



**Interim Sexual Assault Support and Response Protocol
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In consultation with:

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HCDS Health Promotions
Faculty Relations
Human Resources (Labour Relations)
Campus Security & Emergency Services
Residence Life

I. PREAMBLE

Sexual assault is a criminal offence in Canada. It violates the integrity and dignity of a person and it can have serious negative impacts on physical, mental, emotional, and spiritual health and wellness. Queen's University recognizes that all members of the University community should be able to work, teach, and learn in an environment where they are free from harassment, discrimination, and violence. Queen's also recognizes that all persons have an inherent right to exercise full control over their own bodies, and to engage only in sexual activity in which they consent to engage.

Queen's University does not tolerate behaviour which contributes to a hostile, inequitable, and/or unsafe living, learning, and working environment. The university expects all members of the campus community to abide by the provisions of the Criminal Code of Canada and all the laws of the land, including those regarding sexual assault.

The university's Harassment and Discrimination Complaint Policy and Procedure¹, collective agreement grievance processes governing unionized employees², Residences Rules and Regulation³, the Student Code of Conduct⁴, and the Senate Policy on Student Appeals, Rights, and Discipline⁵ are complementary to, and not substitutes for, the civil or criminal legal system. University community members alleged to have perpetrated a sexual assault may be subject to the University's administrative processes and discipline systems and/or the criminal justice system.

II. DEFINITIONS

Sexual Assault: for the purposes of this Response Protocol⁶, sexual assault includes any form of unwanted activity of a sexual nature, including kissing, fondling, touching, oral or anal sex, vaginal intercourse or other forms of penetration, that is imposed by one person onto another without consent. Sexual assault can occur if the alleged assailant is a married spouse, an intimate or dating partner, a friend or acquaintance, a known person in a position of authority, or a complete stranger.

Consent: an active, direct, voluntary, unimpaired, and conscious choice and agreement between adults to engage in sexual activity. The consumption of alcohol or drugs does not provide any relief from these necessary elements of consent. If a survivor's judgement is impaired, consent is not valid; similarly, impaired judgement that leads an assailant to *think* or *believe* there was consent is no excuse.

¹ <http://www.queensu.ca/secretariat/policies/senateandtrustees/harassment.html>

² <http://www.queensu.ca/humanresources/employees/unions.html>

³ <http://residences.housing.queensu.ca/wp-content/uploads/2011/10/ResRules-Handbook-2014-20151.pdf>

⁴ http://www.queensu.ca/secretariat/policies/senateandtrustees/Code_of_Conduct_final_2008.pdf

⁵ <http://www.queensu.ca/secretariat/policies/senateandtrustees/SARDPolicy.pdf>

⁶ This definition differs from the legal definition under the *Criminal Code of Canada*.

III. PURPOSE

The purpose of this protocol is three-fold:

1. To broadly communicate the support services and resources available to members of the University community who may be directly or indirectly affected by sexual assault;
2. To facilitate the protection of a campus environment that is free of discrimination, harassment, and violence; and
3. To guide and support the provision of a swift, coordinated, consistent, fair, and transparent response to disclosures and allegations of sexual assault.

IV. SCOPE

This protocol applies to any member of the University community directly or indirectly affected by sexual assault:

- a) whether the sexual assault is alleged to have occurred on or off university property or at a University event, **and**
- b) where either the respondent or both the complainant and respondent are any of the following:
 - students;
 - staff;
 - faculty;
 - volunteers;
 - administrators;
 - members of the Board of Trustees or of the Senate;
 - University visitors; and
 - Employees of organizations representing University employees when on University property.

while acting in a capacity defined by their relationship to the University.

V. CONFIDENTIALITY

Appropriate procedures for responding to a complaint must be followed to ensure due process and to avoid breaching the privacy of anyone who reports or is involved in an alleged sexual assault.

Everyone involved will be informed about the processes in place to safeguard confidentiality, to the greatest extent possible, as well as the limits of confidentiality.

Confidentiality cannot be assured if:

- (a) An individual is judged to be at imminent risk of self-harm;
- (b) An individual is judged to be at imminent risk of harming another;
- (c) There is reason to believe that other university members or the broader community may be at risk of harm; and/or
- (d) Reporting is required by law (e.g., in the case of a minor).

In the case of an alleged assailant who is a University employee, confidentiality will be managed within the context of an investigation that the University may need to conduct in order to meet its legal obligations.

VI. REPORTING SEXUAL ASSAULT

Individuals are strongly encouraged to report any incident of sexual assault they experience or witness. Survivors may seek out any number of the services listed below at any time; however, **immediately after** a sexual assault, they may wish to consider the following steps:

1. Go to a safe place and seek out help.

- **If you live in Residences**, contact your Don or call the front desk of your Residence and ask for the on-call Don. Dons are there to listen and support you.
- **If you don't live in Residences or you are not a student** call or go to a trusted friend's house or shelter if you feel physically and/or emotionally unsafe.

If you need assistance getting to a safe place, call Campus Security & Emergency Services (CS&ES) at (613) 533-6111 – they are available 24 hours a day, 7 days a week.

2. Get medical attention as soon as possible.

- Go to or call the emergency department of the Kingston General Hospital (76 Stuart Street; (613) 548-3322) and ask for the Sexual Assault/Domestic Violence (SA/DV) Nurse. The hospital is open 24 hours a day, 7 days a week. You can also call the SA/DV unit directly at (613) 549-6666 ext. 4880 and ask for the SA/DV Nurse on call.

If you want **accompaniment** to the hospital, call the Sexual Assault Centre Kingston 24 hour crisis line at (613) 544-6424 or the Sexual Health Resource Centre (613) 533-2959, (M-F, 9:30a-9:30p; Sa/Su, 10a-4p)

3. Get advice on available options for reporting.

- Call the Sexual Harassment Prevention Coordinator at the Human Rights Office (Margot Coulter, (613) 533-6886 Mondays to Fridays from 9:00 am to 5:00 pm).
- Call Campus Security & Emergency Services (613) 533-6111 after 4:30 pm on weekdays or anytime on weekends.

You will be informed of options to make a criminal report or a non-criminal complaint. It is your choice to pursue either or both of these options. You will not need to make a final decision on the spot.

4. Seek out counselling.

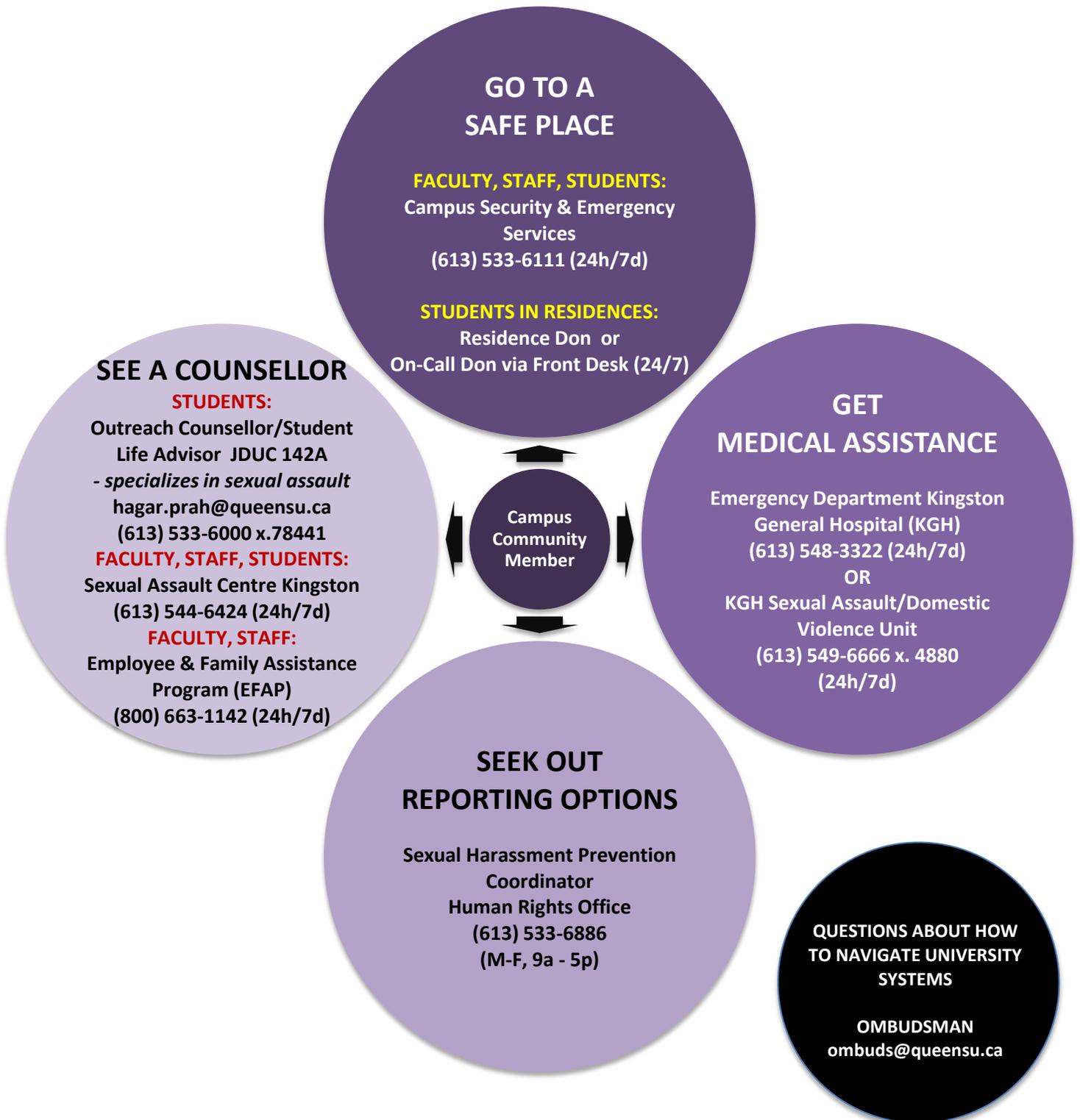
- **Students** can email or call the Outreach Counsellor/Student Life Advisor who specializes in sexual assault (Hagar Akua Prah, hagar.prah@queensu.ca, (613) 533-6000 ext. 78441, JDUC 142A). Every effort will be made to see students who have been recently assaulted within 24 hours of calling.

If you cannot reach the Outreach Counsellor and you need immediate crisis support, call the Queen's Counselling Service (146 Stuart Street, La Salle Building (613) 533-6000 ext. 78264) for an appointment Mondays to Fridays from 8:30 am to 4:30 pm or call the Sexual Assault Centre Kingston 24 hour crisis line at (613) 544-6424.

- **Staff or faculty** can access free and confidential face-to-face or phone counselling through the Queen's Employee & Family Assistance Program (800) 663-1142
- **Anyone can call the 24-hour** Sexual Assault Centre Kingston (613) 545-0762 or the crisis line (613) 544-6424.

If you want advice on how to navigate the university systems and services, contact the Ombudsman at ombuds@queensu.ca.

Figure 1. Recommended Steps to Follow Immediately After a Sexual Assault



VII. CAMPUS AND COMMUNITY SUPPORT SERVICES

The following are available campus and community resources:

On Campus Emergency Service:

Campus Security & Emergency Services 613-533-6111 (24h/7d)

On Campus Advising:

Sexual Harassment Prevention Coordinator, Queen's Human Rights Office
613-533-6886 (M-F, 9a-5p)

University Ombudsperson (respondent advising) ombuds@queensu.ca

Off-Campus Emergency, Legal, and Health Services

Kingston Police Services 911 (24hr/7d)
Kingston General Hospital (KGH) 613-548-3322 (24h/7d)
KGH Sexual Assault/Domestic Violence Program 613-549-6666 x 4880 (24h/7d)

On Campus Professional Counselling Services

Central Counselling Service, HCDS, La Salle Building
Phone: 613-533-6000 x78264 OR Website: www.queensu.ca/hcdis

Outreach Counsellor/Student Life Advisor, Student Affairs, JDUC 142A
(Sexual Assault, Relationship Violence, LGBTQ issues, Social Identity Issues)
hagar.prah@queensu.ca OR 613-533-6000 x78441

Outreach Counsellors in Residences and Faculties/Schools

Off-Campus Counselling and Support Services

Sexual Assault Centre Kingston (counselling) 613-544-6424 (24h crisis line)
Employee and Family Assistance Program 1 (800) 663-1142

On Campus Peer Support

Sexual Health Resource Centre, JDUC Room 223 613-533-2959
(M-F, 9:30a-9:30p; Sa/Su, 10a-4p)

AMS Peer Support Centre, JDUC Room 613-533-6000 x75111 (3p-1a)

VIII. COMMITMENT TO SURVIVORS OF SEXUAL ASSAULT

Sexual assault can have serious negative impacts on an individual's physical, mental, emotional, and spiritual health and wellness. Queen's University recognizes the possible traumatic effects of sexual assault and supports the efforts of individuals to seek support and recover. All survivors of sexual assault can expect to:

- Be treated with compassion, dignity, and respect;
- Be provided with timely safety planning assistance;
- Be informed about on and off-campus support services and resources available to them;
- Be provided with non-judgmental and empathic support;
- Be provided academic and work accommodations as appropriate;
- Determine whether and to whom they wish to report an incident of sexual assault;
- Determine whether to pursue criminal or non-criminal reporting options, if any; and
- Be the final decision-makers about their own best interests.

Where possible, the survivor of sexual assault will retain the control of the processes referenced above. However, the University also has an obligation to the University community to protect it from harm. As such the University reserves the right to initiate an internal investigation and/or inform the police of the need for criminal investigation, even without the consent of the survivor, if it believes that the safety of the University community is at risk.

IX. ACCOMMODATIONS

Students requiring accommodations (i.e., extensions on assignments, deferrals of exams, dropping classes, continuing studies from home, etc.) can make an appointment with a counselor or the Sexual Harassment Prevention Coordinator to discuss documentation to support their accommodation requests. The counselor or Coordinator will liaise with appropriate campus partners and write letters substantiating requests for accommodations as appropriate in their professional opinions.

Employees requiring accommodations can make an appointment with the Sexual Harassment Prevention Coordinator who will liaise with appropriate campus partners, including Human Resources or Faculty Relations, and provide letters substantiating requests for accommodations as appropriate in their professional opinion.

X. OPTIONS FOR SUPPORT AND CRIMINAL/NON-CRIMINAL REPORTING

Survivors of sexual assault may choose one or more criminal and non-criminal options for reporting as well as support.

Any community members may pursue criminal charges under the Criminal Code of Canada⁷. Community members also have the following non-criminal options:

- If the alleged assailant is a member of the Queen's community, file a non-criminal complaint under the Queen's Harassment & Discrimination Policy and Procedure⁸
- If the alleged assailant is a Queen's student living in Residences, file a complaint under the Queen's Residence Conduct System⁹.
- If the alleged assailant is a Queen's employee, file a complaint with the appropriate supervisor and/or consult and seek support from the appropriate union representative and/or member of Human Resources (Labour Relations Advisor or Client Services Manager)¹⁰ or Faculty Relations.

University Non-Criminal Processes

If survivors would like to make a non-criminal complaint to the University, the Sexual Harassment Prevention Coordinator in the Queen's Human Rights Office can explain the processes available through the Harassment and Discrimination Complaint Policy and Procedure. Depending on the circumstances, non-criminal options may include, but are not limited to: "no contact" undertakings with the alleged assailant, on or off-campus safety planning, class scheduling and other academic accommodations, and/or workplace accommodations.

⁷ <http://laws-lois.justice.gc.ca/PDF/C-46.pdf>; Sections 271 – 273.2

⁸ *C. PROCEDURE, I. APPLICABILITY OF PROCEDURE, Who may utilize the Procedure*

1. This Procedure may be utilized by groups as well as individuals and may involve complaints against one or more individuals as well as the University and its various operating units.

The conduct in question may constitute harassment, and a complaint may be brought under this Procedure, whether the conduct occurs on or off campus, and whether it occurs during or outside of working hours.

Members of the community for the purposes of making a complaint under this Procedure, includes former members complaining of any harassment or discrimination suffered while still members of the Community.

Non-community members may also make a complaint against a member of the Queen's community under this policy when the alleged conduct occurred on the Queen's campus, or at any Queen's University sanctioned event, whether this event takes place on or off-campus. As per Article 21.3 of the Collective Agreement, Faculty Members are bound by the provision of this policy, until the conclusion of a formal hearing.

⁹ <http://residences.housing.queensu.ca/wp-content/uploads/2011/10/ResRules-Handbook-2014-20151.pdf>

¹⁰ <http://www.queensu.ca/humanresources/contact/staffcontacts.html>

- Campus Security & Emergency Services may impose or facilitate interim measures to restrict access to some University facilities by the alleged assailant where the university determines there may be a safety risk.
- If either the survivor or the alleged assailant is a student living in Residences, the university may take immediate steps to protect the survivor and potential witnesses, the university community, or any of its members. For instance, the Director of Residence Life may deem it necessary to provide the survivor/complainant and/or the alleged assailant/respondent with alternative housing assignments during an investigation.
- If either the survivor/complainant or alleged assailant/respondent is an employee of the University, Human Resources may impose or facilitate interim measures such as moving the respondent to a different department or placing the respondent on an administrative leave of absence pending resolution of the complaint. For academic staff, a Dean or delegate may need to impose appropriate interim measures in consultation with Faculty Relations.

The use of university administrative processes does not preclude the use of other options outside the university such as criminal proceedings.

Criminal Processes

If a survivor would like to explore criminal reporting options, the Kingston Police can provide information relating to filing a complaint, the investigative process, and criminal charges. Queen's will not identify the survivor to the police without consent. Criminal options may be pursued at any time, even if non-criminal options are also being pursued.

Except in circumstances where there is a serious safety risk to others and the University has a legal obligation that requires it to act, the survivor will always be the one to determine what processes and actions the University pursues.

Survivors can get help from the Queen's Human Rights Office (HRO) and Campus Security & Emergency Services (CS&ES) to navigate criminal processes.

- The Sexual Harassment Prevention Coordinator in the HRO can arrange to have a police officer meet with the survivor on campus to discuss the possibility of making a criminal report.
- The Coordinator can also provide liaison with and accompaniment to members of the Queen's campus community as well as Kingston Police and other justice system partners as appropriate.

- If a survivor decides to make a criminal report, CS&ES can accompany survivors to the police station or have Police attend to campus. If criminal charges are laid, CS&ES will act as a liaison with the Police and inform the survivor of progress in the criminal case, unless reporting restrictions (sealing orders, or other restrictions) have been imposed.

XI. SEXUAL ASSAULT AWARENESS, EDUCATION & TRAINING PROGRAMS

The Health Promotion team within Health, Counselling & Disability Services will collaborate with campus partners, including, but not limited to: Residence Life, Athletics & Recreation, the Student Experience Office, the Human Rights Office, and AMS as well as SGPS affiliated groups (e.g., Social and Equity Commissioners, the Peer Support Centre, and the Sexual Health Resource Centre), to develop and implement appropriate health promotion outreach, including ongoing awareness campaigns and educational and training programs targeting students.

The Human Rights Office team will collaborate with Student Affairs (including Health Counselling & Disability Services, Residence Life), Athletics & Recreation, Human Resources, the AMS as well as SGPS affiliated groups (e.g., Social and Equity Commissioners, the Peer Support Centre, and the Sexual Health Resource Centre), to develop and implement ongoing awareness campaigns and educational and training programs targeting faculty, staff and student groups as appropriate.

XII. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP

The Sexual Assault Prevention and Response Working Group¹¹ is a network of students, faculty and staff convened to mobilize sexual assault prevention and response efforts. Any reports and recommendations of the Working Group will be reported through the Student Affairs Health and Wellness Steering Committee chaired by the Vice-Provost and Dean of Student Affairs.

XIII. RESOURCES

Support Services for Students in Distress

<http://queensu.ca/studentaffairs/sites/webpublish.queensu.ca.vpsawww/files/files/Residence%20Room%20phone%20list%202014.pdf>

What to do if you have been sexually assaulted

<http://www.queensu.ca/studentaffairs/sites/webpublish.queensu.ca.vpsawww/files/files/Sexual%20Assault%20brochure%202014%20.pdf>

Helping a Survivor of Sexual Assault

<http://www.queensu.ca/humanrights/educationalresources/bulletins/sexassault.pdf>

¹¹ For more information on the formation on the Working Group, its objectives, and membership, please visit <http://www.queensu.ca/studentaffairs/health-and-wellness/sexual-assault-prevention-and-response-working-group>

XIV. RELATED POLICIES AND PROCEDURES

Harassment and Discrimination Complaint Policy and Procedure

<http://www.queensu.ca/secretariat/policies/senateandtrustees/harassment.html>

Student Code of Conduct

http://www.queensu.ca/secretariat/policies/senateandtrustees/Code_of_Conduct_final_2008.pdf

Senate Policy on Student Appeals, Rights, and Discipline

<http://www.queensu.ca/secretariat/policies/senateandtrustees/SARDPolicy.pdf>

Residences Rules and Regulation

<http://residences.housing.queensu.ca/wp-content/uploads/2011/10/ResRules-Handbook-2014-20151.pdf>