I. General

Α.

C. <u>Step 3:</u> The Disclosee shall inform the Survivor that: the Campus and Community Social Worker will be contacting them with an outreach email or phone call the next business day to offer support and resources; and it will be up to the Survivor to decide whether they wish to access supports/resources or to submit a Complaint.

D. Step 4:

and shall collect the email address or telephone number of preference, not necessarily College email address or telephone number for the Survivor.

- E. <u>Step 5:</u> After receiving the Disclosure and with consent of survivor, the Disclosee shall complete and submit the referral form to allow the Campus and Community Social Worker to provide outreach and support to the Survivor.
- F. <u>Step 6:</u> Upon submitting the form: the Survivor will receive an automated email from Campus and Community Social Worker outlining support options in the moment, if the the Disclosee will receive an automated email from the Campus and Community Social Worker offering to schedule a meeting to debrief the Disclosure.

V. How to Respond to a Disclosure Outside of Regular Business Hours in Residences

A. <u>Step 1</u>: The Disclosee should ask the Survivor if they are feeling safe in the current moment and address any immediate danger, including proximity of perpetrator or thoughts of self-harm or suicide.

- G. <u>Step 9</u> Upon submitting the form, the Survivor will receive an automated email from the Campus and Community Social Worker outlining support options in the moment; and he Disclosee will receive an automated email from the Campus and Community Social Worker offering to schedule a meeting to debrief the Disclosure and offer supports, if required.
- H. In accordance with their professional obligations, regulated University health care providers shall convey any Disclosure to WSCS, the police or another person, as they deem necessary for the purpose of eliminating or reducing significant risk of bodily harm to the Survivor or others, statutory and professional obligations and restrictions.
- I. WSCS shall notify Dean of Students and/or the Campus and Community Social Worker on all Disclosures received by WSCS.
- J. Any Members of College Community who receive a Disclosure may contact the Campus and Community Social Worker, The Dean of Students and/or Human Resources to receive further information in order to support the Survivor.

C. A student who is also an employee who commits an act of Gender-Based and Sexual Violence may be subject to sanctions as both a student and an employee in accordance with the relevant collective or employment agreement and policies.

VIII. Submitting a Complaint and Intake

- A. Members of College Community who experience Gender-Based and Sexual Violence are not required to make a Complaint under this Policy and are not required to request a University investigation in order to receive the Supports and Accommodations outlined in section D. of these procedures.
- B. Gender-Based and Sexual Violence Complaints must be made in writing and submitted using an online form or submitted directly to the Dean of Students Office or in the case of employees to Human Resources. Complaints must:
 - 1. identify the Respondent;
 - 2. set out the relevant facts alleged to constitute Gender-Based and Sexual Violence;
 - 3. Include any documentation (e.g. text messages, social media posts, emails, letters, notes, etc.) upon which the Complainant relies.
- C. As necessary, Student Affairs or the Human Resources will provide Support and accommodations to those Members of College Community who are unable to submit complaints in writing without assistance.
- D. A Complaint against a student or visiting student Respondent shall be investigated and determined in accordance with the process in section F. of these procedures. A Complaint against an employee, emeritus, post-doctoral fellow/associate, visiting professor, or contractor Respondent shall be investigated and determined in accordance with the Harassment Policy and Discrimination Policy and the applicable collective agreement and/employment agreement.
- E. In the case of a Respondent who holds more than one role within College community (for example a student who is also an employee) or in the case of multiple Respondents who hold different roles, The Vice-President and Academic Dean), in their sole discretion, will decide which process will apply in the circumstances of the particular case. In the event the Respondent(s) holds more than one role within College community, they may be subject to more than one process and sanction.

IX. Process for Resolving Complaints against Student Respondents

A. Application

The following complaint process outlined in this section F. of these procedures only
applies to a Complaint involving a Respondent who is a student or visiting student of
College or where the Vice-President (Academic) has determined
that this process shall apply in accordance with their discretion pursuant to section

B. Procedural Rights

1.

in place of procedural rights set out in the Code of Student Conduct, the Discrimination and Harassment Policy and all other University policies, including procedural rights related to notice, limitation periods, hearing entitlements and appeals.

determine whether the factual allegations in the complaint have been established on a balance of probabilities. The investigation report shall not include a determination of whether the Policy has been breached or a recommendation regarding any sanction(s).

- Throughout the investigation, a Complainant and a Respondent may invite a support person or advisor (including legal counsel at their own expense) to meetings with the Investigator. Such support persons and advisors are not to answer questions and are not to otherwise interfere with the conduct of the interview.
- College is committed to the thorough and timely investigation of Complaints and to keeping both the Complainant and the Respondent apprised of the status of investigations. Decision
- 4. The investigation report will be reviewed by the DEAN OF STUDENTS, who will determine whether, on the balance of probabilities, Gender-Based and Sexual Violence occurred and, if so, the appropriate sanction(s), having regard to the factors identified in section F. The

- iv. a behavioural contract;
- v. exclusion from a class or other area;
- vi. restriction or denial of University services or privileges;
- vii. no Contact Order;
- viii. prohibition or limitation of employment;
- ix. prohibition from entering onto campus;

Χ.

G. Appeal

- 1. In the event that the Complainant or Respondent wish to appeal the decision of the DEAN OF STUDENTS,
 - filed by the Complaint or Respondent with the Secretary within two weeks after the decision with respect to the sanction(s) has been issued or, if the Policy is not found to have been breached, within two weeks after the decision has been issued.
- 2. The Appeal Application must contain a copy of the DEAN OF STUDENTS decision, the grounds for the appeal, the outcome sought, and a full statement supporting each ground for the appeal, and all evidence relied upon by the Appellant in support of their Appeal Application. An Application will not be accepted by the Secretary unless the application is complete.
- 3. Filing an Appeal Application will not stay the implementation of any sanction(s) imposed except where the Chair of Appeals Committee otherwise orders upon application of the Appellant.
- 4. Parties to an appeal are the Complainant or Respondent appealing the decision (the DEAN OF STUDENTS.
- 5. An Appellant may only raise the following grounds for appeal:
 - New evidence not available at the time of the earlier decision has been discovered, which
 - ii. Casts doubt on the correctness of the decision;
 - iii. There was a serious procedural error(s) in the hearing of the complaint which was

iv.

- with the Secretary within ten days of receiving the Appeal Application from the Secretary.
- 8. A copy of the Materials shall be provided to the Appellant and the Appellant shall be given an opportunity to file a reply within ten days of receipt of the DEAN OF STUDENTS response. The Appellant shall only use the Materials for the purposes of the Appeal and shall strictly follow any directions issued by the Secretary for the secure handling and disposal of the Materials.
- 9. The Appellant and the DEAN OF STUDENTS shall file all documentary evidence with the Secretary together with the appeal application, response or reply, as applicable. No documentary evidence will be accepted separate from these submissions. The Appeals Committee may waive or vary these timelines under section F. where reasonable and appropriate to do so.
- 10. The Secretary will give the Appellant and the DEAN OF STUDENTS at least 14 days written notice of the hearing. The notice shall explain the purpose of the hearing, explain that legal counsel or another support person may accompany the Appellant and describe the potential consequences of a failure to attend.
- 11. The Complainant or the Respondent who is not an Appellant will be invited to make a submission and attend to answer any questions of the Appeals Committee; they shall have the option to participate via video link (or similar technology) and they may be accompanied by legal counsel or a support person.
- 12. The Appeals Committee will not in the usual course hear from witnesses other than the Complainant and the Respondent. In the event the Appeals Committee determines that they need to hear from witnesses other than the Complainant or the Respondent, the witnesses will only attend the hearing to give oral evidence. If either the DEAN OF STUDENTS or the Appellant believes that one or more other witnesses should attend, they shall ask the Appeals Committee to invite the witnesses to attend
 - necessary) at least ten days before the hearing. In the event the Appeals Committee declines to invite the witness (es) to attend, the Appeals Committee shall advise the parties of the decision prior to the commencement of the hearing.

- The Appeals Committee will question the hearing participants (Complainant, the Respondent, the DEAN OF STUDENTS and/or any other witnesses who have been invited to attend).
- iii. The DEAN OF STUDENTS and the Appellant may provide questions to the Appeals Committee that they would like the Appeals Committee to ask any of the hearing participants (Complainant,
- iv. Respondent, DEAN OF STUDENTS, and any witnesses). All questions shall be provided to the Appeals Committee no later than the outset of the hearing. The Appeals Committee shall ask all submitted questions that are proper and that seek to elicit relevant evidence that is not already before the Appeals Committee.
- v. The DEAN OF STUDENTS and the Appellant will give short (no longer than 20 minute) statements to comment on what was said at the hearing and how what was said supports their positions on the grounds raised in the appeal.
- 14. If either the DEAN OF STUDENTS or Appellant believe that the ordinary process should be modified or believe that any particular procedure is required, they may write the Appeals Committee in advance of the hearing with a request for modification. The Appeals Committee shall provide such request to the other party to the hearing who may object to the proposed modification. The Appeals Committee shall consider the request and any objection to it and shall make a determination with respect to the hearing process with a view to conducting a fair hearing. There is no other right of reconsideration or appeal of the Appeals Committee

and directly from the informal resolution process will not be disclosed to the DEAN OF STUDENTS, nor considered by the DEAN OF STUDENTS

related to Gender-Based and Sexual Violence that promote awareness of the support and services available to Members of the University Community.

4. will provide a

- alcohol or drugs is deemed to be incapable of consenting, as is a person who is asleep, unconscious or otherwise unable to communicate.
- 12. Manager on Call: means the manager in the applicable Residence available to offer resources, support and accommodation in accordance with this Policy or the residence contract.
- 13. Includes employees, emeriti, post-doctoral fellows/associates, students, visiting professors, visiting students, contractors and other affiliated persons.
- 14. **Normal Business Hours:** Means the hours from 9:00 am to 4:00 pm, Monday to Friday, excluding statutory holidays and other University closures.
- 15. Residence
- 16. Respondent
 - a Complaint has been filed against under this policy.
- 17. Secretary of the Board

Get help after hours

Call (519) 646-