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| Number: | RHR-224-c |
| Title: | Prevention of Sexual Violence |
| Person responsible for enforcement: | Rector |
| Entered into force: | May 30, 2018 |
| Approved: | May 30, 2018, by the Board of Governors November 25, 2016, by the Senate <i>This document replaces all previous regulations on this subject.</i> |
| Revision approved: | March 27, 2024, by the Board of Governors <i>This document replaces all previous regulations on this subject.</i> |
| Frequency of revision | This regulation must be reviewed at least every three years by the Committee for the Prevention of Sexual Violence (see articles 8 and 9 of this regulation). |
| Exception: | No exception to this regulation without prior written authorization from the Board of Governors |

1. Statement of values and commitments

- 1.1 The University is committed to creating and maintaining an environment where members of the University community can study and work in an environment free of sexual violence.
- 1.2 The University recognizes that sexual violence is a fundamental affront to a person's rights, dignity and integrity.
- 1.3 The University works to prevent sexual violence, specifically by intervening in a safe manner and denouncing the acts of which she witnesses.
- 1.4 The University ensures that members of the University community who incur sexual violence are supported and treated with compassion and is responsive to their needs.
- 1.5 The University takes fair and expeditious action in response to acts of sexual violence perpetrated against members of the University community.
- 1.6 The University is committed to a survivor-centered approach in addressing issues of sexual violence and implementation of services in French and in English.
- 1.7 The University recognizes and combats widespread social attitudes about gender, sex and sexuality that normalize sexual violence and undermine women's equality.
- 1.8 The University commits to maintaining annual statistics, without identifying information, on disclosed and reported incidents of sexual violence on campus, in accordance with legislative requirements. Statistical reports will be shared externally in accordance with legislative requirements.

- 1.9 The University commits to making available training and awareness sessions to members of the University community with regards to the present regulation on the prevention of sexual violence, with content tailored to the participants and relevant to their role and their responsibilities in responding to sexual violence and dealing with it.
- 1.10 This regulation is in line with the provisions of Ontario's *Occupational Health and Safety Act*, which recognizes that every employee has the right to a safe workplace where their dignity and integrity are preserved and maintained.
- 1.11 In the event of a change in the legal framework, this regulation will be amended accordingly.

2. Objectives

- 2.1 The main objective of this regulation is to reaffirm Saint Paul University's commitment to a safe and healthy campus for a work, study and community life for all members of the University community as well as to provide support to those members of the University community directly affected by sexual violence.
- 2.2 This regulation is also intends to:
 - set out the University's statement of values and commitments to eliminate sexual violence;
 - provide information on available supports and services at the University and in the community and ensure follow-up once an incident is reported to the University;
 - provide information on the University's process for responding to and dealing with incidents and complaints of sexual violence;
 - meet the University's obligations under the *Ministry of Advanced Education and Skills Development Act* and the *Occupational Health and Safety Act* with respect to sexual violence, sexual harassment and workplace sexual harassment.
- 2.3 For clarity, this regulation includes the University's requirements dealing with sexual relationships between staff and students, as described in sections 16.1 (Sexual misconduct by employees) and 17 (Sexual violence involving students) of the Ministry of Training, Colleges and Universities Act.

3. Areas of application and related regulations

- 3.1 This regulation applies to all members of the University community, whether they are in the University's learning or working environment, on or off campus, or interacting through social or other electronic media. The learning and working environment, whether on or off campus, includes any setting where University learning, work or other activities take place, whether in the classroom, lab, in other teaching, research, study or office settings, in a University student residence or in connection with clubs or sport teams.
- 3.2 Related University regulations include regulation *RHR-224-a Prevention of Harassment and Discrimination in the Workplace and Learning Environment*,

regulation *RHR-224-b Prevention of Violence in the Workplace*, regulation *ADM-112 Workplace Health and Safety*, and regulation *RHR-225 Disciplinary Action*.

4. Interpretation

- 4.1 This regulation must be read and interpreted in accordance with the main objectives set out in article 2.1.
- 4.2 The following definitions are intended to assist in the interpretation of this regulation as well as other related University regulations mentioned in article 3.2.

Sexual assault: refers to any physical contact of a sexual nature, without a person's consent, which may include unwanted kissing, fondling, sexual intercourse, oral or anal intercourse, other forms of penetration, or any other unwanted physical contact of a sexual nature.

Survivor-centered approach: refers to a form of intervention that focuses, as far as possible, on the needs of the survivor and respects their choices with regard to decision-making, support and intervention mechanisms.

University community: refers to all persons who have established a link with the University, including but not limited to:

- students, i.e., persons registered as such at the University, either full-time or part-time (including as a special student) in an undergraduate or graduate program;
- staff members, including all teaching and administrative staff, whether unionized or not, and those remunerated by a source other than the University's operating funds, such as fellowships, research grants and external contracts;
- clinical supervisors holding a professorial position, adjunct, visiting and emeritus professors, postdoctoral fellows and trainee researchers;
- contractors, consultants, suppliers or other entities hired by the University to provide goods or services when they are on University premises or performing functions defined by their relationship to the University;
- tenants under contract with the University for the use of University premises, goods or services;
- members of the Board of Governors, the Senate and their respective committees as well as members of advisory committees formed to assist the University in achieving its objectives;
- visitors, including persons with the status of visiting students, such as students enrolled in a single course, volunteers and those who are on University premises to take part in a University event.

Consent: means an active, direct, voluntary, unimpaired, and conscious choice and agreement to engage in sexual activity. Consuming alcohol or narcotics does not remove the obligation of obtaining consent. Consent cannot be given by a person whose judgment is impaired by drugs or alcohol or by other forms of impairment. A person whose judgment is reduced by consuming alcohol or drugs cannot invoke this state of mind as an excuse for their mistaken belief that there was consent. For further clarity, consent:

- cannot be assumed nor implied;
- cannot be given by silence or the absence of refusal;
- cannot be given by a person who is impaired by alcohol or drugs, or is unconscious;

- cannot be given by a person who is asleep;
- cannot be obtained through threats or coercion;
- cannot be given if the person who has used sexual violence is in a position of trust, power or authority;
- cannot be given properly by a person whose condition limits his or her ability for verbal or physical interaction – in such instances, it is extremely important to determine how consent will be obtained;
- can be revoked at any time.

Reporting: refers to an individual's choice to report an incident of sexual violence to a member of the university community. Anyone who makes a report will be informed of the options available to them and the services available to them. Reporting does not mean that an informal or formal process will automatically be initiated.

Sexual misconduct: means any of the following:

- physical intercourse of a sexual nature with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature towards the student by a member of staff if:
 - the act constitutes an offence under the *Criminal Code* (Canada),
 - the act violates the student's right to be free from sexual solicitation or advances under section 7(3) of the *Ontario Human Rights Code*,
 - the act constitutes sexual misconduct as defined in this policy, or contravenes this policy or any other policy, rule or requirement of the institution dealing with sexual relationships between staff and students;
- any conduct by a member of staff that infringes on the right to be free from reprisal or threat of reprisal for refusing to accede to sexual solicitations or sexual advances conferred on a student by paragraph 7 (3) b) of the *Ontario Human Rights Code* ('sexual misconduct') 2022, chap. 22, schedule 1, art.3

Interim measure: refers to a measure put in place to offer support to the survivor.

Complainant or survivor: means a person who has been affected by sexual violence. Although this term is widely used in these rules, the person is always free to choose the term prefer to identify themselves.

Person concerned by the complaint: means the person who is deemed to have used sexual violence and who is the subject of the complaint.

Formal complaint: refers to the survivor's choice to file a formal complaint against a person who allegedly used sexual violence. However, the survivor may, if they prefer, choose alternative means, which does not prevent them from filing a formal complaint at a later date.

Reprisal: refers to gestures or threats intended to punish a person for having filed or withdrawn a complaint of sexual violence, or for having participated in the complaint process, pursuant to this regulation or the provisions of a collective agreement.

Sexual violence: means any sexual act challenging a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without the person's consent. It includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. To be more precise, sexual assault includes rape.

5. Reporting sexual violence to the University

5.1 General provisions relating to the declaration

- 5.1.1 Prior or subsequent to contacting a member of the University community or having reported an incident, a person is encouraged and is always free to consult with or seek the advice and support from the relevant student association, union or other employee group, including with regards to confidentiality, supports, services, and the handling of complaints.
- 5.1.2 When an incident of sexual violence is reported to a member of the University community, the member to whom the incident is reported must inform the person of the present regulation and that Human Resources Services are to be contacted for information as to available supports and services.

5.2 Confidentiality

- 5.2.1 Incidents of sexual violence declared to the University are treated in the utmost confidence and in accordance with the *Freedom of Information and Protection of Privacy Act*.
- 5.2.2 All members of the University community to whom an incident of sexual violence is declared or who participate in handling or investigating the incident must respect the confidentiality of the information confidentiality in order to safeguard persons against whom unsubstantiated allegations are made, protect the rights of the persons to whom the allegations relate, protect them from undue intrusion of privacy and maintain the integrity of the investigation. Refer to article 6.5 for more details on confidentiality related to the formal complaint process.
- 5.2.3 The University commits to make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence and to disclose information on the persons involved to the university staff who must be informed of such information for investigation or corrective actions or for other purposes to resolve the situation. However, the University might face other legal obligations and may not be able to guarantee complete confidentiality in the following circumstances:
- a person is at risk of self-harm;
 - a person is at risk of harming an identified person;
 - members of the University or broader community may be at risk of harm;
 - the declaration or investigation is required by law (for example an incident involving a minor or under the occupational health and safety or human rights legislations).
- 5.2.4 When a survivor or other person requests that the University not act on an incident of reported sexual violence, the University must assess the request against the University's legal obligation to intervene and

provide a learning and working environment which is safe and free from sexual violence for all members of the University community.

5.3 Reporting an incident in an emergency situation – Protection Services

- 5.3.1 In an emergency situation on campus (imminent threat of sexual violence and of harm to a person or incident of ongoing sexual violence) a report can be made to Protection Services:
- Phone (emergency number): 613-236-9000, or ext. 5555.
 - Call 911 for areas not covered by Protection Services.
 - In person: alert a Protection Services Officer.
- 5.3.2 When a person reports an incident of sexual violence to Protection Services, Protection Services must inform Human Resources Services for follow-up, as mentioned in article 5.5.

5.4 Reporting an incident in a non-emergency situation – Human Resources Services

- 5.4.1 Human Resources Services are responsible for handling all reports of sexual violence involving a member of the University community in a non-emergency situation, whether the sexual violence has occurred on or off campus. The Director of Human Resources Services will provide information with regards to available support and services, including information as to interim measures that may be available to respond to the immediate situation (see examples at article 5.5 a) iv of the present regulation). The Director will act as point of contact for a person affected by sexual violence who requests accommodation adjustments for their studies, employment or other.

5.5 Follow-up after reporting an incident

- 5.5.1 When a person reports an incident of sexual violence to Protection Services and/or to Human Resources Services, the Director of Human Resources Services will contact the person for details of circumstances of the incident, the person's needs and expectations, and the outcome sought. The Director will make every effort to assist the person and will discuss with the person options to address or resolve the matter adequately by offering support. The means employed depend on the person's needs and on the circumstances, for example:
- referral to supports, services or appropriate resources available at the University and in the city of Ottawa;
 - provide information as to what measures the person can take or what the Director of Human Resources Services or other person may do to intervene in the situation;
 - contact the alleged perpetrator of the act of sexual violence to inform that person that the conduct is inappropriate;
 - inform the person of interim accommodation measures for studies or work or other measures which can be taken to neutralize the situation, to protect the person from retaliation or the threat of retaliation, to dispel security or of another nature or otherwise offer support (for ex. for students, deferral of

exams or assignments, changes in classes, schedule or housing; for employees, preventative rather than disciplinary changes in order to avoid any contact between the parties or imposing a non-disciplinary paid temporary leave of absence on the person who is alleged to have committed sexual violence;

- provide information as to available methods to facilitate resolution of the matter;
- provide information as to the possibility of filing a formal complaint under article 7;
- provide information as to other existing possibilities to address or resolve the matter.

5.5.2 The Director of Human Resources Services must, if appropriate, mobilize a response team (“Sexual Violence Response Team”) to ensure the safety, follow-up and support for those persons involved in the reported sexual violence incident. The Sexual Violence Response Team members are: the Director of Human Resources Services, the Director of Physical Resources who is responsible for the protection and a representative of the faculty or service associated with the person who reported the sexual violence or the alleged perpetrator of sexual violence. This team must follow the following steps and ensure a follow-up is done:

- inform the person who has experienced sexual violence of the information on internal and external support services and human rights, in addition to the process for handling internal (non-criminal) and external (criminal and other legal proceedings);
- ensure that appropriate accommodation measures for studies and employment or other accommodation and interim measures are available and implemented to neutralize the situation or separate the parties and to ensure a secure environment;
- conduct a threat assessment.

5.5.3 The Response Team can, on a confidential basis, consult or seek the assistance of other internal authorities or resources and consult or seek the assistance of external partners relevant to the particular incident, namely the student association, employee associations, rape crisis centres and psychosocial assistance services.

5.6 Supports and services

5.6.1 A person affected by sexual violence is not required to report an incident or file a complaint of sexual violence through the formal complaint process detailed in this regulation to obtain the supports and services referred to below or to receive accommodation measures corresponding to their needs.

5.6.2 The following supports and services are available at the University to obtain information with regards to sexual violence:

Supports & Services offered by the University:

- Human Resources Services
- Student Counselling Services
- Employee and Family Assistance Program
- University of Ottawa Student Health and Wellness Centre
- University Protection Services

Supports & Services offered by other providers:

- *Centre d'aide et de lutte contre les agressions à caractère sexuel (CALACS)*
- Ottawa Rape Crisis Centre (ORCC)
- Ottawa Police Services
- Sexual Assault and Partner Abuse Program at the Civic Campus of the Ottawa Hospital

6. General provisions relating to the formal complaint process

- 6.1 External recourse: This regulation and the formal complaint process are not intended to prevent or discourage a person from reporting an incident of sexual violence to the police or filing a complaint of sexual violence with the criminal justice system or filing a complaint of sexual harassment with the Ontario Human Rights Tribunal pursuant to the *Ontario Human Rights Code*.
- 6.2 Decision not to file a formal complaint or not to investigate: A person may choose not to file a formal complaint under article 7. In that event or if a request is made to the University not investigate, the full range of supports and services outlined at article 5.6 of the present regulation remain available. Wherever possible, the University will respect the person's decision not to file a formal complaint under this regulation or not to investigate.

However, the University may not be able to respect the person's decision and the Sexual Violence Response Team can initiate an investigation if the Sexual Violence Response Team has reason to believe that a member of the University community or broader community may be at risk of harm or if the Sexual Violence Response Team determines that the University has a legal obligation to investigate. In such instances, the person has the right not to participate in the investigation. If required by the person and subject to the information and privacy legislation, the person will be updated on the status of such an investigation and informed of its result, including consequences or imposed measures, if appropriate. The Sexual Violence Response Team will appoint an investigator who will investigate the incident and who will provide the Sexual Violence Response Team with a written confidential report containing an analysis of the facts and information, the investigator's conclusion whether the sexual violence occurred or not and the role of the alleged perpetrator of the sexual violence. The Sexual Violence Response Team must consult internal authorities with regards to the investigation report and the appropriate measures to settle the matter.

- 6.3 Harassment or discrimination: Regulation *RHR-224-a* applies to complaints of harassment or discrimination which do not involve sexual violence, sexual harassment or workplace sexual harassment. However, only the present regulation applies in cases where a reported incident or complaint of sexual violence also includes harassment or discrimination.

6.4 Support person: The complainant or the respondent may be accompanied by a support person of their choice at any time during the formal complaint process outlined in this regulation. The support person can provide encouragement or other emotional or moral support. The support person, with the complainant's authorization, can speak with the Director and obtain status updates on a complaint. As specified in articles 7.6.2 a) and b) of the present regulation, the support person's role cannot act or speak on behalf of the complainant or respondent; representations (both oral and written) must come directly from the complainant and respondent. The support person must agree in writing to maintain confidentiality in accordance with this regulation.

6.5 Confidentiality

In addition to the provisions on confidentiality detailed in article 5.2 of the present regulation, when a formal complaint is filed under the formal complaint process of this regulation, the following applies:

- 6.5.1 Confidentiality of the information disclosed at any time pursuant to this regulation must be respected wherever possible, in accordance with the University's objective to respond appropriately to the incident and to ensure the safety of members of the University community. This means that information on the incident may be disclosed in accordance with the present regulation to those who need to know in order to investigate or deal with the formal complaint. Wherever possible, the person filing a formal complaint will be consulted before any disclosure of information and will be informed of any decision to disclose and to whom it was disclosed.
- 6.5.2 To ensure a consistent application of the official complaint process pursuant to this regulation, the person filing a formal complaint, the alleged perpetrator of the sexual violence and others who are aware of the incident, including a support person, must respect confidentiality in accordance with this regulation and not make public statements pending the outcome of the complaint. Breaches of confidentiality may jeopardize the proper handling of the incident and how the formal complaint process unfolds, as outlined in the present regulation. If a breach of confidentiality occurs, circumstances surrounding the breach and its impact treating the incident and the fairness in the official complaint process may be considered in the subsequent handling of the matter and the formal complaint.
- 6.5.3 Information disclosed by a person during a mediation session under this regulation is without prejudice to that person and cannot be used during subsequent steps in handling the incident or in the formal complaint process under this regulation. Any mediator in a complaint cannot be compelled to testify in a subsequent proceeding in relation to information disclosed during mediation, unless ordered or compelled by a court, tribunal or arbitrator.
- 6.5.4 Documents and information related to a formal complaint, including the formal written complaint, written responses, witness statements, investigation notes and reports, and investigation reports will be secured by Human Resources Services.

- 6.6 Deadlines and timelines: The deadlines provided in the present regulation are meant to ensure that incidents are dealt with in a timely manner. These may be extended in exceptional and compelling circumstances. In such cases, the Director of Human Resources Services extends a deadline if the request is made in good faith and the extension does not prejudice or harm those involved in the complaint. It can be difficult to determine appropriate timelines for resolution of the complaint, investigation or a final decision in the official process. Therefore, in the absence of the delay mentioned in this regulation, the objective is to always act within a reasonable delay and to always act as quickly as possible in light of the nature and complexity of the circumstances surrounding the complaint and other circumstances which may arise during the process that are beyond the parties' control.
- 6.7 Examples of interim measures: During the formal complaint process under this regulation, interim measures can be taken pending the final decision. Examples of interim measures are outlined in article 5.5 a) iv of the present regulation.

7. Formal complaint process

7.1 Filing a formal complaint

- 7.1.1 Human Resources Services are responsible for receiving and handling formal complaints of sexual violence. Only a person who claims to have been a victim of sexual violence (the "complainant") can choose to file a formal complaint under this regulation.
- 7.1.2 A formal complaint can be filed with the Director of Human Resources Services if the person who is said to have deemed to have used sexual violence is a member of the University community and was a member of the University community at the time of the alleged incidents in the formal complaint (the "respondent").
- 7.1.3 If the respondent's relationship with the University ends and the respondent is no longer associated with the University or present on campus, the formal complaint process in this regulation may be suspended. If the respondent returns to the University and is once again a member of the University community, the formal complaint process may resume. A respondent's temporary absence from the University or a temporary break in their relationship with the University do not prevent a resumption of a formal complaint process when such leave has ended or when the relationship between the University and the respondent resumes.
- 7.1.4 A formal complaint must be submitted in writing and include the name of the respondent, the nature and details of the circumstances, including a detailed description of the acts, the precise dates on which they were committed and names of potential witnesses. The Director will acknowledge receipt, review it and if necessary, seek clarification from the complainant on the information it contains.

7.2 Human Resources Director's assessment

- 7.2.1 The Director will assess the formal complaint and determine whether the conduct forming the basis of the complaint falls within the definition of sexual violence set out in article 3.
 - 7.2.2 If the Director determines that the conduct appears to fall within the definition of sexual violence as set out in article 3 of this regulation, the Director will, within 5 business days following their decision, appoint an investigator pursuant to article 7.4 and inform the complainant in writing. The Director will also notify the appropriate authority (as defined in article 7.4 b) of the receipt of the formal complaint.
 - 7.2.3 If the Director determines that the alleged conduct does not fall within the definition of sexual violence as set out in article 3 of this regulation, the Director will convey their evaluation in writing to the complainant and inform the complainant of their right to request a review under article 7.3 and will provide the complainant with the timelines and procedures for requesting this review.
- 7.3 Review of the Human Resources Director’s assessment
- 7.3.1 A request to review the Director’s assessment of the complaint can only be made if the Director has determined that the complaint did not meet the definition of sexual violence as set out in article 4.
 - 7.3.2 If the complainant disputes the Director’s determination that the complaint does not meet the definition, they may ask the Secretary General to review the Director’s assessment. They must submit their request in writing within 10 business days of the date of the Director’s decision. As a result of the review, the Secretary General’s decision is final and will be communicated in writing to the complainant.
- 7.4 Investigation
- 7.4.1 Where the Director has determined under article 7.2 that the complaint meets the definition of sexual violence, the Director appoints an external investigator, with competence in conducting investigations related to allegations of sexual violence, to investigate the complaint.
 - 7.4.2 In this regulation, the expression “appropriate authority” means the person in a position of authority over the respondent. If the person identified as the appropriate authority in the table below is unable to intervene, then the person who has authority over that person is the appropriate authority. When the following table does not clearly indicate who is the appropriate authority, the Director of Human Resources Services shall have the right to determine who shall be the appropriate authority.

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| Respondent | Appropriate Authority |
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| Undergraduate student, special student, graduate student or postdoctoral fellow | Dean of respondent's faculty |
| Professor (full-time, part-time, adjunct, visiting, emeritus) | Dean of respondent's faculty |
| Dean or Chief Librarian | Vice-Rector, Academic and Research |
| Support staff (unionized and non-unionized) | Director, Dean, Vice-Rector of respondent's service, faculty or office |
| Vice-Rector | Rector |
| Rector | Chair of Board of Governors |
| Member of Board of Governors | Chair of Board of Governors |
| Chair of Board of Governors | Vice-Chair of Board of Governors |
| Contractor, consultant, supplier, volunteer, visitor | Staff in position of authority over the respondent |

7.4.3 Once the Director has appointed an investigator, the Director will immediately send a written notice to the respondent informing them of the formal complaint and name of the investigator as well as a copy of the complaint. The Director must also indicate in the written notice that the respondent will have an opportunity to present a written response to the complaint to the investigator. The Director must immediately notify the complainant of the appointment and name of the investigator. Both the complainant and the respondent will be sent a copy of the formal complaint process in the regulation.

7.4.4 The investigation must be carried out on time and in accordance with the time frames set out in article 6.6. The investigator will ask the respondent to reply in writing to the formal complaint. If the respondent does not reply in writing within the deadline determined by the investigator, the complaint will still be investigated.

7.4.5 The investigator sends the respondent's response to the complainant, who can submit a written reply to the Investigator within the time requested by the investigator. If no written reply is provided within the deadline determined by the investigator, the latter will proceed with the investigation. The respondent will receive a copy of the reply, if any. The investigator will examine all information submitted by the parties as well as any other information gathered during the investigation and conduct all interviews in a fair, impartial and professional manner. The investigator will remind all parties of their obligation to protect and keep confidential all personal information of the parties involved in the investigation.

7.4.6 The investigator must regularly inform the Director as to the evolution of the investigation or at the request of the Director so that the Director may ensure that timelines are met. The Director must inform the complainant and the respondent of the status of the complaint and investigation.

7.5 Investigation report

7.5.1 Upon completion of the investigation, the investigator will send the Director of Human Resources Services a written confidential report containing a brief statement of the facts and information gathered during the investigation, their analysis of the facts and related information as well as their conclusion regarding whether or not an act of sexual violence occurred and the role of the respondent.

7.5.2 The Director of Human Resources Services will send the investigation report to the complainant and respondent and remind them of their obligation to protect and keep confidential the personal information of the parties involved in the investigation and avoid acts of reprisal. The Director of Human Resources Services will appoint a Review Committee as referred to in article 7.6 of this regulation.

7.6 Review Committee

7.6.1 Within five business days after receiving the investigation report, the Director of Human Resources Services appoints three persons to sit on the Review Committee, while taking into consideration the parties involved in the official complaint (for example: if the complainant and respondent are students, the Director must appoint a student to the Review Committee).

- The members of the Review Committee must be familiar with the investigation procedures and the basic principles of fairness in complaint processes. The members of the Review Committee must have taken the training offered or organized by Human Resources Services on sensitive issues surrounding sexual violence, procedures leading to fair resolution and the sanctions or measures appropriate to an incident of sexual violence and which serve to discourage its repetition. This training should not relate to the specific complaint before the Review Committee and should not undermine the autonomy of a Review Committee member to make a decision or a recommendation on the basis of information provided or as his conscience dictates.
- The Director of Human Resources Services sends a copy of the complaint, the response thereto the written replies and the final investigation report to the members of the Review Committee.
- The members of the Review Committee decide amongst themselves who will act as Chair of the Committee.

7.6.2 Within 10 business days following the formation of the Review Committee by the Director of Human Resources Services, the Chair of the Review Committee convenes a meeting and sends a written notice of the meeting to the complainant and the respondent. The meeting notice must

specify the date, time, place and purpose and include a declaration that if the complainant or the respondent does not attend or participate in the meeting, the Review Committee may act in their absence.

- The Review Committee meeting is held in person and in camera. However the support persons referred to in article 6.4 may attend the meeting as observers only and may not speak on behalf of the complainant or the respondent, nor represent them.
- The complainant and the respondent must have the opportunity to submit written and oral submissions at the meeting of the Review Committee, including on the investigation report and any sanctions or measures. It is understood that the complainant and the respondent speak on their own behalf. Members of the Review Committee may ask questions of the complainant and the respondent and summon witnesses as they deem necessary.
- The Review Committee meeting is organized in such a way that the complainant and the respondent are not present at the same meeting. The Review Committee must ensure that the complainant and the respondent are aware of the information on which the Committee will base its decisions and formulate its recommendations and to respond to them, as specified in article 7.6.3.

7.6.3 Upon reviewing the final investigation report and observations made by the complainant and respondent or other stakeholders during the meeting, the Review Committee must:

- determine whether the investigation was fair and conducted properly;
- determine whether or not sexual violence occurred and the role of the respondent;
- recommend consequences or measures it considers appropriate to remedy or mitigate any prejudice or disadvantage caused to studies or employment as a result of the incident, to prevent its reoccurrence and ensure the safety of both the complainant and members of the University community.

7.6.4 Decisions of the Review Committee and grounds invoked in support of the decision must be delivered in writing to the complainant and the respondent within 10 business days following the meeting as per article 7.6.2. The decision of the Review Committee must also be provided to the complainant and the respondent. The decision of the Review Committee will also be transmitted to the Director of Human Resources Services and the appropriate authority. If the Review Committee determines that sexual violence did occur and the respondent was involved, it must also provide a copy of the investigation report to the appropriate authority and all documentation which was presented and that the Committee examined.

7.6.5 The appropriate authority must give due weight to the Review Committee's decisions and:

- decide whether to accept, modify or reject the Review Committee's recommendations as to consequences or measures;
- in cases where a consequence or measure is not within their decision-making authority, recommend to submit such consequence or measure to the University body that has the power to approve or to decide.

No provision of this regulation prevent the appropriate authority from imposing additional consequences or disciplinary measures on employment (for ex.: a reprimand, a suspension, a dismissal or an expulsion).

7.6.6 Consequences or measures in response to sexual violence are based on facts, the severity of the conduct or any mitigating circumstances and other applicable University regulations. When a complaint of sexual violence is substantiated, necessary measures must be taken to prevent its reoccurrence in the future, correct the negative impact of the incident on the complainant and ensure and improve the safety of the complainant and the University community. The following list provides examples of consequences and measures and is not meant to be exhaustive nor presented in order of importance:

- a letter of apology;
- participation in awareness-raising sessions on sexual violence;
- participation in skills development sessions to communicate or resolve conflict;
- prohibiting or restricting access to University campuses or services.

7.6.7 The appropriate authority will decide on consequences or measures and which disciplinary measures to impose within 10 business days after receiving the Review Committee's decision.

They must immediately notify the complainant and the respondent in writing of the following:

- the consequences or measures and any corrective measures that have been or will be taken as a result of the investigation and the Review Committee's report, subject to the access to information and privacy legislation;
- if the appropriate authority decides to reject the Committee's recommendation as to consequences or measures or decides to waive the Review Committee's recommendation, the reasons for their decision to reject or waive the Committee's recommendation;
- the possibility of appealing the final decision with regards to the consequences or measures, as per conditions of article 7.7.

7.7 Appeal

7.7.1 An appeal is not an opportunity for the complainant or the respondent to repeat the information provided to the Review Committee or to the appropriate authority. An appeal is not an automatic right and is not possible unless it meets the following requirements:

- It is an appeal of the final decision of the Review Committee under article 7.6.3.a or b or of the appropriate authority or a University governing body under article 7.6.5. A final decision by the Board of Governors or the Senate may, however, not be appealed.
- An appeal must be filed either by the complainant or the respondent.
- The appeal must be submitted in writing and within 10 business days following the date of the final decision under appeal.
- The appeal request must state the motive for the appeal, the reasons for the appeal, why the appeal should be granted, the supporting arguments and the outcome which is sought.
- The person filling the appeal must demonstrate that:
 - there has been a fundamental procedural error in the final decision and that such error has caused or will cause real harm to the person filling the appeal; or
 - there are new facts relevant to the final decision which were not known or could not have been provided to the Review Committee, the appropriate authority or the University governing body.
- The non-exhaustive list below shows some examples of situations where an appeal would not meet the requirements of article 7.7.1:
 - The appeal refers to the examination of consequences or measures which have not yet been adopted or approved.
 - The appeal repeats arguments made at the meeting of the Review Committee or in written observations and does not contain any new information relevant to the final decision.
 - The appeal merely challenges the conclusion of facts, including the findings on the credibility of witnesses.
 - The appeal raises new arguments which were not presented, but could have been at the Review Committee meeting in written observations or to the appropriate authority or University governing body.
 - The appeal amounts to mere speculation or a summary declaration that a procedural error has caused prejudice. It does not contain convincing detailed information to corroborate the error and does not link the error with actual harm or a reasonable risk of harm to the person seeking the appeal.

7.7.2 The person authorized to render a decision (the “Appeal Authority”) may reject or grant an appeal and in their decision shall take into account the respondent, the person who initially rendered the final decision, the final decision itself as well as the outcome sought. The Director of Human Resources Services will determine the Appeal Authority based on the organizational structure of the University.

7.7.3 The appeal process is conducted in writing. The complainant or respondent, as the case may be, is not required to respond to the appeal unless the Appeal Authority sends a letter requesting them to do so.

- 7.7.4 The Appeal Authority reviews the appeal, consults with the appropriate authority, and if necessary, determines whether the appeal meets the conditions of article 7.7.1 and decides whether to reject or grant the appeal.
- 7.7.5 If the appeal is granted, the Appeal Authority will then decide the next steps depending on the particular situation. The Appeal Authority may refer the matter back to the Review Committee, the Appeal Authority or the University governing authority.

8. Committee on the Prevention of Sexual Violence

The Prevention of Sexual Violence Committee is made up of the members of the Institutional Policy Review Committee RHR-224-a and RHR-224-b and therefore counts representatives of the student population, academic staff, administrative staff and senior management. The committee will report to the Rector, who will inform the Administration Committee on the activities of the committee. The objectives of the committee are essentially as follows:

- Encourage student associations, faculties and administrative units to collaborate in order to promote a safe learning and working environment for members of the University community;
- Receive and examine the annual reports from Human Resources Services with respect to sexual violence, including the following:
 - number of times where students requested and obtained supports, services and accommodation measures following sexual violence, information with regards to supports, services and accommodation measures;
 - initiatives and programs established to promote awareness of the supports and services available to students;
 - number of incidents and complaints of sexual violence reported by students and information on the incidents and complaints;
 - implementation and effectiveness of the present regulation;
- Make recommendations to the Office of the Rector with respect to the present regulation;
- Make recommendations to the Office of the Rector on additional resources required or all other measures to fight against sexual violence;
- Submit an annual report of its activities to the Office of the Rector for the Board of Governors;
- Examine and recommend proposals on new training programs submitted by Human Resources Services and monitor the coordination, implementation and effectiveness of training programs with respect to the prevention of sexual violence;
- Monitor the implementation of academic accommodations and their access as well as other interim measures such as those detailed in article 5.5 a iv in order to fight against sexual violence throughout the campus in a survivor-centered approach.

9. Regulation review, amendments and exceptions

- 9.1 Human Resources Services are responsible for the review and implementation of this regulation which must be reviewed at least every three years.
- 9.2 Amendements

- 9.2.1 Amendments to this regulation, other than those described below, require the approval of the Senate and the Board of Governors.
- 9.2.2 Updates to the following information contained in this regulation do not require approval of the Senate or the Board of Governors:
- the supports and services referred to in article 5.6;
 - the identity of those responsible, offices and services of the University who provide information on supports, services and accommodation measures, or who receive a report or a formal complaint.
- 9.2.3 A copy of the regulation as amended and ratified is posted on the University's website.

Rector's signature:

Date:

Note: To obtain a signed copy of this document, please send a request to the General Secretariat at sec_gen@ustpaul.ca.