



POLICY FOR THE PREVENTION OF SEXUAL VIOLENCE

Approved by the Board of Governors: December 17, 2018

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For situations requiring immediate emergency assistance call Security at 819-822-9711 and/or 711 or 911

For situations requiring immediate medical attention call 911

For situations requiring support for survivors call the Sexual Violence Response Advisors at 819-822-9600 ext. 2695

PREAMBLE

Bishop's University ("Bishop's") is committed to fostering a collegial learning and work environment that is free from sexual violence; one where students, staff, librarians, faculty and managers (the "University Community") are treated with equity, respect, and dignity.

Bishop's considers that sexual violence, in any form it may take, is an infringement of a person's dignity and physical and psychological integrity. Bishop's recognizes its responsibility to create a climate dedicated to excellence, where learning, teaching, and research can thrive. Bishop's also believes that the key to fostering a sexual violence-free environment lies in the shared responsibility of all members of the community.

Through this Policy for the Prevention of Sexual Violence (the “Policy”), every person who is part of the University community, regardless of their role, is called upon to play a part in creating and promoting an environment that is free from sexual violence.

This Policy is to be interpreted in a manner that is consistent with the *Act to Prevent and Fight Sexual Violence in Higher Education Institutions*, R.S.Q., chapter P-22.1.

Sexual violence is a serious issue that can affect anyone and have long-lasting impacts on our community. University-aged women are especially at risk of being victimized and many may experience multiple incidents of sexual violence in their lifetimes. Individuals from marginalized groups are also particularly vulnerable to becoming victims of sexual assault. Such groups include Indigenous people, trans people, immigrants, people with disabilities and more.

The University recognizes that a person’s identifiers including (but not limited to) their age, sex, gender identity, sexual orientation, race, ethnicity, religion, and faith, could also make them more susceptible to sexual violence and discrimination. The University understands that the intersectionality of multiple forms of discrimination on a survivor could affect how they choose to report an assault, access services, or seek justice. The University also recognizes that certain societal factors continue to perpetuate sexual violence. These factors include deeply rooted traditions regarding gender roles, historically weak legal sanctions against aggressors, and a culture of male sexual entitlement.

This Policy considers that every survivor of sexual assault has their own story, circumstances, and personal needs. The University is committed to using a survivor-centred approach by treating all survivors with dignity while respecting their rights and wishes after a sexual assault unless there is an imminent danger to the community.

Acts of sexual violence are prohibited by law and constitute University offences that may be grounds for sanctions. Bishop’s will address incidents of sexual violence with prompt action and will sanction such conduct by measures deemed proportional and appropriate in the circumstances, up to and including expulsion (for a student) and dismissal (for a member of faculty, staff or management).

Nothing in this Policy is intended to discourage or prevent a person from seeking assistance or pursuing a complaint with external authorities such as the police, the courts or administrative tribunals.

1. SCOPE AND APPLICATION

All members of the University community and all persons present on campus for whatever reason are responsible for contributing, through their conduct, to creating an environment free of sexual violence.

This Policy therefore applies to all individuals within the University Community, including students, faculty, librarians, staff, managers, volunteers, as well as any third party having contact with the University, including visitors, alumni and clients. All outside contractors hired by Bishop's will abide by, and their operations and practices will conform to, this Policy.

Incidents of sexual violence and cyber sexual violence are governed by this Policy where they occur in a University context, meaning on University premises or on work or study sites under the University's control, or during the course of a Bishop's-sponsored activity. Conduct that occurs outside of the University's premises may be governed by this Policy, where that conduct has a real and substantive link to the University, and affects a member of the University community and impacts on the University learning, working or living environment.

2. POLICY OBJECTIVES AND FUNDAMENTAL PRINCIPLES

2.1 Purpose

This Policy seeks to:

- Establish appropriate guidelines and procedures to foster a learning and work environment free from all forms of sexual violence;
- Raise awareness about sexual violence and inform members of the University Community about their rights, responsibilities and recourses;
- Provide assistance mechanisms to ensure that survivors of sexual violence receive appropriate support and perpetrators stop their behaviour;
- Establish a process to determine whether sexual violence has occurred and to impose appropriate sanctions on perpetrators.

For greater clarity, this Policy creates a network of support for survivors of sexual violence, ensures a coordinated and caring response to survivors of sexual violence and commits to promoting and maintaining a safe campus, free from sexual violence.

2.2 Intimate Relationships

Because intimate relationships formed between people with unequal institutional power are prone to coercion, conflict of interest, favouritism, and exploitation, the University strongly discourages any member of its community from entering into a romantic, dating, or sexual relationship, regardless of whether there is a supervisory or evaluative relationship, between two parties of unequal power, such as between professors or coaches and students.

Professors, coaches, managers and staff who work closely with students must not abuse their authority or compromise their important role in the lives of their students.

To protect the integrity of the University's academic and work environment, Bishop's requires that if such a relationship exists, the person with the greater power must advise the Human Resources Department and give up any supervisory or evaluative authority over the other person in the relationship.

2.3 Mandatory Training

Bishop's University will provide mandatory annual training geared towards the prevention of sexual violence to all of its students, officers, faculty, librarians, staff and managers, representatives' associations and unions, and student association representatives as per *the Act to Prevent and Fight Sexual Violence in Higher Education Institutions*. The training initiatives will be available in English and French and be re-evaluated on a yearly basis. Furthermore, all incoming students will attend mandatory consent workshops during Orientation Week. Students will also be required to complete online prevention of sexual violence training annually.

2.4 Shared Responsibilities

2.4.1 Secretary General's Office

The Secretary General's Office is responsible for the application of the policy in accordance with policies, regulations and agreements governing work and academic relations at Bishop's. The Secretary General's Office will inform the parties to a complaint of the decision on the complaint, as well as the Human Resource Department where the complaint involves faculty or staff, or the Vice Principal of Student Affairs where the complaint involves students.

2.4.2 Managers

A manager having staff under their supervision will manage in a preventive way, so as to avoid sexual misconduct within their team to the extent possible.

A manager is responsible for monitoring sexual misconduct and for acting quickly to solve it before it degenerates or gives rise to behaviour that can potentially be qualified as sexual violence. They may consult the Secretary General's Office or the Human Resources Department, if necessary, to seek support and advice on how best to manage the situation.

2.4.3 Faculty, Librarians, and Contract Faculty

Members of the faculty should manage classroom interactions in a preventive way to avoid sexual misconduct within the classroom. They are responsible for monitoring sexual misconduct and acting quickly to ensure that it does not result in behaviour that could potentially be qualified as sexual violence. A faculty member may consult the Secretary General's Office or the Human Resources Department or the Vice Principal of Student Affairs, if necessary, to seek support and advice on how to best manage the situation.

2.4.4 Staff

As members of the Bishop's community, staff share in the responsibility to ensure a learning and work environment free of sexual violence.

2.4.5 Human Resources Department

The Human Resources Department acts as counsel for faculty, librarians, staff and managers. It intervenes in a preventive way to resolve conflict and to prevent it from degenerating. In cases where a situation of conflict cannot be resolved, the HR Department will direct the persons involved to the Secretary General's Office.

It is the responsibility of the Human Resources Department to coordinate training and communication on sexual violence for faculty, librarians, managers and staff.

2.4.6 Vice Principal of Student Affairs and Academic Deans

The Vice Principal of Student Affairs and the Academic Deans are responsible for managing sexual misconduct involving students. They intervene in a preventive way to resolve misconduct before it degenerates. They will direct those involved to appropriate resources. The Vice Principal of Student Affairs is responsible for coordinating the Sexual Violence Support Centre.

2.4.7 Association of Professor of Bishop's University (APBU)

All Bishop's employees are responsible for helping to foster a working and learning environment free from any type of sexual violence. The APBU

supports awareness activities and mandatory training. The APBU representatives are required to take all annual sexual violence training activities sponsored by the University.

2.4.8 Students and Student's Representative Council (SRC)

All Bishop's students are responsible for helping to foster a learning environment free from any type of sexual violence. The SRC collaborates in the enforcement of the Policy, in particular by supporting awareness activities and by contacting the Vice Principal of Student Affairs or the appropriate Academic Dean to seek advice and support to resolve the sexual misconduct.

2.4.9 Committee for the Prevention of Harassment and Sexual Violence

The Committee shall participate in the review of this policy one (1) year after its initial adoption, and every five (5) years thereafter. The Committee is formed under Section 8 of the *Policy on the Prevention of Harassment*.

2.4.10 Sexual Violence Response Advisor (SVRA) at the Sexual Violence Support Centre (SVSC)

Any member of the University Community who has a concern or question on sexual or gender-based violence as defined in this Policy, may seek advice, support or obtain information by contacting a Sexual Violence Response Advisor at the Sexual Violence Support Centre.

The Sexual Violence Support Centre ("SVSC") is the primary resource centre for response and support around all matters pertaining to sexual and gender-based violence as well as coordinating all education, training and communication to the community regarding sexual violence as set out in this policy.

The SVRAs act as a primary point of contact for members of the University community who have experienced any form of sexual and gender-based violence or need advice on how to address an incident that has been disclosed to them.

The positions of the SVRAs have been created to ensure that the University's response to disclosures of sexual violence is coordinated, trauma-informed and survivor-centric. The SVRAs are the lead responders in cases of reported sexual violence and, with the consent of the survivor, shall act as their voice, where needed, and to coordinate the resources offered.

A SVRA will meet with a survivor/victim as soon as possible and seek to identify the nature and scope of the problem and possible solutions based on their needs.

Any member of the Bishop's community who is made aware of an incident of sexual violence within the University's purview as defined in Section 3, is encouraged to contact the SVRA, with the survivor/victim's consent, in order to

determine the best assistance to provide to the survivor/victim. The SVRA will support the survivor/victim and act as their advocate with any procedures the survivor/victim may wish to engage in.

2.4.11 Assessor

The Assessor is an external investigator. Upon receipt of a Formal Complaint of Sexual Violence (FCSV), the Secretary General's Office via the General Counsel will submit the FCSV to the Assessor. The Assessor will conduct an analysis to determine if an external investigation will be undertaken.

2.5 Fair and Equitable Treatment in Situations of Sexual Violence

Situations of sexual violence will be addressed and treated in accordance with the fundamental principles of fairness and equity owed to all involved parties, and with a focus on putting an end to the unwanted behaviour.

The Complainant will not be subject to any questioning about their sexual history at any point during the reporting, disclosure or complaint processes.

2.6 Protection of Persons Involved

This Policy prohibits reprisals against an individual who has made a good faith complaint, sought advice, acted as a witness, or provided information regarding an incident of sexual violence. Retaliation, or any attempt to retaliate, is prohibited and may constitute grounds for disciplinary action under the Student Code of Conduct or applicable collective agreement.

2.7 Immunity Clause for Drug and Alcohol Use

The University recognizes that some individuals may be hesitant to disclose or report sexual violence in cases where they have been drinking and/or using drugs at the time the Sexual Violence took place. A Complainant or witness acting in good faith who makes a Disclosure or Complaint or participates in an investigation process will not be subject to sanctions for violations of the University's policies related to drug and alcohol use at the time that the Sexual Violence took place.

2.8 Safety Measures

The Sexual Violence Response Advisors (SVRAs) are available during business hours to provide emotional support and resources to survivors/victims of sexual assault. In case of an emergency or a sexual assault, Campus Security staff is also available 24/7 to act as first

responders. The SAFEGaiter app, which can be used by all members of our community, allows the University to promote safety on our campus and fight sexual violence. The app provides users with instant emergency-related messages, access to emergency guidelines, useful safety tips, FriendWalk, a campus map, and more. Bishop's is committed to promoting safe movement on campus by: adding lampposts to pathways; installing card readers on new and renovated buildings; and investing in security system hardware and infrastructure.

3. DEFINITIONS

Analysis: A process, conducted by an external investigator, that is completed once a Formal Complaint of Sexual Violence (FCSV) is submitted, in order to determine if the complaint is admissible and an external investigation will take place.

Consent: A voluntary and continuous agreement to engage in sexual activity. Bishop's University and its members are bound and guided by the *Criminal Code of Canada* which defines consent as the voluntary agreement of a person to engage in the sexual activity in question.

No consent is obtained where the complainant is unconscious or otherwise incapable of consenting to the activity; where the respondent induces the complainant to engage in the activity by abusing a position of trust, power or authority; where the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or, where the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Disclosure: A verbal or written account made by any person to a member of the Bishop's community sharing an experience of sexual violence. A disclosure can result in support, accommodations and immediate measures as requested by the survivor/victim. A disclosure does not automatically initiate a formal report process.

Formal Complaint (FCSV): When a survivor/victim fills out a complaint form in writing stating a breach of this policy. This form needs to be submitted to the Secretary General's Office to trigger an assessment and possible external investigation. *See Section 7 of this Policy.*

Sexual Assault: An offence under the *Criminal Code of Canada*. Sexual assault is any unwanted act of a sexual nature imposed by one person upon another and includes such activities as kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, without consent. Sexual assault can occur between strangers, acquaintances or be perpetrated by someone known to the survivor. It can also occur in a dating relationship, between spouses, or in any other relationship.

Sexual Harassment: A course of unwanted remarks, behaviours, innuendo, taunting or communications of a sexual nature and/or a course of unwanted remarks, behaviours or communications based on gender, gender identity, and/or sexual orientation where the

person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may consist of unwanted attention of a sexual nature such as personal questions about one's sex life, unwelcome sexual invitations or requests, or unwelcome remarks about someone's appearance. Sexual harassment may also consist of unwelcome remarks based on gender, gender identity or sexual orientation where such remarks may not be of a sexual nature but are nevertheless demeaning such as derogatory gender-based jokes or comments. A single serious incidence of such behaviour may constitute harassment if it has the same consequences and if it produces a lasting harmful effect on the survivor.

Sexual Misconduct: Any unwelcome behaviour of a sexual nature.

Sexual Violence: Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, stealthing (act of removing a condom during sex without the consent of the partner), indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature or related to a person's sexual orientation, gender identity and/or presentation.

4. ADMINISTRATORS OF THIS POLICY

The co-administration of the Policy on the Prevention of Sexual Violence falls under the Secretary General's Office and the Vice Principal of Student Affairs. All expenses relating to the implementation and the administration of this policy should be pre-approved by the Secretary General or the Vice Principal of Student Affairs.

5. DISCLOSURE

Disclosure is an option for survivors seeking confidential support, assistance and/or accommodation as detailed in this Policy. Survivors have the right to determine what, when and how much of their experience to disclose. However, for an investigation of an actual Complaint to take place, a minimum amount of information is required.

The University embraces respect for survivors as a fundamental value and upholds their right to receive non-judgmental support from specially trained personnel, who will present individuals with their options and help them to access a range of supports as appropriate. The University shall offer support to survivors who are members of the University Community regardless of where or when the incident of sexual violence occurred.

6. COMPLAINT

Complaints are an option for Survivors who wish to move towards a legal and/or disciplinary process in which anonymity is not possible.

7. INFORMAL RESOLUTION OF CONCERNS OF SEXUAL VIOLENCE

7.1 Consultation with the Sexual Violence Support Centre and the Sexual Violence Response Advisors

Any member of the University Community who has a concern about an incident or possible incident of sexual violence/misconduct or believes that they have been a victim of sexual violence/misconduct, as defined in Article 3 of this Policy, may seek advice or obtain information by contacting the Sexual Violence Response Advisors (“SVRAs”).

The SVRAs will meet with the individual as soon as possible and seek to identify the nature and scope of the problem and possible solutions. The informal resolution may take the form of an agreement between the parties, mediation or other alternative resolution process.

A Community member aware of a non-immediate incident of sexual assault should encourage the Survivor to contact the SVRAs.

Any member of the staff or faculty who is made aware of an incidence of sexual violence is encouraged to contact the SVRAs in order to determine the best assistance to provide to the survivor/victim.

8. FORMAL RESOLUTION OF CONCERNS OF SEXUAL VIOLENCE

A report/complaint can be made to the police at any time with the goal of pursuing criminal charges under the *Criminal Code of Canada*. Where the University believes a criminal act has occurred and the community to be at risk, the University may report the incident(s) to the police.

The University shall make all reasonable efforts to respect the survivor’s privacy, confidentiality, and decisions about whether to report to law enforcement authorities, except in cases where the University would have a legal obligation to act (e.g., cases involving minors or cases in which there are reasonable grounds to believe a party poses a serious and credible risk of self-harm or to harm to another person).

In such cases the survivor will be informed and supported.

8.1 Initiating a Formal Complaint of Sexual Violence (FCSV) under the Policy

A Formal Complaint of Sexual Violence may be filed in conformity with the procedures outlined below.

A FRSV must be submitted to the Assessor via a Sexual Violence Response Advisor or the

Office of the Secretary General via the General Counsel using the form provided.

By filing a FRSV, the Complainant authorizes the disclosure of its content and of their identity to the Respondent and to any other person involved in handling the Formal Complaint. Those receiving the Formal Complaint shall keep the information confidential.

The Assessor shall refuse to take any further action where:

- ◆ a Formal Complaint appears abusive or patently unfounded;
- ◆ a Formal Complaint is formulated with the intent to harm or to mislead.

The Assessor, after consultation with the Complainant, may refuse to take further action where:

- ◆ another recourse has been exercised in relation to the incident(s) that form(s) the basis of the Complaint.

The FCSV can be filed at any time after the sexual violence event.

The SVRAs shall assist survivors in understanding each of these options and in ensuring that they have all the information that they need in order to make an appropriate decision on next steps.

8.2 Immediate Measures

When a Disclosure or Formal Complaint (FCSV) has been made, the appropriate University authority (the Vice Principal of Student Affairs if the individual is a student or the Principal if the individual is a faculty, librarian, manager or staff) will consult with the Complainant and undertake a safety evaluation to identify and implement immediate reasonable measures necessary to protect and support the Complainant and the University Community in accordance with applicable Bishop's policies, codes, regulations and collective agreements. Immediate measures may impact the Respondent and the Complainant. In the case of Student Respondents, the Immediate Measures for Student Respondents (Appendix A) will be applied. These preventive measures must be implemented within a period not exceeding seven (7) days.

Should the appropriate University authority have reasonable grounds to believe that the presence on campus of an individual within the University community poses a threat to the personal security and safety of any other member of the University community, the authority may immediately restrict that individual from appearing on campus for a period up to 30 days on conditions that the authority determines to be necessary. This measure will be implemented in accordance with applicable University policies, codes, regulations

and collective agreements.

8.3 Investigation and Resolution of a Formal Complaint of Sexual Violence (FCSV)

The Assessor provides a copy of the Formal Complaint of Sexual Violence to the Respondent and invites the Respondent to respond to the Complaint.

Upon receiving the response, the Assessor follows up with the Complainant and may request additional information.

The Assessor also provides both parties with a copy of this Policy or the link to the webpage where it can be found.

Both the Complainant and the Respondent will be invited in writing to respect the confidential nature of the Complaint file.

A Formal Complaint may be withdrawn at any time by the Complainant. The withdrawal of the Complaint shall be evidenced in writing and signed by the Complainant.

The Assessor shall investigate the Formal Complaint fairly and objectively, using such methods as are deemed appropriate in the circumstances, subject to the principles of procedural fairness applicable in a University context, which might include:

- Interviewing the Complainant and Respondent individually in a non-interactive environment and inviting them to submit any further written submissions or documentation in support of their respective viewpoints;
- Where appropriate, inviting the parties to submit the names of witnesses or other individuals with information that may be useful in the circumstances.

In addition, the Assessor may use the following methods as appropriate:

- Seeking information from third parties, including meeting privately with any witnesses or other individuals suggested by the parties, as may be applicable and as relevant to the resolution of the Complaint;
- Gathering documents relevant to the Complaint.

Witnesses can only be interviewed in reference to the Formal Complaint, not as character witnesses.

All members of the University Community, including the parties to the Formal Complaint, shall

cooperate with the Assessor and respond in a timely fashion to requests for meetings or information. They shall respect the confidentiality of all information shared during the investigation.

In cases where the Complainant or Respondent fails to cooperate with the investigation process in a timely manner without appropriate justification, the Assessor may complete the investigation without the participation of the party who has failed to cooperate.

No later than 90 days after receiving the Formal Complaint, the Assessor shall report in writing the results and recommendation of the investigation to the Secretary General and to the Vice Principal of Student Affairs when students are involved in the complaint, and provide a copy to the Complainant and the Respondent under confidential cover.

The report shall be in writing and may contain the following details as appropriate:

- Date the report was drafted;
- Identification of the Complainant and the Respondent;
- Description of the event or events which led to the Formal Complaint and the facts alleged;
- The findings of fact made and any other information relevant to the conclusions reached;
- The Assessor's determination of whether the Complaint is well founded, on a balance of probabilities, with reasons explaining the determination;
- Recommendations, as may be appropriate, to ensure the resolution of the event or events that led to the Complaint;
- Recommendations, if any, of such measures as may be appropriate to prevent future incidents of sexual violence and improve the University environment;
- Recommendations on the disciplinary action or sanctions, if any, that should be taken.

The decision of the Assessor is final.

During an investigation, the Assessor has the authority to take appropriate preventive measures and actions to protect the security of the Parties.

8.4 Remedial action and disciplinary measures

If the Formal Complaint is determined to be well-founded, the Secretary General's Office

shall, in the case of an employee, forward the file to the Principal and/or the Human Resources Department, or in the case of a respondent who is a student, to the Vice Principal of Student Affairs, who may take such remedial or preventive measures as may be necessary, depending on the circumstances and to the extent possible, to resolve or address the Formal Complaint.

The Principal, the Vice-Principal Academic and Research, the immediate supervisor or the Vice Principal of Student Affairs shall have authority to take disciplinary action as required against the Respondent in accordance with Bishop’s policies, regulations and collective agreements, and may consult with the appropriate administrative offices (e.g. Academic, Human Resources, Student Affairs, etc.) before deciding to impose a disciplinary measure or take any other form of remedial action.

The objective of the disciplinary action or sanction is to deter and prevent the continuation or repetition of the conduct, and may include a range of measures, such as, but not limited to, one or more of the following:

- A directive to the Respondent to cease the behaviour, where a failure to comply may lead to further penalty;
- A program of education or counseling to be undertaken by the Respondent;
- A directive to the Respondent to make a written apology to the Complainant, if agreed to by the Complainant;
- Suspension;
- Dismissal or expulsion.

Any violation of the “Policy” can lead to administrative or disciplinary measures including termination of employment or expulsion of students.

9. RIGHTS

9.1 Right to be accompanied

In order to safeguard the rights of all concerned, any person who avails themselves of this Policy and any person involved in a process governed by this Policy has the right to be accompanied by a member of the Bishop’s Community of their choosing or a friend or an

immediate family member for support.

9.2 Right to confidentiality

The University recognizes the importance of confidentiality in the handling of inquiries and Complaints of sexual violence and will make every reasonable effort to balance confidentiality with the legal responsibility of the University.

Records of materials relating to formal complaints will be handled in a confidential manner and will be stored in a secure location in the Secretary General's Office during and after the treatment of the matter. Access to these records will be limited to the Assessor, Secretary General or the Vice Principal of Student Affairs, the Principal, and to those required to have access under this Policy or when required by law.

University administrators and any other member of the Bishop's community who, by virtue of their position or involvement in the treatment of an incident of sexual violence, are privy to information or in possession of documentation pertaining to the incident shall hold such information in strict confidence. This shall include refraining from discussing or releasing information in any form, beyond that required to fulfill the aims of this Policy and to manage the risk of harm to others, or as required by law.

Complainants, respondents and witnesses are expected to keep the details of any case confidential outside their immediate circle of support (e.g., their named support person, as well as immediate family members), in order to ensure the integrity of the investigation and decision-making process.

9.3 Right to be informed

Pursuant to the *Act to Prevent and Fight Sexual Violence in Higher Education Institutions*, at the request of the person who filed the complaint, the educational institution shall provide the person with information regarding the outcome of the complaint, whether or not a sanction was imposed, and the details and terms of the sanction, if any.

10. NOTICES

For members of the Bishop's community, notice is deemed to have been given by using the electronic address provided by the University.

11. RETURN OF DOCUMENTS

Once a decision on an incident of sexual violence is rendered, a party may request the return of

original documents submitted. The Secretary General will return the original and retain a copy.

12. REVIEW

The overall responsibility for the implementation and recommended amendments to this Policy shall rest with the Secretary General. This Policy will be reviewed by the Committee for the Prevention of Harassment and Sexual Violence and representatives from the Sexual Violence Support Centre one (1) year after its initial adoption, and every five (5) years thereafter. The Committee shall make any necessary recommendations to the Secretary General. This Policy may be reviewed from time to time as required by those responsible for its administration.

APPENDIX A

IMMEDIATE MEASURES FOR STUDENT RESPONDENTS

1.1 Immediate Measures may be imposed by the Vice Principal of Student Affairs on a student Respondent at any time following a Disclosure, Report or Formal Complaint of sexual violence, in accordance with this section.

1.2 Immediate Measures may be initiated at the request of the Survivor/Victim, following a REES repeat perpetrator identification or on Bishop's own initiative in accordance with Sections 1.5 and 1.6.

1.3 Where a Survivor/Victim requests Immediate Measures following a Disclosure, the Survivor/Victim must consent to the release of their name and the general nature of the allegations to the Respondent. This information about the allegations is necessary for the process to be procedurally fair in cases where the Respondent is affected by Immediate Measures.

1.4 Immediate Measures include, but are not limited to:

1. No-contact/communication orders
2. Arrangements to minimize encounters in learning, living, or working environments such as changes in class schedules or sections, residence location, work schedules or assignments
3. Suspension of ability to participate in team practices or games
4. Restricting campus privileges of the Respondent
5. Restricting access to part or all of the Bishop's campus on the part of the Respondent, up to and including a campus ban/no trespass order
6. Administrative suspension of the Respondent.

1.5 Immediate Measures may be imposed on a student Respondent by the Vice Principal of Student Affairs where there is reasonable cause to believe that Immediate Measures are

required to achieve any of the following:

1. To protect the safety, security or academic, residence, or employment wellbeing of the Survivor/Victim or any other member of the Bishop's community
2. To address any risk posed by the Respondent to the safety and well-being of the Survivor/Victim and/or to the Bishop's community
3. To maintain confidentiality and/or the integrity of a Bishop's investigation or anticipated investigation
4. To discourage or prevent retaliation
5. To minimize disruption to the learning, residence, or working environment at Bishop's
6. To maintain and build community trust and confidence in Bishop's
7. To maintain and promote a campus environment in which sexual violence is not tolerated.

1.6 In addition to the above factors, the Vice Principal of Student Affairs shall consider:

1. The wishes and expressed needs of the Survivor/Victim
2. The views of the Respondent, if available
3. The nature and seriousness of the alleged conduct
4. The impact of the conduct on the Survivor/Victim and/or on the Bishop's community
5. The impact of the proposed measures on the Respondent, and
6. Whether the Respondent is in a position of trust or authority.

1.7 Any Immediate Measures imposed shall be reasonable and justified in the circumstances to meet the above goals.

1.8 The Respondent shall receive notice in writing from the Vice Principal of Student Affairs that the Vice Principal either intends to impose Immediate Measures, or in cases under para. 1.17 and 1.18, that the Vice Principal of Student Affairs has already imposed Immediate

Measures.

1.9 The Respondent may provide a response to the Vice Principal of Student Affairs within 48 hours following receipt of the notice. The timeline for the Respondent's response may be extended in extenuating circumstances.

1.10 The Respondent's response may include consent to the Immediate Measure on an interim basis, with a request that it be reconsidered or reviewed based on additional information, within a specified period of time.

1.11 The Survivor/Victim will be provided a copy or summary of the Respondent's response to the imposition of Immediate Measures, and 48 hours to respond. The timeline for the Survivor/Victim's response may be extended in extenuating circumstances.

1.12 The Vice Principal of Student Affairs shall consider the information provided by the parties in making the decision on Immediate Measures.

1.13 Within 48 hours of the imposition of Immediate Measures on a Respondent, the Vice Principal of Student Affairs will provide a written letter to the Respondent's Bishop's-issued email address or to the Respondent through the Residence Life Office, setting out the decision made, the information relied on in making that decision, and the reasons for the decision.

1.14 At any time either the Respondent or the Survivor/Victim may request that the Vice Principal of Student Affairs modify or remove the Immediate Measures. Such request should be made through the Sexual Violence Support Center (SVSC) (for the Survivor/Victim) or the Residence Life Office (for the Respondent).

1.15 A request for reconsideration of the Immediate Measures is appropriate in cases where there has been a change of circumstances. Where a request to reconsider the Immediate Measures is made, the other party will be advised of the request and provided an opportunity to respond.

1.16 If Immediate Measures are amended or modified by the Vice Principal Student Affairs, a decision letter confirming any changes, the measures remaining in place, and the reasons for

the amendments, shall be provided to both the Respondent and the Survivor/Victim.

1.17 In urgent circumstances, such as where delay may cause harm to the Survivor/Victim and/or to the Bishop's community or any Member of the Bishop's community, the Vice Principal of Student Affairs may impose Immediate Measures immediately and prior to hearing from the Respondent.

1.18 In such cases, Notice in writing of the Immediate Measures shall be provided to the Respondent through the Residence Life Office within 24 hours of the decision being made. The Respondent shall have an opportunity to respond within 7 days. The Vice Principal of Student Affairs shall consider any submissions or new information provided by the Respondent and may modify or reconfirm the Immediate Measures.

1.19 If the Immediate Measure is a suspension or campus ban, any formal investigation will be undertaken on an expedited basis.

1.20 Student Respondents may be entitled to accommodations arising from Immediate Measures (such as in the case of a campus ban) which may be requested through the Residence Life Office.

1.21 Immediate Measures imposed on a student Respondent may remain in place indefinitely where:

1. A Disclosure or Report but no Formal Complaint has been made and no investigation initiated;
2. The Immediate Measures meet the needs of the Survivor/Victim and the Survivor/Victim and Respondent consent; and
3. The Immediate Measures address the safety, remedial, and campus culture responsibilities of Bishop's.

1.22 Despite any agreement by the parties to continue the Immediate Measures indefinitely, any party may subsequently request a reconsideration of the Immediate Measures, or the Survivor/Victim may elect to initiate a Formal Complaint.