



Policy on Sexual Violence Involving Queen's University Students

Category: *Board of Trustees*

Approval: *Queen's University Board of Trust*

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

Date Approved: *May 10, 2019 (Date initially approved: Approved December 2, 2016; administratively amended effective January 1, 2018)*

Date of this revision: *March 12, 2020*

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

1.1. Queen's University is committed to maintaining a positive learning, living and working environment in which Sexual Violence will not be tolerated. This Policy reflects 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;
- (iii) the use of a procedure for addressing Complaints of Sexual Violence that meets the requirements of procedural fairness and that is respectful to individuals involved; and
- (iv) the elimination of barriers to Students in responding to and addressing Sexual Violence.

2. Scope of the Policy:

2.1. This Policy applies to all members of the University Community,¹ subject to the following:

¹ Incidents alleging Sexual Violence involving Students at the Bader International Study Centre (the "BISC"), will be managed in accordance with the BISC Sexual Violence policies and procedures, which have been developed using this Policy as a guideline.

- (i) Section 10 only governs Disclosures made by Students. (Employees are encouraged to Disclose incidents to their supervisor, another manager or directly to Human Resources or Faculty Relations).
 - (ii) Section 12 only governs Complaints by or against Students (including students who are also employees of the University).
 - (iii) Complaints that involve employees and no Students (e.g. employee complainant and employee respondent, visitor complainant and employee respondent) will be processed pursuant to the *Interim Workplace Harassment and Discrimination Policy* (or any successor to that policy).
- 2.2.** This Policy shall have force and effect from the day it is approved by the Board of Trustees (“Effective Date”), shall replace and supersede all prior versions of the policy and shall apply to and define all alleged misconduct that falls within the scope of this Policy regardless of when such conduct is alleged to have occurred, except in the case of a Complaint for which an investigation, hearing or appeal has commenced prior to the Effective Date. All such investigations, hearings or appeals shall be completed in accordance with the prior *Policy on Sexual Violence Involving Queen’s University Students* following which this Policy shall apply.
- 2.3.** This Policy is not intended to conflict with provisions in a collective agreement. To the extent such conflict arises, the collective agreement shall prevail.

3. Policy Statement:

- 3.1.** Sexual Violence is prohibited.
- 3.2.** Sexual Violence is a serious problem in society. Queen's University is committed to addressing Sexual Violence in the University Community through support, awareness, education, training and prevention programs, and through appropriate handling of Disclosures and Complaints.
- 3.3.** Sexual Violence can occur between individuals regardless of sexual orientation, gender, gender expression, gender identity, or relationship.
- 3.4.** Sexual Violence can have serious impacts on an individual's physical, mental, and emotional (including 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.

4. Principles Guiding this Policy:

- 4.1.** All individuals who Disclose or submit a Complaint about Sexual Violence will be:
 - (i) treated with compassion, dignity, and respect
 - (ii) provided with non-judgmental support;

- (iii) provided with timely safety planning support; and
 - (iv) informed about on and off campus support services and resources available to them.
- 4.2.** The University recognizes that individuals affected by Sexual Violence are integral decision-makers in situations pertaining to themselves and should be allowed to determine:
- (i) whether or not to pursue formal criminal and/or internal University avenues of redress; and
 - (ii) whether or not to Disclose and seek out supports and accommodation.
- 4.3.** The University will put academic, residence and other accommodations/ considerations in place for individuals who Disclose or submit a Complaint, as reasonable and appropriate to individual circumstances.
- 4.4.** Individuals who Disclose or submit a Complaint shall be protected from reprisal and the threat of reprisal. The University will address the potential for reprisals by holding individuals accountable who engage in or threaten reprisals and by imposing interim measures in response to Complaints.
- 4.5.** The University will provide information to Respondents about sources of support available when faced with a Complaint.

5. Definitions:

- 5.1. Consent:** means an active, direct, voluntary and conscious choice and agreement to engage in sexual activity. For additional clarity:
- (i) a person who is Incapacitated due to the consumption of drugs or alcohol or due to some other reason cannot give Consent;
 - (ii) a person who has been threatened or coerced into engaging in 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 can be assumed to be given for any future sexual activity;
 - (iv) consent may be compromised where individuals are in a position of power, trust or authority over the person whose Consent is required;
 - (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.
- 5.2. Complaint:** a written allegation of Sexual Violence made for the purpose of invoking the processes set out in Section 12 of this Policy.
- 5.3. Complainant:** an individual who has filed a Complaint under this Policy.
- 5.4. (To) Disclose:** to share information about an incident of Sexual Violence with the University

for the purpose of receiving support, counselling or accommodation or to obtain information about how to make a Complaint.

- 5.5. Incapacity (Incapacitated):** an inability to understand the sexual nature of the activity or appreciate the option of declining to participate in the activity. Under this Policy, a person who is significantly impaired (and not merely disinhibited) by alcohol or drugs is deemed to be incapable of consenting, as is a person who is asleep, unconscious or otherwise unable to communicate.
- 5.6. No-Contact Directive:** means a requirement that an individual have no direct or indirect contact with one or more other individuals, including but not limited to contact via phone, text, email, social media or contact through a third party.
- 5.7. 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.
- 5.8. Queen's University Property:** means property owned, rented, or otherwise used, by the University.
- 5.9. Respondent:** a person against whom a Complaint has been filed under this Policy.
- 5.10. Sexual Assault:** means any form of sexual contact without 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.
- 5.11. Sexual Harassment:** means a course of vexatious comment, conduct and/or communication of a sexual nature or based on sex, sexual orientation, gender, gender identify or gender expression that is known, or ought to have been known to be unwelcome. Depending on the circumstances, one incident could be significant or substantial enough to be considered Sexual Harassment. Sexual Harassment includes but is not limited to:
- (i) unwanted sexual solicitations, attention, advances, or comments and gestures (including songs and chants);
 - (ii) the display of sexually suggestive pictures, posters, objects or graffiti;
 - (iii) the implied or express promise of benefits or advancement in return for sexual favours;
 - (iv) threats of reprisals for rejecting unwanted solicitations or advances;
 - (v) engaging in conduct or making comments that creates a poisoned environment to individuals of a specific sex, sexual identify, gender identify or gender expression;
 - (vi) non-consensual posting of pictures, aggressive comments and slurs of a sexual nature on any form of social media or other electronic media.;
 - (vii) physical contact of a sexual nature (including Sexual Assault); and
 - (viii) sexual conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism.

- 5.12. 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 things such as: Sexual Assault; Sexual Harassment; stalking; indecent exposure; voyeurism; and, sexual exploitation.
- 5.13. Student:** means any person who is registered, full-time or part-time, in a course or program of study, including a non-degree diploma or certificate (whether for credit or not), offered through the University, or 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.
- 5.14. Student Group:** means any extracurricular organization or club that is recognized or ratified by the University, by a student government, or, by any authorized agent of the University.
- 5.15. University Community:** includes, without limitation, employees, Students, volunteers, visiting professors, contractors, visitors, Student Groups and other individuals who live, work, or study at, or carry out services for, Queen's.

6. Sexual Violence Awareness, Education and Training

- 6.1.** The Sexual Violence Prevention and Response Coordinator ("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 University 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 will take into account the vulnerability of particular communities to sexual violence and, specifically, the intersection of Sexual Violence with categories such as race, gender, religion, class and ability.
- 6.6.** The University offers training on this Policy, the services of the SVPRC, and information on responding to Disclosures of Sexual Violence. Such training is available to all staff, faculty, students, and members of the governing board and senior administration. **Each employee is strongly encouraged to complete training appropriate to their role within the University.**

7. Academic and Other Types of Accommodation

- 7.1.** Students requiring academic consideration (e.g. extensions on assignments, deferrals of exams, dropping classes) or longer-term academic 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 and Equity Office, in seeking those measures, in accordance with the University procedures and standards for requesting and granting academic consideration or accommodations, as the case may be.
- 7.2.** Interim measures are separate and distinct from academic or other forms of accommodation and will not be imposed in the absence of a Complaint.

8. Confidentiality

- 8.1.** The confidentiality of Disclosures and Complaints shall be maintained whenever possible. The University will treat Disclosures and Complaints of incidents of Sexual Violence in a confidential manner and in accordance with the provisions of provincial and federal legislation.
- 8.2.** In some cases, confidentiality may not be maintained where information needs to be shared in order to address a risk to the health and safety of members of the University Community or where employees are obliged by law to share the information. If the information received by the University suggests any of the circumstances outlined below, the University may not be able to maintain confidentiality:
 - a. There are reasonable grounds to believe that an individual is at risk of self-harm;
 - b. There are reasonable grounds to believe that an individual may pose a threat or risk to a Student who has made a Disclosure or submitted a Complaint about Sexual Violence;
 - c. There are reasonable grounds to believe that an individual may pose a threat or risk to members of the University Community;
 - d. A Residence Don receives information about a Sexual Violence incident that took place in a University residence²;
 - e. Where an investigation or report to authorities is required by law (the following list of examples is not meant to be exhaustive: an incident involving a minor, obligations related to occupational health and safety, human rights legislation, or community safety); or
 - f. Information is required for the investigation of a Complaint (in accordance with the procedure set out in this Policy), a police investigation, or for litigation purposes.

Confidentiality and Complaints

- 8.3.** Complainants and witnesses should be aware that the University will disclose information to Respondents to fairly investigate and resolve Complaints.

² If a Residence Don receives information about an incident of Sexual Violence, they will relay that information to a professional staff member of the Residence Life team. It is outside the scope of the Residence Don position to provide expert guidance to a Student who experienced Sexual Violence or to assess the risk to others in the residence.

Sexual Violence Prevention and Response Coordinator (SVPRC)

- 8.4. The SVPRC may make referrals to both on and off campus resources, discuss and facilitate appropriate accommodations and safety planning, and provide information about submitting a Complaint under this Policy.
- 8.5. The SVPRC may, 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 or filed a Complaint about an incident of Sexual Violence.

9. Substance Use Amnesty for Students who Experience Sexual Violence

- 9.1. The University recognizes that Students who experience Sexual Violence may be reluctant to come forward to Disclose or submit a Complaint of Sexual Violence if they were drinking or using substances at the time the sexual violence took place. A Student who makes a Disclosure, or submits a Complaint, stating that they were an individual who experienced Sexual Violence will not be cited for violations under any Queen's University policies dealing with non-academic misconduct in relation to the use of drugs or alcohol even if they were in violation of such policies during the incident that is the subject of the Disclosure or Complaint.

10. Incident Response and Disclosures

Right to Disclose

- 10.1. Any Student affected by Sexual Violence may make a Disclosure.
- 10.2. If personal security is a concern, Campus Security & Emergency Services (CSES) staff are available on a 24/7 basis and can provide guidance and support. Otherwise, Students should contact the SVPRC.

Response to Disclosures

- 10.3. The University will assess and respond appropriately to every Disclosure with a view to maintaining a living, working, and learning environment free of Sexual Violence.
- 10.4. The University encourages students to contact Student Wellness Services or the off campus resources listed on the [Sexual Violence Prevention and Response website](#) to obtain confidential support.
- 10.5. The University recognizes that Disclosures of an incident of sexual violence are often shared in confidence and that in many cases, confidentiality is essential for Students to come forward. A Disclosure does not initiate a formal Complaint process. If a Student chooses to Disclose an incident of Sexual Violence but does not want to report the incident to the police or Complain under this Policy, they remain entitled to access available personal supports and accommodations/considerations appropriate to their circumstances.
- 10.6. Students who have experienced Sexual Violence might initially Disclose to a trusted faculty or staff member. The Employee receiving a Disclosure should listen, act in a caring and

supportive way, and maintain confidentiality, except where the Student making the Disclosure grants permission to share identifying information or where limits of confidentiality apply as outlined in Section 8 of this Policy.

- 10.7.** All Employees who are not health care providers³ who receive a Disclosure from a Student shall:
- a. Inform the Student about this Policy and of the support services that are available to them. A list of support resources can be found on the Sexual Violence Prevention and Response [website](#);
 - b. Explain the limits of confidentiality to the Student, as outlined in Section 8 of this Policy;
 - c. Emphasize that they are here to help, and part of that help means connecting them with the SVPRC, who can provide professional support and advice on options moving forward. It is up to the Student if identifying information, such as their name and contact information, is shared with the SVPRC;
 - d. For situations where there is an urgent personal safety concern or immediate risk/threat to the Student or members of the University Community, the Employee must contact CSES or 911;
 - e. Notify the SVPRC that a Disclosure has been made via secure electronic means as approved by Queen's Information Security Officer. Employees shall only share the date of the Disclosure and advise if information about this Policy and available supports has been provided to the Student. All initial responses from the SVPRC to an Employee with respect to a notification shall be by way of Queen's email;
 - f. Where the name and contact information has been provided by the Student, the SVPRC will reach out to the Student to offer support. The purpose of the response from the SVPRC is to provide information regarding available supports and resources. It is the choice of the Student whether or not to access support services or resources;
 - g. Where the Student's contact information was not provided, the SVPRC shall contact the Employee who made the notification by Queen's email to provide the same information on supports and resources that would have been provided directly to the Student. The Employee who made the notification will then provide the information on supports and resources to the Student through the Student's preferred method of contact.
- 10.8.** University employees should refrain from judging and, unless trained in providing support to those who have experienced Sexual Violence, refrain from providing advice and from counselling a Student who has made a Disclosure.
- 10.9.** University health care providers shall convey any Disclosure of Sexual Violence to CSES, the police or another person as they deem necessary for the purpose of eliminating or reducing

³ In general, health care providers are doctors, nurses and other professionals who are engaged in providing a service to diagnose, treat or maintain an individual's physical or psychological condition or to prevent disease or injury or to promote health. Such health care providers have profession-specific rules and duties around confidentiality and the circumstances in which it can be breached. Individuals providing academic advice and career counselling are not providing health care.

a significant risk of serious bodily harm to the Student or others.

11. Complaints

Complaint jurisdiction

11.1. The Complaint procedure set out in Section 12 below (the “Procedure”) only applies to Complaints in which:

- (i) the Complainant was a member of the University Community at the time of the alleged incident; and
- (ii) the Respondent was a member of the University Community at the time of the alleged incident; and
- (iii) the Respondent is a member of the University when the Complaint is filed.

11.2. If, at any time during the investigation or decision-making process, the Respondent's relationship with the University ends,⁴ the University may:

- (i) suspend the Procedure, with the option of reinstating it if the Respondent re-joins the University Community; or,
- (ii) continue the Procedure to conclusion, whether or not the Respondent chooses to participate, with any requirement to withdraw being noted on the Respondent's transcript.

11.3. A Student who is also an employee who commits an act of Sexual Violence may face disciplinary consequences both as Student and as an employee.

11.4. Anonymous Complaints will not be processed under the Procedure. They will, however, be referred to CSES for its assessment and response.

Commitment to Fairness

11.5. Investigators, adjudicators and other decision-makers will follow this Policy and, when exercising their discretion, employ a decision-making process that meets the requirements of procedural fairness. This includes:

- (i) the Respondent should understand the allegations and be given a meaningful opportunity to respond;
- (ii) the Complainant and Respondent should have the opportunity to obtain qualified assistance, including by legal counsel; and
- (iii) the Complainant and Respondent should be told why the Complaint was affirmed or denied.

Procedural Entitlements

11.6. The University will ordinarily address Complaints by following the Complaint Procedure,

⁴ This does not include a leave of absence or other temporary breaks

but may depart from the Complaint Procedure where fair, appropriate and/or as required by applicable Collective Agreements.

- 11.7.** The procedural entitlements set out in the Complaint Procedure apply in place of procedural entitlements set out in the Student Code of Conduct, Student Appeals, Rights and Discipline Policy and all other University policies, including procedural entitlements related to notice, hearing entitlements and appeals.

Complainant Support and Participation

- 11.8.** No Complainant is required to participate in an investigation or the other aspects of the Complaint Procedure, including an adjudication of a Complaint. However, Complainants should understand that a decision not to participate may prevent the University from pursuing a Complaint.

Alternative resolution

- 11.9.** The University recognizes that Complainants have a significant interest in the way their Complaints are addressed, but the University can informally resolve a Complaint, with or without the agreement of the Complainant, in circumstances in which it considers such a resolution appropriate. A written record of the resolution will be prepared and may be provided to relevant University administrators as required to implement the terms of resolution.

12. Complaint Procedure

Intake

- 12.1.** Sexual Violence Complaints must be made in writing to the Office of the University Secretariat and Legal Counsel. Complaints must set out all the facts alleged to constitute sexual violence and must attach all documentation upon which the Complainant relies.⁵
- 12.2.** The Office of the University Secretariat and Legal Counsel may decline to refer a Complaint for investigation if the University does not have jurisdiction or if the allegations, if proven to be true, would not constitute Sexual Violence.
- 12.3.** If the Office of the University Secretariat and Legal Counsel refers a Complaint, the referral decision is final and is not subject to review or appeal. Complaints will ordinarily be referred for investigation as follows:
- (i) if the Respondent is a Student, to the Student Conduct Office;
 - (ii) if the Respondent is a faculty member or an academic employee, to Faculty Relations;
 - (iii) if the Respondent is a staff member, to Human Resources;
 - (iv) if the Respondent is a visitor, to CSES; and

⁵ Student complainants may seek assistance in filing complaints from the SVPRC.

- (v) if the Respondent is both a Student and an employee, to the Student Conduct Office and Faculty Relations or Human Resources as applicable, and together those offices will determine whether the investigation will be conducted jointly.

12.4. Interim Measures and Investigation

- (i) Upon receipt of a Complaint, the University may impose interim measures that it deems to be appropriate in light of the Complainant's and Respondent's interests and the need for a safe campus environment. Interim measures are not disciplinary and do not represent a finding of misconduct.
- (ii) Interim measures may involve placing an employee Respondent on administrative suspension, moving a student Respondent from class or residence, imposing a no-contact directive or suspending other campus or work-related privileges.
- (iii) An individual who is subject to interim measures can ask the University official who imposed the measures to reconsider whether they are appropriate, considering the Complainant's and Respondent's interests and the need for a safe campus environment. There is no other right of reconsideration or appeal.

12.5. The Respondent will be notified in writing of the investigation. The notice will:

- (i) include a summary of all the allegations;
- (ii) describe any interim measures;
- (iii) append relevant documentation;
- (iv) identify potential sources of support; and
- (v) indicate how to seek reconsideration of the interim measures.

12.6. The University will then conduct an investigation. Internal and external investigators will ordinarily:

- (i) obtain a written response and documents from the Respondent;
- (ii) interview the Complainant, Respondent and witnesses;
- (iii) record all interviews in writing (i.e., produce witness statements);
- (iv) gather additional relevant documents;
- (v) produce a written investigation report.

12.7. Throughout the investigation, Complainants and Respondents may invite a support person or advisor (including a union or association representative or legal counsel) to meetings with the investigator, though support persons and advisors are not to answer questions and are not to otherwise interfere with the conduct of interviews.

12.8. The University is committed to the thorough and timely investigation of Complaints and to keeping Complainants and Respondents apprised of the status its investigations.

Post-investigation decision

12.9. The process that follows the completion of an investigation depends on whether the Respondent is an employee or a Student.

12.10. When the **Respondent is an employee:**

- (i) Shortly after the investigation is complete, the decision-maker will consider the results of the investigation (and not new allegations or evidence).
- (ii) The decision-maker will decide whether the Complaint is (in whole or in part) supported by the evidence and, if so, decide upon the appropriate sanction.
- (iii) The decision-maker may consult with others as the decision-maker deems appropriate.
- (iv) The decision shall be conveyed in writing to the Respondent and is final. Complainants will be advised of the decision and of relevant corrective action.

12.11. When the **Respondent is a Student:**

- (i) Shortly after the investigation is complete, the Assistant Dean, Support Services and Community Engagement (“Assistant Dean”) will consider the results of the investigation and decide whether to refer the matter for Adjudication.
- (ii) The Assistant Dean will have a discussion with the Complainant and Respondent separately. The discussion will ordinarily address: **(a)** the results of the investigation (and not new allegations and evidence), **(b)** whether or not the Assistant Dean should refer the matter for Adjudication, and **(c)** the possibility of informal resolution.
- (iii) The Assistant Dean may consult with and involve administrators with responsibility for the Respondent.
- (iv) The decision whether or not to refer the matter to Adjudication is made at the sole discretion of the Assistant Dean after consideration of the relevant circumstances, including the strength of the available evidence and whether the matter can be appropriately resolved without referral to Adjudication. A decision to refer or not to refer the matter to Adjudication shall be conveyed in writing and is final and not subject to review or appeal.

12.12. When the **Respondent is a University employee and a Student:**

If the investigation was conducted jointly, the investigation report will be provided to the Student Conduct Office and to Faculty Relations or Human Resources, as applicable, and those offices together will determine the appropriate order of decision-making.

Adjudication proceedings for Student-Respondents

12.13. Referral to decision-maker:

- (i) The matter will be referred by the Assistant Dean to the Vice-Provost and Dean of

Student Affairs. The Assistant Dean will provide the Vice-Provost and Dean of Student Affairs with the Complaint, response and all evidence gathered in the course of the investigation, along with any written investigation report and a recommendation regarding sanction(s).

- (ii) The Vice-Provost and Dean of Student Affairs will conduct a fair hearing and act as decision-maker or delegate this duty to an unbiased and trained member of the University Community (the "Adjudicator").

12.14. Scheduling and notice of hearing:

- (i) A hearing will be scheduled at which the Assistant Dean and the Respondent will be heard.
- (ii) The Adjudicator will give the Respondent and the Assistant Dean at least 14 days written notice of the hearing. The notice shall explain the purpose of the hearing, explain that the Respondent may be accompanied by legal counsel or an advisor, identify the Assistant Dean's recommended sanction and describe the potential consequences of a failure to attend.
- (iii) The Complainant is not a party to the proceeding but will be invited to attend the meeting to answer questions from the Adjudicator. The Complainant will ordinarily have the option of participating via video link (or similar technology) and may be accompanied by a support person (who may be legal counsel).
- (iv) Witnesses other than the Complainant and Respondent will only attend the hearing to give oral evidence if invited by the Adjudicator. If either the Assistant Dean or the Respondent believes that one or more other witnesses should attend, they shall ask the Adjudicator to invite the witness to attend (in writing, explaining why the witness's attendance is necessary) at least seven days before the hearing.

12.15. Pre-hearing disclosure

- (i) At least 14 days before the hearing, the Adjudicator will provide the Respondent with copies of the Complaint, response, all evidence gathered in the course of the investigation and any written investigation report provided the Respondent agrees to any conditions for the secure handling and disposal of the materials that the Adjudicator deems to be appropriate.
- (ii) The Respondent shall hold the materials in strict confidence, shall only use and disclose the materials for the purpose of participating in the hearing and shall comply with all conditions established by the Adjudicator for the secure handling and disposal of the materials.

12.16. Purpose and conduct of the hearing:

- (i) The purpose of the hearing is to allow the Adjudicator to understand the evidence gathered in the investigation, to receive additional evidence as the Adjudicator deems necessary, to decide whether to affirm or deny the Complaint (in whole or in part) and, if the Complaint is affirmed, to impose the appropriate sanction.

- (ii) Whether the Complaint is affirmed or denied (in whole or in part) will be decided by the Adjudicator on a “balance of probabilities”. Determining if something is proven on a balance of probabilities means that it is more likely than not to have occurred.
- (iii) The Adjudicator controls how the hearing will be conducted, but ordinarily follows the below procedure:
 - a. The Assistant Dean and the Respondent will give short (10 minute) statements to set out their positions.
 - b. The Adjudicator will question the Complainant, Respondent and any other witnesses who have been invited to attend.
 - c. The Assistant Dean and the Respondent will give short (20 minute) statements to comment on what was said in the meeting and set out their positions, including their positions on appropriate sanctions.
 - d. The Assistant Dean and the Respondent may provide questions to the Adjudicator that they would like the Adjudicator to ask the Complainant, Respondent and any witnesses at the outset of the hearing. The Adjudicator shall ask all submitted questions that are proper and that seek to elicit relevant evidence that is not already before the Adjudicator.

12.17. If either the Assistant Dean or Respondent believe the ordinary process should be modified or believe any particular procedure is required, they may write the Adjudicator (copying the other party) in advance of the hearing with a request for modification. The Adjudicator shall consider the request (and any objection to it) and shall answer it with a view to conducting a fair hearing. The Adjudicator may seek confidential legal advice to resolve requests for modification and to address other procedural matters.

12.18. If the Adjudicator affirms the Complaint (in whole or in part), the Adjudicator shall consider the following in imposing sanction:

- (i) the sanction or remedy sought by the Assistant Dean and the Respondent’s submission on sanction, if any;
- (ii) the principle of progressive discipline and the University’s role as an educational institution;
- (iii) the nature and severity of the incident; and
- (iv) aggravating, mitigating and any other relevant factors.

12.19. Sanctions may include:

- (i) a written warning or reprimand;
- (ii) a letter of behavioural expectation;
- (iii) educational assignments;
- (iv) an apology;
- (v) University or community service;

- (vi) restitution;
- (vii) a conditional or monetary fine;
- (viii) restriction on, or loss of, privileges;
- (ix) a No-contact Directive;
- (x) Non-academic probation;
- (xi) a Notice of Prohibition; and
- (xii) a Requirement to Withdraw (i.e. suspension or expulsion).

12.20. The Adjudicator may also impose sanctions delineated in the *Residence Community Standards* and *Athletics and Recreation Non-Academic Misconduct Policy* if those documents are applicable to the Respondent.

12.21. Written Decision

The Adjudicator shall ordinarily issue a written decision, with reasons, to the Assistant Dean and the Respondent within seven days after the hearing and shall provide a summary of the decision to the Complainant at the Complainant's request.

13. Appeals

- 13.1.** A Respondent may file a written appeal to the Provost and Vice-Principal (Academic) within ten days of receiving an Adjudicator's decision.
- 13.2.** An appeal is not a re-hearing. A Respondent may only raise the following grounds for appeal: **(a)** the procedure employed by the Adjudicator was unfair and a re-hearing by a new Adjudicator is warranted or **(b)** the Adjudicator's decision is unreasonable considering the evidence put before the Adjudicator.
- 13.3.** The Provost and Vice-Principal (Academic) shall consider the written appeal, may seek written clarification from the Respondent, shall determine whether the appeal should be allowed and shall provide a written decision, with reasons, to the Respondent. The Provost and Vice-Principal (Academic) may seek confidential legal advice in deciding appeals.
- 13.4.** Notwithstanding Section 13 of the Student Appeals, Rights and Discipline Policy and the Appeal section of the Student Code of Conduct, the Provost and Vice-Principal (Academic)'s decision is final and no right of appeal to the University Student Appeal Board (USAB) is available in cases of Sexual Violence.

14. Maintenance of Statistics

- 14.1.** The SVPRC will maintain annual, anonymized statistics about known Disclosures and Complaints, 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.
- 14.2.** Campus partners who provide supports and services for Students affected by Sexual

Violence will assist the SVPRC in the data collection process.

15. Policy Review

- 15.1.** 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.
- 15.2.** At a minimum, the University will review this Policy every three years, in consultation with Students, and will amend the policy as appropriate.

16. Special Circumstances

- 16.1.** Notwithstanding any other provision of this Policy, persons authorized to exercise responsibility under this Policy may delegate their responsibility to address the potential for delay, to address a real, potential or apparent conflict of interest and for other legitimate reasons.

17. Related Resources and Policies

For contact information and a list of on and off campus resources please see the [Sexual Violence Prevention and Response website](#), Appendix A to this Policy, and the following additional resources:.

[Academic Consideration for Students in Extenuating Circumstances](#)

[Interim Workplace Harassment and Discrimination Policy \(Human Resources\)](#)

[Harassment/Discrimination Complaint Policy and Procedure \(Human Rights and Equity\)](#)

[Student Code of Conduct](#)

[BISC Sexual Violence Policy](#)

APPENDIX

CONTACT INFORMATION AND ON AND OFF CAMPUS RESOURCES

For updated information on hours and location please visit

<https://www.queensu.ca/sexualviolencesupport/support-and-services>

ON CAMPUS

Campus Security and Emergency Services

Emergency phone: (613)-533-6111 | Non-emergency: (613)-533-6733

Location: Fleming Hall, Jemmett Wing, Room 202

Sexual Violence Prevention & Response Coordinator

Phone: (613)-533-6330 | Email: BJ17@queensu.ca

Location: B502 Mackintosh-Corry Hall, Human Rights and Equity Office

Student Wellness Services Counselling

Phone: (613) 533-6000 ext. 78264 | Email: counselling.services@queensu.ca

Location: 2nd floor of the LaSalle building until summer 2019 then 1st floor Mitchell Hall

Human Rights and Equity Office

Phone: (613) 533-6886 | Email: hrights@queensu.ca | Location: B506 Mackintosh-Corry Hall

Office of Faith and Spiritual Life

Phone: (613)-533-2186 | Email: chaplain@queensu.ca | Location: Mitchell Hall and West Campus

Four Directions Ingenious Student Centre

Phone: (613)-533-6970 | Location: 144 and 146 Barrie Street

The Sexual Health Resources Centre (SHRC)

Phone: (613) 533-2959 | Location: JDUC, 99 University Avenue

AMS Peer Support Centre

Phone: (613)-533-6000 ext. 32737 | Email: peersupport@ams.queensu.ca

Location: Room 026 and 034, John Deutsch University Centre

SGPS Student Advisor Program

Email: advisors@sgps.ca

Facebook: <https://www.facebook.com/studentadvisorprogram>

Office of the University Ombudsman

Phone: (613) 533-6495 | Email: ombuds@queensu.ca

Location: Robert Sutherland Hall Room 421, 138 Union Street

PEGaSUS Psycho-educational Group for Survivors of Sexual Assault

Contact pegasus.group@queensu.ca for information and to join.

OFF CAMPUS

Kingston Police Service (24/7)

Emergency phone: 911

Non-Emergency phone: 613-549-4600

Location: Police Headquarters, 705 Division Street, Kingston, ON

Sexual Assault Centre Kingston (24/7)

English 24-Hour Crisis and Support Line: 613-544-6424 or 1-877-544-6424

Location: 400 Elliott Avenue Unit 1/bureau 1 (Rockcliffe Plaza), Kingston, ON

Sexual Assault and Domestic Violence Program, Kingston Health Science Centre (24/7)

Phone: (613)-549-666 x 4880; toll-free phone: 1-800-567-5722

Location: Kingston Health Science Centre (Kingston General Site), 76 Stuart Street, Kingston ON

Good2Talk (24/7)

Phone: 1-866-925-5454 | Email: info@good2talk.ca

LGBTQ Youthline

Phone: 1-800-268-9688

Telephone Aid Line Kingston (TALK)

Phone: (613) 531-8529

Assaulted Women's Helpline (24/7)

TOLL-FREE 1-866-863-0511 | TOLL-FREE TTY 1-866-863-7868 | #SAFE (#7233) on your Bell, Rogers, Fido or Telus mobile phone

Crisis Support and Referral Services for Men (24/7)

Phone: 1-866-887-0015

The Centre for Abuse and Trauma Therapy

Phone: (613)-507-2288 | Location: 234 Concession Street, Suite 200, Kingston, ON

Resolve Community Counselling Services

Phone: Non-emergency: (613) 549-7850 | Location: 417 Bagot Street, Kingston, ON