



Policy, Procedures & Protocols for Management of Sexual Violence

Purpose of this Policy/Procedure/Protocol

In the spirit of Christian community, and with great respect for the dignity of all people, Atlantic School of Theology ("AST" or the "School") is committed to maintaining a safe, healthy academic, work, and living environment for its students, employees, residents, and guests. To that end, AST has zero tolerance for sexual assault.

This policy is intended to be a living document that will be changed and be updated as needed, as our understanding of sexual violence changes and evolves.

Relationships within the AST community are built on respect, dignity and integrity. Sexual assault is a violation of the dignity and integrity of the victim.

The procedures under this Policy may supersede the procedures of other AST policies.

Scope of this Policy

This Policy applies to all members of the AST community in their interaction with other members of the AST community. The community includes all individuals who study, work, teach, conduct research, administer, supervise, volunteer, or provide resources, services or support to the School or otherwise engage in School activities, including activities of a student group or organization of the University, on or off campus.

This policy applies to all members of the School's community situations, including the AST Residence, and including persons staying in Residence who are students of other local Universities. The policy also applies to visitors or guests to the School.

Definitions

Consent: the voluntary agreement of a person to engage in the sexual activity in question. Consent is affirmative, active and ongoing. Consent can be withdrawn at any point. Consent cannot be obtained where the person is not capable of giving consent (for example, where intoxicated) or where an individual induces another person to engage in the activity by abusing a position of trust, power or authority.

It is the responsibility of the person initiating or engaging in a sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.

Silence or non-communication must never be interpreted as consent and a person in a diminished state of judgement cannot consent. Specifically:

- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.

- A person who has been threatened or coerced (i.e. they are not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person may be unable to consent when they are under the influence of alcohol and/or drugs.
- A person may be unable to consent if they are suffering any mental impairment.
- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.

Sexual Assault: Sexual assault is any type of unwanted sexual act that is done by one person to another and includes attempts/threats to force sexual activity upon another where the person threatened believes that the person making the attempt/threat has current ability to act on it. Sexual assault is an unwanted act that violates a person's sexual integrity and includes a broad range of behaviors from kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, in which a person has not provided consent. Sexual assault is illegal and punishable under the Criminal Code of Canada.

Sexual assault may be committed by a person of any gender against a person of any gender. The definition of sexual assault includes unwanted sexual acts done by a person to a spouse, partner, friend or acquaintance.

Sexual harassment: may or may not include sexual assault. An allegation of sexual harassment which does not include sexual assault may be addressed under the *Province's Human Rights Act*, *AST Harassment and Discrimination Policy*, the *Academic Discipline Policy*, and/or other relevant documents and processes.

Commitments and Principles

The School commits to the following in response to sexual assault:

The School will provide appropriate assistance and support to members of the School's community who are impacted by sexual assault.

The School encourages any member of the AST community, who is the victim/survivor of a sexual assault or who has witnessed a sexual assault, to disclose what has happened.

When a disclosure of sexual assault is made, the safety, security and well-being of the victim/survivor are fundamental considerations. A disclosure of sexual assault does not automatically (unless expressly described) constitute a report for the purpose of investigation, which may result in disciplinary action, as described further in this document.

Any member of the AST Community may report a sexual assault for the purpose of investigation, which may result in disciplinary action. A report of sexual assault for the purpose of investigation may be made to any member of the Sexual Assault Response Team, which includes:

- President, Atlantic School of Theology
- Academic Dean, Atlantic School of Theology

- CAO, Atlantic School of Theology
- Chaplains, Atlantic School of Theology
- Formation Directors, Atlantic School of Theology
- Executive, Atlantic School of Theology Student Union
- Residence Don(s), Atlantic School of Theology

All persons involved in a report of sexual assault are expected to maintain confidentiality, unless disclosure of information is required by law or to carry out response procedures.

School officials are authorized to take action, when deemed necessary, to mitigate safety risk to the community.

The School will work in collaboration with all School departments and invoke all relevant and existing policies to effectively manage cases involving sexual assault.

A member of the AST community who is found to have committed a sexual assault will be held accountable by the School whether or not other external investigations and proceedings (for example, criminal or human rights processes) occur and regardless of the outcome of any other external proceeding. All investigations and procedures shall be conducted in a fair and equitable manner.

The School recognizes that the timely assessment of complaints involving sexual assault helps to mitigate the harm to victims/survivors and benefits all parties involved, including the broader AST community. As such, the School commits that complaints of sexual assault will be dealt with in as timely a manner as is practicable, with the overall goal of protecting the interests of victims/survivors.

Any AST employee to whom a report of sexual assault is made, for the purpose of investigation, will recuse themselves from the matter where there may be any conflict of interest, and may recuse themselves for other reasons. Any such employee will immediately refer the report of sexual assault to an appropriate alternate.

Any employee to whom a report of sexual assault is made may consult with appropriate experts.

The School retains the right to conduct an internal investigation and/or request the police to initiate a criminal investigation, even without the consent of the victim/survivor, where, in the School's opinion, such action is necessary to ensure the health and safety of the community. The victim/survivor has the right to decide whether to participate in an investigation, including any investigation by police.

Education and information about sexual assault, policies, supports and resources will be broadly available to all members of the AST community, by electronic and other media and means.

Any member of the School community who retaliates, engages in reprisals and/or threatens to retaliate against a victim/survivor, witness, or any member of the School community, for having disclosed a sexual assault, reported a sexual assault, or participated or cooperated in any investigation of a report of sexual assault, may/will be subject to disciplinary action.

Specialized training shall be made mandatory to particular groups and individuals who are involved in creating, enacting or amending related policies or procedures, or who hear, investigate, or assess incidents of sexual assault.

Rights of Victims/Survivors

The School commits that victims/survivors of sexual assault have the right:

- To timely assessment of their complaint;
- To be treated with sensitivity, compassion, dignity and respect;
- To be given information and assistance;
- To receive medical care, safe haven, counselling, and other supports;
- To seek legal advice;
- To access information about on and off-campus support, safety and recourse options;
- To decide whether and when to access any of the available services and supports;
- To maintain confidentiality and anonymity;
- To be represented by an advocate of their choosing;
- To decide whether to participate in a procedures and to end participation in a procedure at any point;
- To be informed of the outcome of their complaint;
- To appeal the outcome of their complaint.

Rights of respondents

The School commits that a member of the AST community against whom a complaint of sexual assault is made (a “respondent” or “alleged perpetrator”) has the right:

- To be informed of the complaint against them;
- To timely assessment of the complaint against them;
- To be treated with sensitivity, compassion, dignity and respect;
- To have the complaint against them investigated in a fair and objective manner;
- To seek legal advice;
- To answer the complaint against them;
- To maintain confidentiality and anonymity;
- To be informed of the outcome of the complaint against them;
- To be represented by an advocate of their choosing;
- To be informed of the outcome of the complaint; and
- To appeal the outcome of the complaint against them.

Procedures for Responding To Sexual Assault

- For situations requiring immediate **emergency** assistance call 911
- For situations requiring immediate **medical** attention call 911
- For situations requiring support for victims / survivors call S.A.N.E. (Sexual Assault Nurse Examiner) directly at 902-422-6503

Case Management

AST does not have the resources of a Sexual Assault Case Manager, and may contact that person at Saint Mary’s University who when contacted, will advise on the following:

- Provide and / or coordinate case management for the file
- Act as lead on the sexual assault case offering support to relevant departments.
- Provide and / or coordinate support and education to the School community as required around issues related to the victim / survivor, alleged perpetrator, sexual assault policy/procedures and general information on sexual assault
- Work with relevant departments to address related internal issues for both the victim/survivor and alleged perpetrator (e.g.; class changes, work assignments)
- Work with relevant departments to provide education to the School's campus as a whole on sexual assault policy/procedures and sexual assault especially with high-risk groups (e.g.; first year students)
- Provide and/or coordinate education on external resources and individual rights to victims/survivors and alleged perpetrators
- Maintain relevant records for the School pertaining to cases of sexual assault.
- Where appropriate, provide relevant departments with updates regarding court dates, and decisions
- Provide and/or coordinate information and/or training related to new issues arising in the field of sexual assault to individuals/departments involved in responding to sexual assaults
- Consult and collaborate with individuals and groups both on and off campus who provide alcohol education, bystander training, sexual violence and sexual harassment education

External Support Services / Resources

- **Sexual Assault Nurse Examiner Program at Avalon Sexual Assault Centre.** Phone 902.422.6503 or email sanecoordinator@avaloncentre.ca. The nurse examiner provides sexual assault-specific medical care for victims/survivors including information, emotional support, and physical examinations for criminal investigations, by request.
- **RCMP.** Phone 1.800.803.7267. The primary role of the RCMP is to conduct criminal investigations into reports of sexual assault. A victim/survivor may choose to meet with RCMP and request that a criminal investigation be undertaken or not; the ultimate decision to do so is at the discretion of the RCMP.
- **Halifax Regional Police.** Phone 902.490.5020. The primary role of the police is similar to that of the RCMP, above.
- **Emergency Department at QEII Health Sciences Centre.** Phone 902.473.2700; located at 1799 Robie Street, Halifax. Emergency is open 24-hours and is available for urgent medical care.
- **Saint Mary's University Student Health Services.** Phone 902.496.8778. All members of ASTSU have access to regular medical clinic services through their SMUSA membership.
- **Saint Mary's University Counselling Services.** Phone 902.420.5616. All members of ASTSU have access to confidential counselling services through their SMUSA membership.

Consequences / Outcomes of Sexual Assault

Respondents to complaints of sexual assault may be subject to the following outcomes and/or consequences by the School, including but not limited to:

- Written warning or letter of reprimand
- Change of job or class assignment.
- Ban from being in same classroom as victim/survivor or class supervision
- Direction of "no contact" with the victim/survivor
- A campus wide or selected ban from campus related activities
- Issuance of notices under the Nova Scotia Protection of Property Act restricting individuals from entering on campus and/or other relevant legal actions
- Restriction of student participation in non-academic programs
- Restrictions/relocation and/or removal from Residence
- Suspension, probation, expulsion or termination in conjunction with existing disciplinary procedures and/or collective agreements
- In certain circumstances, interim measures may be necessary to ensure the safety, security and well-being of the victim/survivor, any witness to the sexual assault, and/or any member of the University community. Interim measures include, but are not limited to, moving an individual from one or more specified locations, restricting access to part or all of the University campus, and imposing appropriate conditions. Interim measures are precautionary and shall not be considered disciplinary. However, any violation of an interim measure may be subject to disciplinary action.

Policy Review

This Policy will be reviewed periodically and changes to the Policy shall be subject to the approval of the Management Advisory Committee.

Acknowledgements:

The School acknowledges with great appreciation, the Policies of Dalhousie University, Saint Mary's University and Mount Saint Vincent University in the preparation of this document.

PROCEDURES: Report of Sexual Assault Allegedly Committed by a Student

Sexual assault by a student is a violation of this Policy. Sexual assault is a serious offence.

The Academic Dean, or designate, will cause an investigation of a report of sexual assault alleged to have been committed. This includes a meeting with the student against whom the allegation is made. Prior to this meeting, the student will be informed of the right to have a representative or support person present at the meeting.

When a student accepts responsibility for having committed a sexual assault, the Academic Dean may determine the appropriate sanction(s) without referral, including any sanction(s) such as counselling, educational sessions and community service.

When a student denies or does not accept responsibility for having committed a sexual assault, the report of sexual assault shall proceed as a complaint through a formal judicial process under with the following modifications:

- a) The victim/survivor may participate at a hearing in person or may choose to participate from a separate approved location by video and/or audio conferencing.

- b) In addition to an advocate, either the victim/survivor or the respondent may be accompanied by a support person.
- b) To protect the privacy and confidentiality of the process, the School may hold a hearing in camera, with no access to members of the public.
- c) The School, victim/survivor and the respondent may consult with and retain, at its/his/her own expense, appropriate experts.
- e) One or more regular members will recuse themselves from the hearing due to any conflict of interest, and may recuse themselves for other reasons. In that event, individuals from a list of qualified, available and willing persons external to the School, with adjudicative experience, will be selected for the purposes of the hearing.

For further information on the hearing procedures, consult the Student Policy.

The decision of the Academic Dean, and other internal persons/committees as applicable, including any sanction(s), shall be communicated in writing to both the victim/survivor and the student who is alleged to have committed a sexual assault.

All procedures under this section shall be conducted in a timely manner.

Appeal Process

A victim/survivor or respondent who disagrees with the Academic Dean's decision or the investigative process has the right to an appeal.

All appeals must be submitted in writing to the President specifying the grounds and nature of the appeal within ten (10) working days of receipt of the final written decision.

Within ten (10) working days of receipt of the appeal, the President will review the investigation and decision of the Academic Dean, and determine whether an appeal should be granted. The decision of the President with respect to the appeal will be provided to the victim and respondent in writing.

The President may extend the length of time for determination of the appeal if:

1. Additional information, resources or further investigation is required;
2. The circumstances of the complaint are sufficiently complex that additional time is required; or,
3. An extension of time is necessary to protect the well-being of the victim/survivor.

In the event that the President determines that an extension of time for determination of the appeal is required, this decision will be communicated to the victim/survivor and the respondent.

PROCEDURES: Report of Sexual Assault Allegedly Committed by Staff or Faculty

Sexual assault by staff or faculty is a violation of this Policy, the Harassment and Discrimination Policy, and/or other relevant documents governing conduct within the School community.

A report of sexual assault alleged to have been committed by staff or faculty who is a member of a bargaining unit shall be investigated in accordance with the provisions of the applicable Collective Agreement and may result in disciplinary action. Such investigation and/or discipline shall be additional to any criminal investigation by police.

A report of sexual assault alleged to have been committed by staff or faculty who is not a member of a bargaining unit shall be investigated in accordance with the procedures and provisions concerning the applicable employee group and may result in disciplinary action.

The Academic Dean and/or Chief Administrative Officer, as applicable, will recuse themselves from investigating a report of sexual assault due to any conflict of interest, and may recuse themselves for other reasons. In that event, an alternate person will investigate the report of sexual assault, as determined by the President.

The Academic Dean and/or Chief Administrative Officer, or alternate as applicable, may consult with appropriate experts.

The result of the investigation, including any disciplinary action, shall be communicated in writing to both the victim/survivor and the staff or faculty who is alleged to have committed the sexual assault.

PROCEDURES: Report of Sexual Assault Allegedly Committed by a Guest or Visitor

A report of sexual assault alleged to have been committed by a guest or visitor to AST will be reported to the police for further investigation.

Approved by AST Board of Governors on October 1, 2018