Sexual Violence and Sexual Harassment Policy

1.0 Preamble

1.1 Sexual violence and sexual harassment is an unacceptable and prohibited conduct at Crandall University ("the University").

1.2 Crandall University is committed to maintaining a Christ-focused and respectful learning, living, and working environment that respects the rights of all Crandall University community members to learn, live, and work free from sexual violence and sexual harassment.

1.3 Crandall University is committed to keeping its students, employees, and visitors safe from sexual violence and sexual harassment. Sexual violence and sexual harassment undermine the full, free, and safe participation of all members of the University community by creating intimidating, hostile, and/or unsafe learning, living, and working conditions which can negatively impact an individual's academic and/or employment performance and status.

1.4 Crandall University understands and acknowledges that sexual violence and sexual harassment are serious and systemic issues in society and on university and college campuses; a problem perpetuated by prevalent societal attitudes and norms which tolerate, normalize, justify, trivialize, and/or outright condone sexual violence and sexual harassment. These attitudes and social responses normalize sexual violence and shift blame onto those who have experienced sexual violence or sexual harassment.

1.5 Crandall University affirms its commitment to fostering a Christ-focused culture on campus where attitudes and behaviours that perpetuate sexual violence and sexual harassment are challenged, discouraged, and rejected. Crandall University is committed to providing support to those who experience sexual violence and sexual harassment, and serious, timely, and fair responses to any disclosures and reports of sexual violence and sexual harassment.

1.6 The University recognizes that a person who has experienced sexual violence or sexual harassment frequently first talks to a trusted person, such as a friend, colleague, Residence Assistant, or a University employee. A member of the University community who is told about an incident or experience of sexual violence or sexual harassment shall listen compassionately, without judgment, inform the individual about this Policy, and refer the individual to a contact person.

1.7 Crandall University recognizes its responsibility to increase awareness of sexualized violence, work proactively to prevent its occurrence within the University community, support survivors and those who are impacted by sexualized violence, diligently investigate reports of sexualized violence, deal fairly with those accused of sexualized violence, and deal fairly and firmly with those who have been found responsible for violating this Policy.

2.0 Purpose

2.1 The purpose of this Policy is to:

2.1.1 Prohibit all forms of sexual violence and sexual harassment at Crandall University.

2.1.2 Cultivate institutional, collective, and individual responsibility in order to create an environment in which consent and respect are foundational principles and practices at the University.

2.1.3 Establish the role of a sexual violence advisor to ensure that specialized individuals are available to:

a. provide information and support to persons who have experienced sexual violence and sexual harassment;

b. coordinate accommodations and access and/or referrals to services and supports for persons who have experienced sexual violence and sexual harassment;
c. assist students, staff, faculty, or others who make a disclosure or a report against a member of the University Community.

2.1.4 Commit the University to:

a. Respond seriously to disclosures and reports of sexual violence and sexual harassment in a manner that treats all people involved with dignity and respect.
b. Provide information and supports (on and off campus) to people who have experienced sexual violence and sexual harassment.
c. Provide procedurally fair investigations, information, and/or restorative opportunities for all parties involved in an incident of sexual violence or sexual harassment.

3.0 Terminology and Definitions

Accommodations: the provision of an adjustment to address a need of a survivor (e.g. assignment extension, academic work/scheduling, residence reassignment).

Complainant: unless otherwise indicated, refers to a person who allegedly experienced sexual violence or sexual harassment.

Consent: an active, direct, voluntary, unimpaired, and conscious choice and agreement to engage in sexual activity. Section 273.1(1) of the Criminal Code defines consent as a person's voluntary agreement to "engage in the sexual activity in question". Consent means that all persons involved demonstrate, through words and actions, that they freely and mutually agree to participate in a contact or activity. More specifically:

- Consent must be given at the outset and at all stages of physical contact or sexual activity;
- It is the responsibility of all parties to obtain ongoing consent;
- A person cannot give consent on behalf of another person;
- Someone whose judgment is incapacitated by alcohol and/or drugs, is unconscious, is asleep, or is experiencing a traumatic response cannot give consent;
- Consent cannot be assumed nor implied;
- Consent cannot be given by silence or the absence of "no";
- Consent might not be given properly if an individual has a condition that limits their verbal or physical means of interaction;
- Consent can be withdrawn at any time by any participant;
- There is no consent where one person abuses a position of trust, power, or authority over another person;
- Past consent does not imply future consent, and;
- There is no consent when there is coercion, force, threats, or intimidation towards any person, or where there is fraud or withholding of critical information that could affect a person's decision to consent.

Contact Person: a designated Crandall employee or affiliated individual who is trained and available to community members for the purpose of receiving disclosures or reports of sexual violence or sexual harassment and assisting those impacted by sexual violence or sexual harassment with arranging for appropriate academic and non-academic supports. Contact persons are available to assist the University community members with navigating the Sexual Violence and Sexual Harassment Policy. Contact persons may also be appointed as investigators under the provision of the Policy.

Disclosure: refers to a person who has experienced sexual violence or sexual harassment, or a witness to sexual violence or sexual harassment, sharing information about the experience. A disclosure is different than a report and does not automatically initiate a formal investigation by Crandall University.

Formal Resolution: refers to the process set out in Section 16 where a report is investigated by an investigator and where disciplinary, remedial, educational, and/or restorative outcomes may result.

Interim Measures: non-disciplinary and temporary accommodations put in place to maintain a positive, respectful, and productive learning, living, and working environment pending the resolution of a disclosure, report, or informal or formal resolution process. Interim measures do not imply any assumptions of responsibility for involved parties in a report.

Investigator: refers to the person selected from a pool of qualified, experienced, and trained individuals available to conduct investigations under Section 16 of this Policy.

Member of the University Community: consists of:

(a) credit and non-credit students, including distance students;
(b) employees, including faculty and staff;
(c) anyone holding a University appointment;
(d) all persons employed under contracts with University faculty members as the employer who provide research or administrative services directly supporting faculty members' research activities;
(e) anyone contractually required to abide by University policies;
(f) anyone volunteering with a University program or activity; and
(g) members of the Crandall University Board of Governors.

Procedural Fairness: refers to fair and unbiased decision-making (i.e., the fairness of the procedure in which a decision is made) and following a consistent process that allows participants to be heard and treated with respect.

Referral: the act of providing a person who has experienced sexual violence or sexual harassment with the contact information for the sexual violence advisor. Alternatively, with permission from the survivor, the person making the referral can provide contact information for the survivor to the sexual violence advisor.

Report: refers to the formal sharing of information about an experience of sexual violence or sexual harassment by an individual to a contact person, with the intention of initiating an investigation process under this Policy.

Respondent: a person against whom a report of sexual violence or sexual harassment is made. A respondent can be any member of the University community.

Retaliation: Retaliatory acts may include (but are not limited to):

- adverse employment action;
- adverse action relating to participation in an educational or working program;
- unreasonably interfering with the academic or professional career of another individual;
- engaging in conduct which constitutes stalking, harassment, or assault;
- engaging in efforts to have others engage in retaliatory behaviour on one's behalf.

Sexual Harassment: any unwanted comment, gesture or action that is sexual in a nature (aside from unwanted touching of sexual body parts, which is sexual assault), that makes someone feel afraid, embarrassed, uncomfortable, or ashamed. It is not the intention of the person doing the act, but the negative impact of the action that makes a matter sexual harassment. Sexual harassment includes but is not limited to:

a. sexual conduct or comments that are known or ought reasonably to be known as unwelcome, to cause insecurity, discomfort, offence, or humiliation;
b. sexual solicitation or advances where there is ability to confer a benefit on, or deny a benefit to, the person to whom the solicitation or advance is made such as:
    i. when submission to such conduct is made a condition of employment or education, either implicitly or explicitly;
    ii. when submission to or rejection of such conduct is used as a basis for any employment or education-related decision;

c. a reprisal or threat of reprisal against a person for rejecting a sexual solicitation or advance thereby creating a hostile environment;
d. jokes or remarks of a sexual nature, such as comments on a person's appearance, body, or clothing;
e. questions about a person's sexuality, sexual history, or sexual identity;
f. leering, ogling, or sexual gestures;
g. sexual attention such as persistent invitations for dates, flirting, and teasing;
h. the use of sexually degrading words to describe a person;
i. the display of sexually suggesting objects or pictures; and
j. unwelcome remarks based on gender which are demeaning or derogatory.

Sexual Violence: refers to any 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 without that individual's consent. Sexual violence includes all forms of sexual misconduct including acts prohibited in the *Criminal Code* and in provincial human rights legislation, including but not limited to:

- sexual assault;
- sexual exploitation;
- sexual harassment;
- stalking (criminal harassment);
- indecent exposure;
- voyeurism;
- the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video;
- the attempt to commit an act of sexual violence; or
- the threat to commit an act of sexual violence.

Sexual violence can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party.)

Sexual Violence Advisor (Advisor): the person contracted by the University whose roles and responsibilities include responding to disclosures, reports, and referrals, providing options, and coordinating interim measures in consultation with the appropriate departmental vice president. The advisor will provide procedural guidance to both the complainant and respondent. The advisor will act as the liaison between the complainant, respondent, responsible authority, and President's Council.

Sexual Violence Advisory Council: A council appointed by President's Council to respond to reports of sexual violence or sexual harassment. The Council will include:

- the Sexual Violence Advisor
- the Human Resources Manager
- the Vice President for Student Life and Transformation
- two external, independent parties who are members of the Canadian Baptists of Atlantic Canada

Survivor: An individual who has experienced sexual violence or sexual harassment, has made a disclosure of sexual violence or sexual harassment, or identifies as a survivor. The term "survivor" will be used for the purposes of this Policy, but the University recognizes that some people impacted by sexual violence may not identify with this terminology. It is up to the individual to choose how they want to be referred. A survivor may also be a complainant if they have initiated a report under this Policy.

Trauma Informed: refers to an approach to processes, procedures, and service provision that understands and responds to the profound and complex physical, psychological, and social impacts of trauma on an individual and actively works to mitigate harm.

Visitors: persons who are not members of the University community who are engaged in activities on Crandall University's property or with members of the University community. Visitors include suppliers, alumni, donors, and users of University facilities.

4.0 Jurisdiction/Scope

4.1 This Policy applies to all members of the Crandall University community.

4.2 All members of the University community who experience sexual violence or sexual harassment will be offered appropriate support, accommodations, and/or referrals regardless of their role in the University or the role of the person against whom a disclosure or report is made.

4.3 All members of the University community impacted by sexual violence or sexual harassment may access support under this Policy. However, the University only has jurisdiction to investigate reports of sexual violence or sexual harassment that are alleged to have occurred:

a. on any property that is controlled by the University and used for University purposes;
b. when the respondent is or was in a position of power or influence over the complainant's academic or employment status at the University; or
c. at an event or during an activity sponsored by or carried out under the auspices of the University, including but not limited to:
    - athletic events including travel where teams or athletes are representing Crandall University;
    - student life and transformation events including mission trips and CU Serves activities;
    - field trips organized by the University;
    - distance and online courses;
    - placements (including co-op, internships, and practica);
    - academic or professional conferences; and
    - field work.

4.4 If an incident does not meet the above criteria, the University may still take actions to mitigate the impact of the incident on the learning, living, or working environment. If an individual is unsure about whether an incident meets the above criteria, then that individual is encouraged to meet with a contact person or the sexual violence advisor.

4.5 Any member of the University community who has been impacted by sexual violence or sexual harassment may seek accommodations, services, and supports under this Policy. A report is not necessary to access support, accommodations, or interim measures through the sexual violence advisor.

4.6 The University may accept disclosures or reports from individuals who are not members of the University community if the respondent is a member of the University community, or if the incident occurred on University property or in connection with a University activity. See Section 12 for Third Party Reports.

4.7 The University does not have jurisdiction to investigate allegations against a person who is not a member of the University community or who is not currently affiliated with the University. However, under certain circumstances, the University can revoke visitors' access to University property.

4.8 If there is any inconsistency between this Policy and other University policies, the provisions of this Policy shall prevail.

4.9 This Policy and its procedures are separate from any criminal or civil proceedings. The University is responsible for determining whether a University community member has violated this Policy and is not responsible for determining violations of criminal or civil law.

4.10 This Policy applies even if:

a. The survivor is pursuing processes external to the University, including:
    - reporting to police;
    - initiating a civil proceeding; and
    - making a complaint to the applicable Human Rights Commission.
b. The respondent is pursuing processes external to the University, including:
    - criminal investigation or appeal;
    - civil proceeding.
c. The incident or experience reported or disclosed is the subject matter of an investigation and adjudication by an applicable provincial regulatory body.

4.11 Where there are external proceedings (i.e., police investigation or criminal proceeding, civil proceeding, investigation or adjudication by a human rights commission, an investigation or adjudication by the applicable provincial regulatory body) or internal proceedings (i.e., University process for addressing alleged failures to meet professionalism standards) pending against a member of the University community for conduct related to a report, the University may, but does not have to, defer the processing of a report. Accommodations, supports, and services will continue to be offered to survivors.

4.12 Members of the University community have the right to seek assistance from the applicable provincial Human Rights Commission, the Criminal Justice System, and the applicable provincial regulatory body even when actions are being taken under this Policy.

5.0 Policy

5.1 Crandall University is committed to addressing sexual violence and sexual harassment by:

a. implementing and actively promoting trauma-informed education, awareness, prevention, and training programs, in various formats appropriate for diverse audiences;
b. receiving disclosures and reports of sexual violence and sexual harassment;
c. working to remove barriers to disclosures and reports of sexual violence and sexual harassment;
d. communicating the support services and the resources available to all members of the University community who may be directly or indirectly impacted by sexual violence and sexual harassment;
e. supporting survivors, through academic and nonacademic supports as appropriate; and
f. coordinating consistent, fair, and transparent responses to sexual violence and sexual harassment disclosures and reports.

5.2 All members of the University community and visitors have the right to learn, live, and work in a campus environment free from sexual violence and sexual harassment.

5.3 All members of the University community and visitors have a shared responsibility to ensure that the University's learning, living, and working environments are free from sexual violence and sexual harassment.

5.4 No member of the University community or visitor shall commit an act of sexual violence or sexual harassment.

5.5 Disclosures and reports of sexual violence and sexual harassment shall be addressed under this Policy.

5.6 Retaliation of any kind against a person who experienced sexual violence or sexual harassment, made a disclosure or report, or participated in an investigation under this policy is prohibited, including through social or other electronic media. Any member of the University community found to have engaged in retaliation or threatened or attempted retaliation, including by way of a third party, will be subject to disciplinary action under the Student Handbook (for students) or Staff and Faculty Handbooks (for employees).

5.7 A person may also be disciplined for retaliation if that person breaches the confidentiality of a disclosure or report from a survivor or person impacted by sexualized violence or sexual harassment.

5.8 Where a member of the University community witnesses or has reasonable concerns about an act of sexual violence or sexual harassment, such member may submit an anonymous written account to a contact person or the sexual violence advisor. Whether or not an anonymous disclosure can proceed in the absence of an identified complainant will be determined by the sexual violence advisory Council with regard to all the circumstances of the case and the evidence available. Information provided anonymously may also be used as the basis to decide to engage in a process aimed at addressing systemic or cultural concerns.

5.9 A member of the University community who makes a report in good faith will not be subject to disciplinary actions by the University for violations of University policies related to drugs or alcohol at the time the sexual violence or sexual harassment took place.

5.10 A member of the University community who makes a report in good faith, which is later determined to be unfounded or unsubstantiated, will not be subject to disciplinary action under paragraph 4.11 of this Policy.

5.11 A member of the University community who makes a deliberately false report will be subject to disciplinary measures as outlined in the Student Handbook (students), Staff Handbook (staff

members), and Faculty Handbook (faculty members).

5.12 The University recognizes the power dynamics inherent in relationships that are familial, intimate, romantic, or sexual in nature between faculty and students, staff and students, or two employees, within a linear academic, reporting, or supervisory relationship. These relationships are strictly prohibited as per the Conflict of Interest Policy.

6.0 Expectations for Those Who May Engage with the Policy

6.1 The University is committed to supporting all survivors while at the same time instituting fair and impartial response processes.

6.2 The University recognizes the trauma and other serious impacts of sexual violence and sexual harassment on survivors, other members of the University community, and beyond, and is committed to responding in a manner that promotes empowerment and recovery and minimizes re-traumatization.

6.3 The University is committed to trauma-informed practices and responses. This includes providing options to survivors and those impacted by sexual violence or sexual harassment on how to proceed in accessing supports, accommodations, and services, and whether or not to proceed with reporting processes.

6.4 Survivors have the right to choose how and when they engage with the University and the University's formal reporting processes (see section 7.0).

6.5 Individuals will not be blamed for experiencing sexual violence or sexual harassment.

6.6 All persons who disclose or report an experience of sexual violence or sexual harassment to the University can expect:

a. to be treated with compassion, dignity, and respect;
b. to be respected in their choice as to whether they wish to disclose or report their experience;
c. timely assistance with safety planning;
d. information about available on- and off-campus support services and resources;
e. non-judgmental and empathetic support; and
f. a clear explanation of the investigation and adjudication process, updates on the status of the process, and ongoing support if they decide to report their experience.

6.7 Respondents and those who are found responsible under this Policy can expect:

a. to be treated with compassion, dignity, and respect, and provided with support throughout the process;
b. a fair and unbiased process; and
c. a clear explanation of the process, options available to them, and potential outcomes.

7.0 Choice of Process

7.1 Survivors are entitled to choose the process that is best for them.

7.2 Contact persons are available to assist survivors in understanding their options. Individuals are encouraged to communicate with a contact person for advice and referrals.

7.3 Survivors may choose to:

a. disclose their experiences to a member of the University community;
b. make an anonymous report to the University;
c. make a formal report to the University;
d. report to the University through a third party;
e. make a third-party report to the police;
f. report a crime directly to the police;
g. file a human rights complaint with the NB Human Rights Commission; and/or
h. file a civil suit.

These options are not mutually exclusive—a survivor may choose to pursue any, all, or none of them.

7.4 The University will make a mechanism available to survivors to anonymously disclose their experiences to the University so that the University has a record of what happened but not the identity of the person making the disclosure. The University's response to an anonymous disclosure may be limited if the University cannot follow up with the person making the disclosure.

7.5 Disclosures or reports of sexual violence or sexual harassment can occur immediately after the

incident or several months or years later. In the latter case, they might be triggered by another experience. University support systems will be designed to be flexible and open to a diversity of experiences and needs.

7.6 The University recognizes that survivors may not be ready to disclose or report immediately after an incident of sexual violence or sexual harassment. There is no time limit for an individual to disclose or report their experiences and access support under this Policy. The University may not have jurisdiction to investigate an incident if the parties involved are no longer affiliated with the University, or the lapse of time may make it impossible to investigate.

7.7 The procedures associated with this Policy describe the processes that the University will follow. Detailed information about options and what to expect for survivors, respondents, and all parties involved will be provided in multiple formats.

8.0 Principles Related to Disclosures and Reports

8.1 For emergency situations, contact 911. An emergency situation includes:
   a. where somebody has been injured; or
   b. where somebody faces imminent danger.

8.2 A disclosure (see Section 9) and a report (see Section 10) are separate actions. A person who has experienced sexual violence or sexual harassment can choose to take either or both actions.

8.3 A member of the University community may provide the contact person with information on an anonymous basis. Anonymous reports made through a portal will be forwarded to the sexual violence advisor.

8.4 When a member of the University community shares information about an experience of sexual violence or sexual harassment with another member of the University community, the person receiving the disclosure should listen compassionately, inform the person disclosing of this Policy, and refer the individual disclosing to the sexual violence advisor or other available means of reporting.

8.5 The University encourages, but does not require, survivors to seek immediate assistance. Seeking assistance promptly may be important to ensure physical safety, to obtain medical care or emotional support, or to preserve evidence. Full information on accessing immediate assistance as well as external and internal resources will be made available.

8.6 A survivor can, at any time, choose to discontinue accommodations provided through the disclosure or reporting processes or to stop participating in the processing of their report.

8.7 In making any determinations with respect to a disclosure or report, the Sexual Violence Advisory Council may consult with other appropriate University employees for advice. Any sharing of information as part of that consultation will be done in accordance with Section 14 of the Policy and any personally identifying information will only be shared if needed for the case considerations.

8.8 President's Council is to be informed immediately of any report of sexual violence or sexual harassment received while respecting the limits of confidentiality as outlined in Section 14.

9.0 Disclosures

9.1 Survivors may disclose their experiences to any member of the University community. Individuals may disclose for a variety of reasons, including to access support. Individuals who disclose will be taken seriously and can expect to be treated according to the values listed in paragraph 6.6. A disclosure is not a report and will not normally initiate an investigation.

9.2 A University community member is required to disclose information they receive if any of the following circumstances apply:
   a. a person is at risk of self-harm or of harming others;
   b. there is an imminent risk of harm to the University community and/or the broader community;
   c. the information received involves sexual harassment in the workplace;
   d. any person is facing imminent danger; or
   e. disclosure is otherwise required by law.

   In these instances, the minimum amount of information needed to meet legal or other obligations will be disclosed. Any University community member who is unsure about their responsibility to disclose should seek advice from a contact person or the sexual violence advisor.

9.3 Employees who receive a disclosure should ensure that the individual disclosing to them is aware of

this Policy, of the option to seek further assistance from the sexual violence advisor, or to disclose anonymously online or through a contact person.

9.4 Members of the University community who receive a disclosure may communicate with a contact person or the sexual violence advisor for advice.

9.5 Employees who receive a disclosure are encouraged to communicate with the sexual violence advisor to create an anonymous record of the disclosure.

9.6 Unless one of the exceptions in section 9.2 applies, members of the University community who receive disclosures must obtain the consent of the person who disclosed to them before sharing any personal information about the person who disclosed. The nature of the incident may be disclosed anonymously.

10.0 Reports

10.1 A member of the University community who wishes to make a sexual violence or sexual harassment report should communicate with the sexual violence advisor. A report may be made at any time—see section 8.6.

10.2 A University employee, under the advisement of a contact person, may make a report on their own initiative when required to comply with the University's legal obligations and/or its policies or when presented with an allegation that may put the University or its community members at risk.

10.3 The University will promptly respond to reports of sexual violence or sexual harassment made to it under this Policy. All University investigations and adjudicative processes will follow principles of fairness and natural justice and will protect the rights of the complainant, the respondent, and witnesses. Investigators will conduct interviews, document testimony, and consider the totality of the evidence. Upon completion of the investigation, a determination of whether the Sexual Violence and Sexual Harassment Policy has been violated will be made by applying the balance of probabilities standard of proof (i.e. more likely than not).

a. Reports may be made directly, anonymously, or through third parties.
b. The University may be unable to investigate an anonymous or third-party report due to a lack of information from the survivor.
c. Where other sufficient information exists, the Sexual Violence Advisory Council may decide to proceed with an investigation. In such cases, the survivor has the right to not participate in the investigation. The University will act in a trauma-informed manner.
d. If the University does not investigate, a record of the anonymous or third-party report will be retained in office of the Vice President for Administration and Finance under restricted access. Access will be restricted to the sexual violence advisor and President's Council (or delegate).

10.4 The Sexual Violence Advisory Council may consider whether any other steps can and should be taken, which may include increased campus security presence at certain times or in certain places and may provide a recommendation to President's Council for such action.

10.5 Individuals have the right to involve a support person of their choice in any meetings or processes related to a report of sexual violence or sexual harassment.

10.6 If, after reviewing a report of sexual violence or sexual harassment, the University decides not to investigate, this should not be seen as a judgment against any person or a denial that the incident occurred. There are many reasons why the University may not investigate. In all cases, the University will support the complainant even if the University does not investigate the complainant's report. Where the University decides not to investigate, written reasons will be provided to the complainant. The University's decision shall not be discriminatory, arbitrary, or made in bad faith.

10.7 The complainant has the right to withdraw their report at any stage in the process. However, there are circumstances when the University will decide to proceed without the complainant's involvement, such as those listed in section 9.2.

10.8 The complainant has the right to choose how they participate in the investigation, including the right not to participate. However, if the complainant decides to not participate, the University's investigation may be limited. Complainants may choose to be kept informed about the investigation whether or not they participate.

10.9 Formal University reporting options include:

a. making a report under this Sexual Violence and Sexual Harassment Policy; or
b. reporting the incident to their supervisor—for all faculty and staff.

10.10 The University recognizes that being involved in an investigation process can be difficult. The University is committed to treating all individuals involved in a manner that is respectful, trauma-informed, and procedurally fair. All participants have the right to:

a. have the complaint process explained to them;
b. ask questions about the process;
c. receive information about available supports and accountability options; and
d. communicate their own experiences (see Section 19).

11.0 University Reports

11.1 A University Report refers to when the University is the party initiating the report of sexual violence or sexual harassment.

11.2 The University may initiate a University Report where:

a. a survivor has made a disclosure but no report and does not wish to participate in the processing of a report;
b. one or more members of the University community or visitors, by name or anonymously, have provided information about an act of sexual violence or sexual harassment against a member of the University community; or
c. there has been more than one disclosure made about more than one act of sexual violence or sexual harassment by the same respondent.

11.3 No University Report shall be initiated unless one of the circumstances set out in paragraph 11.2 applies and the Sexual Violence Advisory Council determines that:

a. proceeding with the processing of the University Report is in the interest of the health and safety of members of the University community or consistent with its obligations and responsibilities; and
b. it is reasonably likely that sufficient evidence can be obtained to determine if the respondent has committed an act of sexual violence or sexual harassment without the complainant's ongoing involvement.

11.4 A University Report will be processed and responded to in a manner that is consistent with the Sexual Violence and Sexual Harassment Policy except:

a. all references to the report shall be read as "University Report";
b. the survivor will not be required to participate in any way, but will be notified that the University is initiating a University Report;
c. there will be no communication with the survivor about the University Report unless the survivor has indicated they wish to be kept informed.

12.0 Third-Party and Anonymous Reports

12.1 Where a member of the University community witnesses or has reasonable concerns about an incident(s) of sexual violence or sexual harassment involving a person other than themselves, they may submit written or oral information to a contact person (a third-party report) or the sexual violence advisor.

12.2 If a member of the University community wishes to submit a third-party report, if the information relates to an identifiable or identified survivor, the consent of the survivor must be sought before the personal information of the survivor is provided to the contact person. Persons making a third-party report must be cognizant of every person's right to privacy. The report may contain information regarding the incident without the use of the survivor's name or personal information.

12.3 An anonymous report is information provided to the contact person or sexual violence advisor about an incident of sexual violence or sexual harassment anonymously. For example, when the contact person receives a written submission with no name attached to it, or a person visits the contact person but chooses not to disclose their name, or a report is submitted electronically with no name, the report is an anonymous report. An anonymous report may be made by a person who has experienced sexual violence or sexual harassment or a third party.

12.4 The University may be unable to investigate anonymous or third-party reports due to lack of information or out of respect for a survivor who has decided not to come forward, but will use the information to track prevalence and inform policy, prevention, and education initiatives.

13.0 Administration of the Policy and Regulations: Roles and Responsibilities

13.1 The Sexual Violence and Sexual Harassment Policy is constituted under the authority of the Board of Governors of Crandall University.

13.2 President's Council is responsible for the administration of the Policy.

13.3 The Student Life and Transformation Office and Human Resources Office are responsible to:

a. Develop and disseminate information and training on how to appropriately support and refer members of the University community who disclose an experience of sexual violence or sexual harassment.

b. Develop and disseminate information and training on Sexual violence and sexual harassment for the University Community.

13.4 The sexual violence advisor is responsible to:

a. Provide advice, information, support, and resources in relation to the Sexual Violence and Sexual Harassment Policy to survivors and referrals to support for respondents through the Sexual Violence and Sexual Harassment Policy.

13.5 President's Council is responsible to:

a. Ensure that appropriate employees and others affiliated with the University are assigned to carry out the responsibilities of a contact person, sexual violence advisor, and the Sexual Violence Advisory Council;

b. Ensure that other appropriate employees are able to carry out the responsibilities of the sexual violence advisor if they are unable to discharge their responsibilities under the Policy, for any reason; such as a conflict of interest with connection to the survivor or the respondent named in a disclosure or report (i.e., family member or close contact); or the respondent named in a disclosure or report is the Sexual Violence Advisor.

13.6 In the event that the respondent named in a disclosure or report is a member of President's Council, the Board of Governors may retain the services of an external advisor in lieu of the sexual violence advisor and Sexual Violence Advisory Council.

13.7 The sexual violence advisor or any other member of the University community who receives information in carrying out their responsibilities under this Policy, shall disclose any actual or perceived conflict of interest with respect to a disclosure or report.

13.8 Where the complainant or respondent is aware or has reasonable grounds to believe that an undisclosed actual or potential conflict of interest exists with respect to a disclosure or report, they shall report the matter to the sexual violence advisor in a timely manner. In such circumstances, President's Council shall determine the appropriate modification(s). Where the conflict of interest relates to the sexual violence advisor, the existence of the conflict of interest shall be reported directly to President's Council.

13.9 The sexual violence advisor will deliver an annual report to President's Council including trends, areas of concern, training needs, statistics, etc.

14.0 Confidentiality

14.1 Disclosures and reports of sexual violence and sexual harassment will be kept confidential to the greatest extent possible, within the limitations described in this section.

14.2 Where a survivor wishes to make a report, procedural fairness will require disclosure of the complainant's identity and the details of the report to the respondent.

14.3 The University will limit the sharing of information to those within the University who need to know information to carry out their responsibilities under the Policy, including providing interim measures, investigating and decision-making processes, and taking corrective action resulting from those processes. In all cases, the sexual violence advisor will share all relevant information, and only the relevant information, required.

14.4 Confidentiality is limited where information needs to be disclosed to address a serious risk or meet a legal obligation. The University cannot guarantee absolute confidentiality in all cases of a disclosure or report. For example, the University may be required to disclose information and/or undertake its own investigation where:

a. an individual is at risk of imminent and serious harm to themselves or others;

b. there are reasonable grounds to believe that one or more members of the University community or visitors pose a serious and credible risk of harm based on information that has been provided;
c. there is objective evidence of sexual violence, such as evidence of sexual violence in the public realm (for example, a video posted on social media) or otherwise recorded or documented and available to the University;
d. there is a risk to the safety of the University community and/or broader community;
e. there is a legal obligation to report, or investigation is required by law (for example, but not limited to, an incident involving a minor, or obligations related to occupational health and safety or human rights legislation); or
f. there is a legal obligation to act or cooperate in an external process.

14.5 Records of all disclosures, reports, and referrals will be maintained and stored securely and confidentially under the care and control of the sexual violence advisor and the office of the Vice President for Administration and Finance (where a report is filed) in compliance with University policies of privacy, record keeping, and data governance and in compliance with privacy legislation.

14.6 Where the sexual violence advisor is unavailable or the position is vacant, a designate may access records for the purpose of supporting a disclosure or report or implementing supports and interim measures. The designate will be determined by President's Council.

15.0 Determination by Sexual Violence Advisory Council (SVAC)

15.1 Upon receipt of a report, the SVAC will determine:
a. whether the matter falls within the scope of the Sexual Violence and Sexual Harassment Policy
b. whether, if based on the report, there is sufficient information to proceed with an investigation.

15.2 If the SVAC determines that the report potentially meets the definitions of sexual violence or sexual harassment, as defined in this Policy (section 3), they will proceed with the formal resolution process as per Section 16. If the SVAC determines that the report likely does not meet the definitions of sexual violence or sexual harassment, the complainant will be advised in writing of supports and resources as appropriate, and that no further action with respect to the report will be taken and why. If new information is subsequently provided, the decision may be re-evaluated.

15.3 The SVAC may, but is not required to, upon receiving a written request from the respondent via the sexual violence advisor, consider suspending the processing of a report under the Sexual Violence and Sexual Harassment Policy pending completion of all or part of other proceedings referred to in section 4.10 of the Policy to avoid potential procedural unfairness, conflicting and prejudicial outcomes for either party, or where circumstances otherwise warrant.

15.4 Where a report is suspended based on the criteria outlined in paragraph 15.3, support, accommodations, and referrals for the survivor will continue. Interim measures may also remain in place.

16.0 Formal Resolution

16.1 If the Sexual Violence Advisory Council determines that the report will proceed under the formal resolution stream (see paragraph 15.3), they will:
a. provide written notice to the respondent that a report has been brought against them. The notice will include a copy of the report, a copy of the Sexual Violence and Sexual Harassment Policy, details of procedures that will be followed, details of any interim measures imposed, details of available support services (including the right to have present a support person of their choice throughout the process), a reminder that the Policy prohibits retaliation, and contact information for someone to whom questions can be addressed;
b. provide the respondent with ten (10) business days to provide a formal written response to the report and with information about the respondent's opportunities to respond to the allegations. The notice will indicate that the respondent has the right to seek legal advice during the investigation.
c. offer the complainant the opportunity to receive a copy of the respondent's written response to the report, if one is received;
d. appoint an investigator; and
e. provide the investigator with all materials submitted by the complainant and the respondent.

16.2 An independent, internal investigator will be appointed except for the following situations:
   a. the report involves a student and an employee;
   b. the report involves a member of President's Council; or
   c. the report involves a real or perceived conflict of interest, as per the Conflict of Interest Policy.

In the situations above, an external, independent investigator will be contracted by the University.

16.3 The investigator will be a competent person with the appropriate skills, training, and/or experience, as appropriate to the circumstances. The name of the investigator will be provided to the complainant and the respondent.

16.4 All steps under the formal resolution stream will be completed in a timely manner, having regard to the circumstances surrounding a particular report, the Sexual Violence and Sexual Harassment Policy, and requirements of fairness and due process. Wherever possible, the investigation, including the submission of the investigation report, will be completed within sixty (60) calendar days of the receipt of the materials by the investigator. The Sexual Violence Advisory Council may extend this time frame if the situation justifies doing so.

16.5 The investigator will conduct the investigation in a manner consistent with the Sexual Violence and Sexual Harassment Policy, and with the following processes:
   a. The investigator will treat all information received during the investigation in accordance with the confidentiality provisions outlined in section 14 of the Policy and will remind all individuals involved in the investigation of those provisions.
   b. The investigator will give written notice to the complainant and respondent that the allegations set out in the report will be investigated.
   c. The investigator will not require the complainant to participate in the investigation but may request additional clarifying information or evidence to supplement the report or names of any potential witnesses. Where the complainant has received the respondent's written response to the report, the complainant may, but is not required to, submit a reply to the response within a reasonable timeframe as set by the investigator.
   d. The investigator will provide the complainant and the respondent with an opportunity to attend an interview with the investigator, to provide names of any potential witnesses, and to submit any information they wish to have considered as a part of the investigation.
   e. Following each interview, the individual interviewed will be provided with a written summary of the interview and provided a reasonable opportunity to provide comments on the accuracy of the summary. The individual will have five (5) business days to respond to the interview summary.
   f. At the conclusion of the investigation, the investigator will prepare a written investigation report that makes a finding as to whether, on a balance of probabilities (i.e., more likely than not), the respondent has committed an act of sexual violence or sexual harassment against the complainant in violation of the Policy and provide reasons for the finding. Reasons will include a description of what evidence was and was not accepted as well as a weighing of that evidence.
   g. The investigator will provide the investigation report to the Sexual Violence Advisory Council, who will then give a copy of the report to the sexual violence advisor. The SVAC may seek further information or clarification from the investigator before accepting the investigator's report.
   h. Upon receipt of the investigator's report, the SVAC will prepare a written summary of the results of the investigation, with a reminder as to the confidentiality provisions (Section 14), to be provided to the complainant and the respondent by the sexual violence advisor. The University will also make every effort to provide a copy of the investigator's report, which may be partially redacted to address any confidentiality concerns to the complainant and the respondent.
   i. The complainant and the respondent will be given ten (10) business days to provide written comments on the investigator's report.

17.0 Outcomes and Disciplinary Measures – Student Respondent

17.1 The investigation report and any comments received will be provided to President's Council for its review.

17.2 The SVAC will make a recommendation to President's Council regarding any sanctions or if any remedial, or educational outcomes should be imposed. The following factors will be weighed by the SVAC when determining appropriate outcomes and sanctions:

a. nature of the act(s) of sexual violence or sexual harassment;
b. needs of and impact on the complainant and other members of the University community;
c. safety of members of the University community;
d. prevention of further acts of sexual violence and sexual harassment;
e. any mitigating or aggravating circumstances.

17.3 President's Council will review the recommendation from the SVAC and make a determination.

17.4 Within five (5) business days of recommendations from the SVAC, President's Council shall issue a written decision to the SVAC, including reasons for the decision and the disciplinary and/or remedial measures imposed.

17.5 A copy of the decision shall be provided by the sexual violence advisor to the complainant and the respondent. Information on available resources will also be provided to the complainant and the respondent.

17.6 Disciplinary and remedial measures for a finding of a breach of this policy may include, but are not limited to the following:

a. written warning or reprimand;
b. voluntary written apology;
c. mandatory education or training;
d. residence relocation, suspension, or eviction;
e. removal from a course or section of a course;
f. behavioural contract, the breach of which will result in further discipline;
g. no contact/no communication directives;
h. restricting access to all or parts of the University campus;
i. suspension or denial of University privileges, including suspension or removal of a student from a sports team, restricting access to University property, equipment, resources, etc.;
j. suspension of the student from Crandall University for a specified period, after which the student is eligible to return. Conditions for readmission may be specified;
k. expulsion from the University;
l. any other remedy or discipline that is within the power of the University to impose.

18.0 Outcomes and Disciplinary Measures – Employee Respondent

18.1 The investigation report and any comments received will be provided to President's Council for its review.

18.2 The SVAC will make a recommendation to President's Council regarding any remedial or educational outcomes or disciplinary action that should be imposed up to and including termination.

18.3 President's Council will review the recommendations from the SVAC and make a determination.

18.4 Within ten (10) business days of receipt of the recommendations from the SVAC, President's Council shall issue a written decision, including reasons for the decision and the disciplinary and/or remedial measures imposed.

18.5 A copy of the decision shall be provided by the sexual violence advisor to the complainant, and the respondent. Information on available resources will also be provided to the complainant and the respondent.

18.6 Documents received during the report process will be retained by the human resources department.

18.7 In the event that a report is made against a student employee, the process will go forward under the section labelled Outcomes and Disciplinary Measures – Student Respondent (section 17).

19.0 Reviews and Appeals

19.1 Review or appeal under this Policy is not a hearing or re-hearing of the evidence and is limited to the grounds noted in this section. In most cases, the review will be heard in writing only.

19.2 Any disciplinary or remedial measures ordered by the President's Council will remain in force until the review or appeal is decided.

19.3 A complainant or respondent may appeal a decision and request a review of a finding in the investigation report or a decision of President's Council only on the following grounds:

a. There was a fundamental procedural error and the outcome of the decision was substantially affected thereby;

b. The investigator's decision as to whether a breach of the Policy occurred is clearly unsupportable based on the findings of fact contained in the investigation report; or
c. New facts relevant to the final determination are available, that were not available during the investigation.

19.4 The appeal must be submitted to the President's Council through the Executive Assistant to the President. Appeals must be submitted within ten (10) business days of the decision sought to be reviewed. The written appeal must include:
a. a statement for the grounds of review;
b. a statement of the facts relevant to the grounds for review;
c. a statement of the remedy or relief sought;
d. copies of relevant documents that support the review; and
e. in the event of fresh evidence that was not available at the time of the investigation, copies of that evidence or witness statements.

The President's Council shall review the appeal and decide whether the appeal demonstrates one or more of the required grounds for appeal. President's Council shall notify the parties of their decision within fifteen (15) business days of receipt of the appeal.

19.5 President's Council may summarily dismiss an appeal that it determines does not raise a valid ground of review. This decision to dismiss an appeal will be issued in writing to the individual submitting the appeal. The complainant (if the appeal is submitted by the respondent) or the respondent (if the appeal is submitted by the complainant) will be provided notice of any appeal and will be entitled to make submissions, should they wish to participate.

19.6 If President's Council determines that any of the grounds of review set out in paragraph 18.3 are proven, it may, depending on the reasons for the decision and the circumstances of the case before it:
a. refer the matter back to the investigator for reconsideration;
b. appoint a new investigator;
c. order that any interim measures in place during the investigation continue;
d. direct the Sexual Violence Advisory Committee to determine whether any interim measures should be imposed pending the re-investigation;
e. suspend any discipline or remedial measures ordered as a result of the finding;
f. uphold the discipline or remedial measures ordered; or
g. modify or reverse the discipline or remedial measure and substitute its own decision.

19.7 President's Council shall issue its decision in writing to the complainant and the respondent. The decision shall include an explanation of the basis and reasons for the decision in relation to each ground of review put before President's Council. The decision of President's Council is final.

20.0 Public Statements

20.1 The University does not limit the ability of survivors to tell the story of their own experiences.

20.2 Survivors are advised that, should they choose to make public statements about the investigation (including on social or other electronic media), they may be putting themselves at risk of civil lawsuits by those who believe they have been defamed or have had their privacy rights violated. Survivors should exercise care and judgment when deciding to make public statements and should seek legal or other advice if unsure.

20.3 The members of the University must not disclose information that they learn solely as a result of an investigation, disclosure, or reporting process because, under privacy law, this is personal information that must be kept confidential. See the section 14 for more detailed information.

20.4 Any public statements made by the University about a disclosure or report, including communications regarding campus safety and statements to the media, will be trauma-informed and otherwise consistent with the principles of this Policy and will not disclose the personal information of the survivor. The University reserves the right to correct misleading or inaccurate public information.

21.0 Commitment to Education and Training

21.1 The overall goal of sexual violence and sexual harassment education is to build a working, learning, living, and social environment at Crandall University based on the principles and practices of consent

and respect through the awareness and prevention of sexual violence and sexual harassment.

21.2 The University is committed to providing education and training programs pertaining to preventing and responding to incidents of sexual violence and sexual harassment to all University community members.

21.3 The education and training will:

21.3.1 be proactive and prevention-focused, with consent and respect as core elements;

21.3.2 be trauma-informed;

21.3.3 facilitate the dissemination of common definitions, principles, and shared values across the University community;

21.3.4 be specific, tailored, and accessible to diverse campus populations; and

21.3.5 be regularly reviewed and assessed every three (3) years.

21.4 In addition, Crandall University is committed to:

a. making appropriate and up-to-date training available for all members of units and offices most likely to receive disclosures;

b. making information on trauma-informed responses to disclosure available to all faculty, staff, and students; and

c. addressing harmful attitudes and behaviours that reinforce beliefs about sexual violence and sexual harassment such as rape myths and victim blaming that perpetuate an environment where violence and harassment are normalized.

This policy is to be reviewed by the Board of Governors at least every three years.

Approved by Crandall University Board of Governors
June 8, 2024