCY

Sexual Violence Prevention & Response Coordinator (SVPRC) 613-533-6330 Bjl7@queensu.ca www.queensu.ca/humanrights/home	Sexual Violence Prevention & Response Coordinator (SVPRC) 613-533-6330 Bjl7@queensu.ca www.queensu.ca/humanrights/home	Campus Security and Emergency Services (CSES) 613-533-6733
---	---	---

FOR AN EXPANDED LIST OF RESOURCES SEE APPENDIX B

22 Related Policies

[Student Code of Conduct, 2016](#)

[Interim Procedures Under the Queen's University Student Code of Conduct, 2016](#)

[Harassment/Discrimination Complaint Policy and Procedure, 2000](#)

Webpage: [Sexual Violence: Assault, abuse, harassment: on-campus and community resources](#)

Resource Poster: [Steps for Students to take after a recent Sexual Assault](#)

[Queen's Sexual Violence Prevention and Response Working Group](#)

Contact Officer	<i>Sexual Violence Prevention & Response Coordinator (SVPRC)</i>
Date for Next Review	<i>TBC</i>
Related Policies, Procedures and Guidelines	<i>Student Code of Conduct Queen's University Senate Policy on Student Rights, Appeals and Discipline</i>
Policies Superseded by This Policy	<i>Prevention and Resolution of Harassment in the Workplace</i>

Queen's acknowledges the tremendous work of the Wilfred Laurier University, University of Toronto and of Carleton University, whose work on this issue has informed and assisted Queen's in its policy development.

**APPENDIX A -
Human Resources and Faculty Relations Office Investigation Procedures:**

1. Upon receiving a Report, Human Resources will determine whether an allegation of Sexual Violence involves a member of an academic bargaining unit administered by the Faculty Relations Office. If so, Human Resources will contact the Faculty Relations Office to determine which department will assume primary responsibility with respect to the matter. If it is determined that the Faculty Relations Office will take primary responsibility, the steps described below with reference to Human Resources will be undertaken instead by the Faculty Relations Office.
2. Human Resources will conduct reasonable inquiries with persons who have information about an incident of Sexual Violence. Based on the information provided, Human Resources will determine whether the information would substantiate an allegation of Sexual Violence, assuming all of the alleged facts were true. If not, the inquiry will not proceed further, but a record of the Report will be maintained. If a Report is not referred for investigation, the Complainant will be notified of this decision in writing, which notification will include the reasons for the decision. The Complainant will also be advised that Human Resources will reconsider the Report if further, significant information is provided. If there is another process or resource at the University that would be more appropriate for the subject matter of the Report, the Complainant will also be advised of this. Human Resources will also advise the Dean of Student Affairs, or designate, of the outcome of its initial inquiry in writing.
3. If the information provided would substantiate an allegation of Sexual Violence, assuming all of the alleged facts were true, an investigation will be conducted. Human Resources will proceed to Step 3 and will keep the Dean of Student Affairs, or designate, apprised as the investigation proceeds, to ensure that the Complainant's rights under the *Policy Involving Sexual Violence Against Queen's University Students* are upheld throughout the investigation.
4. Human Resources will immediately consider whether interim measures are necessary. Interim measures will be implemented where reasonable and appropriate in the circumstances. Human Resources will consult with others as appropriate, including the Dean of Student Affairs, on a confidential basis to determine reasonable interim measures. Interim measures may include employment restrictions and/or non-disciplinary suspension of an Employee-Respondent, pending investigation, pursuant to Human Resources, Faculty Relations and Human Rights policies and procedures, as well as any applicable collective agreement requirements. Human Resources will ensure that measures are implemented to protect the Complainant from retaliation and the threat of retaliation.
5. When an investigation is to be conducted, Human Resources will establish an investigation process that is appropriate in the circumstances. Human Resources will review the collective agreement(s) of any individuals that are subject to investigation, and will ensure the procedural rights granted to those individuals under their respective collective agreements are maintained. For example, some collective

agreements establish timelines for investigations, and impose further requirements upon the University in the course of the investigation. At this stage, consideration will also be given to whether the investigation will be conducted internally or externally. An investigation will not be conducted by an individual who was directly involved in the events in issue.

6. Human Resources will ensure the individuals involved in an investigation, and their advisor, including respective bargaining agent(s) where applicable, are informed of the investigation process that will be adopted in each particular case. At a minimum, any investigation will provide a reasonable opportunity for all parties to understand the allegations, and to submit relevant information. For example, an investigation may include written submissions or witness interviews, depending upon the severity of the allegations.
7. The Ombudsman is available to provide independent, impartial and confidential advice on an ongoing basis to an Employee-Respondent(s) involved in an under these Procedures.
8. An individual, including the Complainant and the Employee-Respondent(s), who attends an interview in an investigation under these Procedures may be accompanied by one advisor. Individuals who choose to attend an interview with an advisor will choose their own advisor and will notify the investigator of their advisor's name at least 24 hours prior to the interview. In the case of an Employee-Respondent who is a member of a bargaining unit, the advisor may be a union representative.
9. The role of an advisor is to support the individual by providing procedural information and/or moral support. During the interview, an advisor will be permitted to speak and ask questions regarding the investigation process, but will not be permitted to make legal submissions or arguments on behalf of the individual, or to disrupt the interview. Exceeding their role or disrupting the interview will result in the advisor being excused from the interview. In any event, individuals who are being interviewed must answer the interview questions themselves.
10. Where an interviewee requires accommodation on the basis of a Protected Ground under the Ontario *Human Rights Code*, they must advise the investigator of their needs at least 36 hours in advance of the interview.
11. Subject to the terms and conditions of any relevant collective agreement, Human Resources will mandate the investigator to determine whether a violation of the *Policy on Sexual Violence Involving Queen's University Students* has occurred. Human Resources will ensure that the results of the investigation are brought to the attention of, and reviewed by, the appropriate person who has charge over the workplace or authority over the Employee-Respondent ("Person(s) of Authority"). Human Resources will advise the Person(s) of Authority with respect to appropriate corrective measures, if any, to be taken, including measures aimed at preventing reprisal, where appropriate.

12. Where an Employee-Respondent is found to have violated the *Policy on Sexual Violence Against Queen's University Students*, corrective measures may include non-disciplinary actions (e.g. education) or disciplinary measures (e.g. a written reprimand, a suspension, or in severe cases, termination). In any event, any corrective measures that are imposed shall be implemented in accordance with applicable collective agreement requirements. Human Resources will also ensure reasonable steps are taken to prevent a recurrence.
13. At the conclusion of each investigation, Human Resources will ensure that the Survivor/Victim and the Dean of Student Affairs are informed, in writing, of the outcome of the investigation, and the corrective action(s) taken. Human Resources will ensure that such information is provided in accordance with the procedural requirements of any relevant collective agreement and applicable laws.

Appendix B - On and Off Campus Resources

ON CAMPUS RESOURCES	OFF CAMPUS RESOURCES
<p>Campus Security and Emergency Services Emergency 613-533-6111 Non-emergency 613-533-6733 www.queensu.ca/security/</p>	<p>Kingston Police Service (24/7) - 911 Non-emergency 613-549-4660 www.kingstonpolice.ca/</p>
<p>Non-emergency Sexual Violence Prevention & Response Coordinator 613-533-6330 Bjl7@queensu.ca www.queensu.ca/humanrights/home</p>	<p>Kingston Interval House Crisis line: 1-800-267-9445 TTY: 613-546-4461 admin@kingstonintervalhouse.com</p>
<p>Elder in Residence Four Directions Aboriginal Student Centre 613-533-6000 x. 79097</p>	<p>Sexual Assault Centre Kingston (24/7) Crisis Line 613-544-6424 www.sackington.com/</p>
<p>Human Rights Office Sexual Harassment & Discrimination Advisor 613-533-6886 (main office) www.queensu.ca/humanrights/home</p>	<p>Sexual Assault/Family Violence Program, Kingston General Hospital (24/7) 613-549-6666 x 4880 www.kgh.on.ca/emergency-care/emergency-care-and-treatment/sexual-assault-and-family-violence</p>
<p>Office of the University Ombudsman ombuds@queensu.ca 613 533-6495 http://www.queensu.ca/ombudsman/home</p>	<p>Good2Talk (24/7) 1-866-925-5454 info@good2talk.ca http://www.good2talk.ca/</p>
<p>Student Wellness Services Counselling 613-533- 6000 x 78264 Health Services 613-533-2506 www.queensu.ca/studentwellness</p>	<p>LGBTQ Youthline 1-800-268-9688 www.youthline.ca</p>
<p>Office of the Interfaith Chaplain 613-533-2186 chaplain@queensu.ca http://www.queensu.ca/chaplain/home</p>	
<p>Society for Graduate and Professional Students - Sexual Health Resource Center www.facebook.com/shrckingston/</p>	
<p>Alma Matter Society - Peer Support Center http://amspeersupport.com/</p>	
<p>Society for Graduate and Professional Students - Student Advisor Program http://sgps.ca/sgps-services/student-advisor-program/</p>	