

University of Prince Edward Island	Policy Number: govbrdgn10019	Revision No. 0
Policy Title: Sexual Violence Policy		Page 1 of 16
Creation Date: October 4, 2018	Version Date: October 4, 2018	Review Date: October , 2021
Authority: Board or Governors	Responsibility: Vice-President, Administration and Finance	Access: W

1. Purpose

- 1.1 This Policy affirms the University of Prince Edward Island's ongoing commitment to foster a culture where attitudes and behaviors that perpetuate sexual violence are rejected, survivors are supported, and those who commit incidents of sexual violence are held accountable.
- 1.2 The Policy outlines the supports and services available to those affected by sexual violence, the processes in place to address reports of sexual violence, the rights and obligations of community members regarding sexual violence, and affirms the University's commitment to procedural fairness.

2. Definitions

2.1 In this Policy the following terms have the corresponding meanings.

- (a) **Co-ordinator:** The Co-ordinator of the University's Sexual Violence Prevention and Response Office
- (b) **Complaint:** A complaint of allegations of sexual violence made to the Sexual Violence Prevention and Response Office.
- (c) **Complainant:** a person who has made a complaint of Sexual Violence under this Policy.
- (d) **Consent:** active, ongoing, informed, and voluntary agreement to engage in sexual activity;
 - (i) Consent cannot be implied or assumed.
 - (ii) Consent cannot be given by someone who is incapacitated, unconscious, intoxicated, or otherwise incapable of consenting;
 - (iii) Consent can be withdrawn anytime;
 - (iv) Consent cannot be obtained through threats, coercion, or other forms of control and intimidation, which includes coercion through abuse of a position of trust, power, or authority and;
 - (v) It is the responsibility of the person who wishes to initiate sexual activity to obtain consent from the other person(s) involved.
 - (vi) The definition of consent does not vary based on a person's sex, sexual orientation, gender identity or gender expression.
- (e) **Disclosure:** The act of informing someone about an incident where they experienced sexual violence. Disclosure is presumed to be for the purpose of obtaining support and services and / or to learn about options to make a formal report but is different from

reporting.

- (f) **Imminent risk:** An assessment that an act of harm to a person or persons is about to occur or that there is a compelling likelihood that an act of harm will occur.
- (g) **Rape culture:** A culture which normalizes, trivializes, and excuses sexual violence or blames survivors for having experienced sexual violence; it can be expressed through dominant societal ideas, prevalent attitudes, social practices, media content, or through institutions which condone sexual violence either implicitly or explicitly.
- (h) **Report:** A report of allegations of sexual violence made to the Sexual Violence Prevention and Response Office. A report involves an expectation that formal action will be taken against the respondent. A report must include particulars of the sexual violence (e.g. names, date, details of what occurred). A report may take the form of:
 - (i) a complaint under this policy;
 - (ii) a complaint under another applicable University policy;
 - (iii) an external process to bodies such as police, the Human Rights Commission; or
 - (iv) a civil action.
- (i) **Respondent:** A person whose actions are reported to constitute sexual violence.
- (j) **Sexual violence:** any sexual act, or an act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without that person's consent. The following list sets out examples of sexual violence. The list is intended to help members of the University community understand the kinds of acts that will be considered sexual violence. The list is not exhaustive.
 - (i) **Sexual assault:** Any sexual contact made by a person towards another where consent is not first obtained. It is characterized by a broad range of sexual acts, carried out in circumstances in which the person has not freely consented to or is incapable of consenting to sexual activity. Under the Criminal Code of Canada, it has been interpreted as an actual or threatened advance, gesture, touch, or any other sexual act to which a person has not consented. It includes a person being forced to perform sexual acts against their will. It is determined by a lack of consent, and not by the act itself.
 - (ii) **Sexual harassment**, which includes:
 - (a) Unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is unwanted;
 - (b) The making of an implied or express promise of reward for complying with a sexually oriented request;
 - (c) The making of an implied or express threat of reprisal, in the form of actual reprisal or the denial of opportunity, for refusal to comply with a sexually oriented request; and/or

- (d) Sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work and study.
 - (iii) stalking;
 - (iv) indecent exposure;
 - (v) voyeurism;
 - (vi) sexual exploitation; and
 - (vii) distribution of sexually explicit photographs, video or audio recordings of a person without the person's consent.
- (k) **Sexual Violence Prevention and Response Office (SVPRO):** The University office with primary responsibility to assist persons affected by sexual violence. The Sexual Violence Prevention and Response Office coordinates supports and resources for those who have experienced sexual violence, receives disclosures and complaints, facilitates safety planning, and assists survivors through the complaint process.
- (l) **Support person:** A union representative, legal counsel, friend, relative or other person who may assist during the investigation and/or adjudication process.
- (m) **Survivor:** Someone who has experienced sexual violence. (Although the term survivor is used throughout the Policy, the person who has experienced sexual violence has the right to determine how they choose to identify and recognize their own experience).
- (n) **University:** the University of Prince Edward Island.
- (o) **University community member:** Faculty Members, Librarians, employees, and students of the University, both full and part time; members of the University's Board of Governors, any other person who teaches, conducts research, works or volunteers at or under the auspices of the University.

3. Scope and Application

- 3.1 This Policy, subject to specific provisions within it, applies to all University community members.
- 3.2 This Policy applies to conduct that occurs on campus, off campus or electronically.
- 3.3 It is a violation of this Policy for a University community member to commit an act of sexual violence against another University community member.
- 3.4 Any University community member who has experienced sexual violence may access supports through the Sexual Violence Prevention and Response Office. Supports are available to community members regardless of where or when an incident has taken place. A complaint is not necessary in order to access support.
- 3.5 Other University policies and procedures relevant to the subject of sexual violence include:
 - (a) Code of Conduct For Students;
 - (b) Fair Treatment Policy;
 - (c) Policy on Violence Prevention And Response; Ensuring A Safe Campus Community; and
 - (d) Occupational Health and Safety Policy.
- 3.6 In the event of any conflict between this Policy and other University policies or procedures, this Policy prevails.
- 3.7 This Policy is not intended to supersede or interfere with collective agreements or prevailing laws and does not preclude those experiencing sexual violence from seeking recourse through criminal or civil proceedings.

4. Commitment and Statement of Principles

- 4.1 The University recognizes that universities can play a significant role in preventing sexual violence, supporting survivors, and holding perpetrators accountable. The University is committed to providing and maintaining an environment in which sexual violence is recognized to be unacceptable and is not tolerated.
- 4.2 The University recognizes that anyone can experience sexual violence. Persons may encounter increased vulnerabilities based on intersectional aspects of their identity or perceived identity including such factors as race, Indigeneity, economic status, gender identity, gender expression, sexual orientation, language, age, ancestry, ethnicity, ability, faith and/or immigration status. Survivors can also experience many barriers to disclosing, reporting, and/or seeking support; barriers can differ based on the lived experience of the survivor. The University strives to reduce these barriers in order to better support survivors in the community. Some acts of sexual violence are motivated by sexism, racism, colonialism, ableism, homophobia and transphobia, as part of a wider societal context that includes patriarchy, whiteness, and colonization as contributors to acts of sexual violence. The Sexual Violence Prevention and Response Office will work with survivors to determine

the appropriate supports and accommodations required based on the person survivor's experiences and expressed needs.

- 4.3 The University will provide a range of supports and services to persons affected by sexual violence regardless of where or when such incidents occur and will, to the extent possible, ensure survivors can self-determine the supports and services they wish to access and whether they wish to contact police.
- 4.4 The University will appropriately accommodate the needs of persons affected by sexual violence, relating to work, study, housing, or extra- curricular activities.
- 4.5 The University recognizes that confidentiality is key to create an environment and culture where survivors feel safe to disclose and seek support and accommodation.
- 4.6 The University is committed to providing on-going training, education, and initiatives aimed at changing attitudes and behaviors that perpetuate sexual violence. The University will support these initiatives through dedicated staff, programming, and related University resources. The University will broadly communicate these initiatives and effectively respond to the needs of the diverse members of the University community.
- 4.7 The University recognizes the extreme impact that rape culture has on society and will work collaboratively with its community to develop educational programs around this serious systemic issue.
- 4.8 Reports of sexual violence will be dealt with through University complaint procedures and any community member who is found to have committed sexual violence shall be held accountable and subject to sanctions and discipline up to and including expulsion and/or termination of employment where appropriate.
- 4.9 All University officials in any way associated with the implementation of this Policy are required to ensure timeliness of response in order to reduce the time required to access supports, services, and accommodations, as well as to ensure the timely resolution of complaints.
- 4.10 The University is committed to ensuring that its processes for addressing sexual violence are designed to promote fair, just and timely resolution for those making complaints and for those against whom complaints are made. Both parties will be provided with information explaining the process.
- 4.11 The University recognizes the traumatic effects of sexual violence and is committed to providing appropriate support and information about options available to survivors. The University strives for survivors to:
 - (a) be treated with compassion, dignity, and respect;
 - (b) be provided with non-judgmental and empathic support;
 - (c) have confidentiality maintained and any limits to confidentiality explained;
 - (d) be informed of the procedures in place to address sexual violence;

- (e) be provided with timely safety planning assistance;
- (f) be informed about on and off-campus supports and services available to them; and to receive survivor-driven supports and services appropriate to their social identities including race, Indigeneity, economic status, gender identity, gender expression, sexual orientation, language, age, ancestry, ethnicity, ability, faith and/or immigration status;
- (g) be provided with necessary academic, workplace, extracurricular, housing, and dining accommodations as appropriate;
- (h) decide whether to pursue criminal or non-criminal reporting options subject to the limits described in this Policy;
- (i) determine what and how much they choose to disclose and to whom;
- (j) have reasonable and necessary actions taken to prevent further unwanted contact with the respondent;
- (k) have options for reporting and/or filing a complaint outlined clearly; and
- (l) wherever possible, retain control over the matter and any decisions pertaining to their experience including reporting to police.

5. Confidentiality

- 5.1 The University recognizes the importance of protecting confidentiality in order to provide an environment in which survivors can disclose sexual violence and obtain support and to ensure reports of sexual violence can be addressed in a fair manner.
- 5.2 The University will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence. It will limit disclosure of information to those within the University who need to know for the purposes of providing support and addressing incidents.
- 5.3 Disclosures and reports of sexual violence made to the University are considered confidential. Information regarding disclosures and reports will only be shared with those persons who have a critical need to know to carry out functions appropriate to a person's responsibility to properly address an allegation of sexual violence or as required by law. To the extent possible, the identity of the survivor and the responding person will be anonymized.
- 5.4 The University may be unable to guarantee complete confidentiality if:
 - (a) a person is assessed to be at imminent risk of harm to self;
 - (b) a person is assessed to be at imminent risk of harming an identified person;
 - (c) there is reason to believe that members of the University community or the broader community may be at imminent risk of harm; and/or

(d) the University is obligated to investigate, or some other reporting or action is required by law.

5.5 In cases where complete confidentiality cannot be maintained, the person disclosing will be advised at the first available opportunity.

5.6 The University will treat complaints and their investigation as confidential and will not release any information unless required to do so by law or as indicated in this Policy. Provision of information to witnesses during investigations will be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation including witnesses and support persons will be advised of the need to maintain confidentiality to protect the integrity of the investigation and will be advised to refrain from discussing the matter during the investigation and adjudication process. The obligation to keep information confidential does not prevent a person from pursuing counselling and/or other support services, including personal support networks for either the complainant or respondent.

5.7 The University, through the Sexual Violence Prevention and Response Office, will collect data and statistics with respect to reported incidents of sexual violence.

6. Supports and Services

6.1 Supports and services are available to community members affected by sexual violence, irrespective of when or where the incident occurred. The Sexual Violence Prevention and Response Office will maintain an up-to-date list of supports and services offered by the University and in the community. The University will publicize the availability of this information to members of the University community.

6.2 It is not necessary to file a report or complaint in order to access the services provided by the University. Equally, accessing these services does not constitute filing a report or complaint to the University.

6.3 Supports and services are also available to respondents through the Sexual Violence Prevention and Response Office, the Office of Student Affairs (for students) and through the University's Employee Assistance Program, which may be accessed through Human Resources. Staff unions and the Faculty Association may also be contacted as a means of support.

7. Sexual Violence Prevention and Response Office (SVPRO)

7.1 The University has established a Sexual Violence Prevention and Response Office, which includes a Coordinator.

7.2 The Sexual Violence Prevention and Response Office facilitates support, services and accommodations based on the circumstances of the incident and the needs and wishes of the person disclosing and/or reporting. The Sexual Violence Prevention and Response Office is available to assist with:

(a) referrals to University resources and community agencies;

(b) referrals to medical services;

- (c) academic / workplace accommodations;
 - (d) housing relocation for students living in residence;
 - (e) coordination of safety planning;
 - (f) access to emergency housing;
 - (g) coordination emergency financial assistance;
 - (h) referrals to on and off campus counselling services;
 - (i) information about reporting options;
 - (j) decision-making and navigating University processes;
 - (k) managing the flow of information among departments or offices where necessary;
 - (l) coordinating with other institutions, where a student may be cross-registered, in respect of access to supports and accommodations; and
- 7.3 The Sexual Violence Prevention and Response Office can provide confidential assistance in a case where a person has made a disclosure of sexual violence, but does not wish to file a report.
- 7.4 The Sexual Violence Prevention and Response Office may:
- (a) conduct a risk assessment;
 - (b) assess the appropriate academic, employment and/or other accommodations the survivor may require;
 - (c) assess whether interim measures should be pursued against the respondent; and/or
 - (d) in situations where the person affected does not wish to pursue a complaint, determine whether there is an overriding safety or security reason for the University to pursue a complaint. In making this determination, the Sexual Violence Prevention and Response Office will consider all relevant circumstances including, but not limited to:
 - (i) the severity of the incident and the harm inflicted,
 - (ii) the potential risk to other members of the community,
 - (iii) the location of and circumstances in which the incident took place, and
 - (iv) the likelihood of effective resolution without the involvement of the person who experienced sexual violence.
- 7.5 When the Sexual Violence Prevention and Response Office determines the University will pursue a complaint, it is always the choice of the survivor whether to participate in any

investigation or complaint process.

- 7.6 In making decisions with respect to staff or faculty, the Sexual Violence Prevention and Response Office shall comply with provisions of applicable collective agreement(s).

8. Disclosure

- 8.1 Disclosure occurs when a person who has experienced sexual violence confides in someone about the experience. Disclosure can assist a person in seeking out support and services and to learn about options available to assist them, including options to make a report or complaint. Survivors determine when, what, and how much they choose to disclose.
- 8.2 The University recognizes that some persons may be hesitant to disclose or report sexual violence in cases where they have been drinking while under age or using drugs at the time the sexual violence took place. A survivor or University community member acting in good faith who discloses or reports sexual violence will not be subject to actions for violations of the University's policies related to drug and alcohol use at the time that the sexual violence took place.
- 8.3 All members of the University community to whom sexual violence is disclosed have a duty to encourage the person disclosing of this Policy and the existence of the Sexual Violence Prevention and Response Office.

9. Reporting

Emergency Reporting

- 9.1 If someone is at immediate risk of harm, University community members are encouraged to call 911 immediately, and then contact Security Services at 902 566 0384.
- 9.2 If Security Services is advised of an incident, they may be required to report the matter to the appropriate police agency. Persons affected may be contacted by police as part of their investigation into the matter.
- 9.3 Security Services will inform the Sexual Violence Prevention and Response Office of any incident reported to it
- 9.4 The University may issue a security bulletin to inform University community members of an ongoing risk related to an incidence of sexual violence.

Reporting

- 9.5 Reporting to the University occurs when a person who has experienced sexual violence pursues a formal process through the Sexual Violence Prevention and Response Office that involves an expectation that action will be taken against the respondent.
- 9.6 Reporting sexual violence to the University does not prevent a person from reporting through the criminal justice system (i.e. police) or through the civil courts. Equally, reporting through police or other mechanisms does not prevent a person from also reporting to the University.

- 9.7 The decision to report sexual violence is the choice of the person affected. In addition, that person has the right to subsequently withdraw a complaint at any time and has the right not to participate in any University investigation. If a complaint is withdrawn, University supports and accommodations are still available for both the complainant and respondent.
- 9.8 No one shall, directly or indirectly, intimidate, threaten, coerce, discriminate against, harass, retaliate, or engage in reprisals against a person who:
- (a) reports an incident of sexual violence, or
 - (b) participates in or co-operates with an investigation under this Policy.
- 9.9 The University may institute measures it considers appropriate to prevent reprisal, such as separating the parties to a complaint in the academic, work or housing environment or prohibiting communication between the parties pending the complaint process. Anyone engaged in reprisal, or who violates the University's directions may be subject to sanctions and / or discipline including possible termination or expulsion from the University.
- 9.10 Reporting to police will only be made with the informed consent of the survivor, unless there has been an assessed imminent risk of harm as outlined in this Policy. Reporting to the police or to other external agencies is the only way to formally seek redress against a respondent who is not a member of the University community.

10. Complaint Process

- 10.1 A member of the University community who experienced sexual violence by another University community member may make a complaint to the Sexual Violence Prevention and Response Office.
- 10.2 The complaint process is available if the respondent was a member of the University community at the time of the incident reported in the complaint. A complaint process may continue after the complainant ceases to be a member of the University community if the respondent continues to be a member of the University community. If the respondent ceases to be a member of the University community before the complaint process has been completed, the complaint process will be suspended. The process may resume if the respondent returns to the University at a future date.
- 10.3 A complaint shall be in writing, dated, and signed by the complainant. A complaint may be made in person or electronically. A complaint must include the following:
- (a) the complainant's name;
 - (b) the respondent's name (if known); and
 - (c) a description of the particulars of the incidents including but not limited to dates, times, and locations where the incidents occurred.
- 10.4 The respondent will be provided with a copy of the complaint.
- 10.5 The University will investigate complaints as expeditiously as possible.

- 10.6 Throughout the complaint process, complainants, and respondents have the right to be accompanied by a support person, who must also adhere to the confidentiality requirements of the process.
- 10.7 Complainants and respondents will be provided with appropriate procedural fairness throughout the process.
- 10.8 The filing of a complaint under this Policy is independent of any criminal investigation or proceeding (i.e. a person may report an incident to both the University and the police). The University's investigation and decision-making may be suspended pending the outcome of the criminal proceeding. However, the University may take interim measures as it considers necessary to protect the complainant and/or the University community pending the outcome.

11. Complaints Against Faculty and Staff

- 11.1 Complaints involving faculty or staff respondents will be processed in accordance with the applicable collective agreement and / or the Fair Treatment Policy.
- 11.2 A complaint may be initiated through the Sexual Violence Prevention and Response Office, which will ensure that the complaint is provided to the appropriate office under the applicable collective agreement and / or the Fair Treatment Policy. The Sexual Violence Prevention and Response Office will outline respective processes for the complainant.

12. Complaints Against Respondents Who are Both Students and Staff

- 12.1 In cases where the respondent is a student as well as a staff member (e.g. graduate student or resident) and it is unclear what process applies, the Sexual Violence Prevention and Response Office will determine if the complaint should be processed under this Policy or in accordance with the applicable collective agreement and / or the Fair Treatment Policy, having regard to the circumstances of the case and the interest in avoiding duplication of processes.

13. Complaints Against Students

- 13.1 Preliminary Assessment
- (a) After a complaint is filed, the Sexual Violence Prevention and Response Co-ordinator, or his or her delegate, will conduct a preliminary assessment to assess whether the complaint falls within the jurisdiction of this Policy. If the Sexual Violence Prevention and Response Co-ordinator, or his or her delegate, determines that the complaint is outside the jurisdiction of this Policy or that the matter should not be investigated, he or she will provide written notice of that decision to the complainant.
- (b) A Complainant may request that the Sexual Violence Prevention and Response Co-ordinator, or his or her delegate, reconsider a decision that a complaint will not be investigated. A request for reconsideration must be made in writing within 30 calendar days of receipt of the decision.

13.2 Initial Processing of a Complaint

- (a) If the Sexual Violence Prevention and Response Office determines that the complaint should be processed through the complaint procedure of this Policy, it will ensure a copy of the complaint is promptly forwarded to the respondent who will be provided with an opportunity to submit a written response.

13.3 Interim Measures

- (a) The Sexual Violence Prevention and Response Office may impose interim measures as it considers necessary to ensure safety of the person reporting or others in the community, to reduce contact between the parties, to prevent retaliation or to avoid a hostile environment. Interim measures may include "no contact" orders, and/or changes in academic, extracurricular, housing, dining, employment or other arrangements. Both the respondent and the complainant may request modifications to the interim measures and may make a written submission in support of their request. Requests for modifications will be submitted to the Sexual Violence Prevention and Response Office for consideration.

13.4 Informal Resolution

- (a) Many cases of sexual violence are not well suited to informal resolution. However, there may be instances in which the complainant and respondent wish to pursue informal resolution through mediation, facilitation, restorative justice, or similar methods.
- (b) The Sexual Violence Prevention and Response Office will provide information to the parties regarding informal resolution options. Participation in informal resolution is voluntary and either party may withdraw from the process at any time.

13.5 Formal Resolution

- (a) When a decision is made that formal resolution is the appropriate course of action, the Sexual Violence Prevention and Response Office will appoint an investigator to conduct a full investigation.
- (b) The steps taken to investigate a complaint may vary but will generally involve the following:
 - (i) the complainant and the respondent are informed in writing that an investigation is being undertaken, describing the allegations and the possible sanctions.
 - (ii) the respondent is given the opportunity to provide a written response to the complaint and the complainant has the opportunity to reply to the written response;
 - (iii) the investigator conducts one or more separate interviews with the complainant and respondent to obtain any additional information, documents, names of witnesses and other evidence that may be considered relevant; both parties will never be interviewed at the same time;
 - (iv) relevant documentary and other evidence is compiled; and

- (v) interviews are conducted with witnesses or other persons who may have relevant evidence.
- (c) Either party may decline to be interviewed by the investigator and/or to provide relevant evidence. The investigation report will reflect that a party was given the opportunity to participate in the investigation but did not do so.
- (d) During the course of investigation, the investigator will keep the parties apprised of the status of the investigation and the expected time to completion. While the time to investigate and complete an investigation report will vary depending on the circumstances of the case, it is expected that investigation reports will be finalized within 60 calendar days.
- (e) Following completion of the investigation, the investigator will prepare a written report containing a detailed summary of the facts and evidence gathered. A complete copy of the investigation report will be provided to the complainant and respondent.
- (f) The complainant and respondent will be provided an opportunity to make written submissions with respect to the investigation report. Any submissions received by either party will be disclosed to the other.
- (g) At any time prior to the investigator's report being forwarded to the Vice-President, Academic & Research, the complainant may request informal resolution.
- (h) The investigation report and the submissions of the parties will be presented to the Vice-President, Academic & Research for a decision as to whether or not, based on a balance of probabilities there has been a breach of this Policy. Prior to a decision being made, oral submissions may be undertaken as follows:
 - (i) At the request of one or both of the parties or at the discretion of the Vice-President, Academic & Research.
 - (ii) If oral submissions occur, the parties will not be required to be in the same room together when making submissions if they elect to provide oral submissions.
 - (iii) The parties may have a support person present.
 - (iv) The Vice-President, Academic & Research may request to meet with the investigator and/or any witnesses prior to making a decision.
 - (v) If either party declines to participate in an oral submission, they may be provided with questions in writing from the Vice-President, Academic & Research and will have the opportunity to provide written answers.
 - (vi) If any new evidence is presented either orally or in writing, both parties may be given the opportunity to respond in writing prior to a decision being rendered.
 - (vii) Based on the investigation report and the submissions of the parties, the Vice-President, Academic & Research will make one of the following decisions on a balance of probabilities:

- (viii) That the evidence supports a finding that the respondent violated this Policy and that a sanction is imposed; or
- (ix) That the evidence does not support a finding that the respondent violated the Policy and the complaint is dismissed.
- (j) The Vice-President, Academic & Research will set out a decision, in writing including a summary of the information relied upon in making the decision. This written decision will be provided to the complainant and respondent.
- (k) If the Vice-President, Academic & Research determines that the Policy has been breached and issues a penalty or sanction, the complainant will be provided with sufficient information regarding the precise nature of the penalty or sanction so as to maintain the complainant's ongoing safety and/or to reduce the possibility of contact between the parties.
- (l) The role of the Vice-President, Academic & Research in this Policy may be performed by a delegate appointed by the Vice-President, Academic & Research.

13.6 Sanctions

- (a) The Vice-President, Academic & Research, or their delegate, may apply any of the following sanctions:
 - (i) a verbal warning;
 - (ii) a letter of reprimand;
 - (iii) a removal or suspension of privileges for a specified period of time;
 - (iv) place the respondent on probation for a specified period of time;
 - (v) an order for the respondent to provide restitution;
 - (vi) an order for the respondent to attend counselling, education or training;
 - (vii) an order restricting or prohibiting the respondent's right to access or use any part or all of the University's lands, equipment, facilities, services, activities, programs, meetings, or events, or those held by, on, or in association with the University, either permanently or for any specified period of time;
 - (viii) an order for discretionary sanctions against the respondent, including but not limited to, work assignments, service to the University, education sessions, counselling sessions, a letter of apology or any other discretionary sanction that the Vice-President, Academic & Research deems just and appropriate;
 - (ix) impose conditions on the Respondent's continued enrolment or attendance at the University;
 - (x) suspension or eviction from residence, either permanently or for a specified period of time, or for an indeterminate period of time subject to fulfillment of specified conditions;

- (xi) recommend to the President suspension from the University for a specified period of time or for an indeterminate period of time subject to fulfillment of specified conditions; or
- (xii) recommend to the President expulsion from the University.

13.7 One or more sanctions may be imposed.

14. Appeals

14.1 Grounds for Appeal

- (a) A respondent subject to sanctions following a decision under the Policy may, within 14 days of the decision, appeal the finding of breach of the Policy and/or the sanctions imposed if one or both of the following applies:
 - (i) A serious procedural error was made during processing of the complaint that caused prejudice to the respondent and/or might have affected the final outcome; and/or
 - (ii) The decision and / or sanction are clearly unreasonable or unsupportable on the evidence.
- (b) A complainant may, within 14 days of the decision, appeal a finding that no breach has occurred and / or the sanctions imposed if one or both of the following applies:
 - (i) A serious procedural error was made during processing of the complaint that caused prejudice to the complainant and/or might have affected the final outcome; and/or
 - (ii) The decision and / or sanction are clearly unreasonable or unsupportable on the evidence

14.2 Appeal Panel and Hearing

- (a) The University Appeals Committee shall establish a panel of three of its members to hear an appeal. The panel chair shall be the chair or a vice-chair of the University Appeals Committee. Panel members hearing appeals will be properly trained to conduct hearings into sexual violence matters.
- (b) Rules and procedures respecting appeals contained in this Policy shall supersede rules and procedures respecting appeals generally applicable to appeals to the University Appeals Committee.
- (c) In general, appeals will be heard in writing and an oral hearing will proceed only in exceptional circumstances. Should an appeal panel proceed with an oral hearing, the complainant would not be required to participate.
- (d) The appeal panel will do a preliminary assessment of the written material before holding a hearing. If the appeal panel concludes that the appeal cannot succeed on any of the grounds provided in section 14.1, the appeal may be dismissed without further

processes such as either an oral hearing or further written hearing.

- (e) If any inconsistencies exist between this Policy and the University Appeals Committee Policy (and any rules and procedures made pursuant to that policy), the provisions of this Policy shall take precedence.

15. Records of Investigations and Outcomes

- 15.1 Written records will be retained with respect to a complaint investigation and its resolution.

16. Training and Education

- 16.1 The SVPRO will offer training and education to University community members aimed at preventing sexual violence and improving supports to survivors. This will include:
 - (a) Training on the content of this Policy, including processes for responding to and addressing sexual violence.
 - (b) Education initiatives for the University community to promote a change in the attitudes and behaviors that perpetuate sexual violence and to create a more supportive environment for survivors. These initiatives will take an intersectional and anti-oppression approach to addressing the issue of sexual violence and recognize different experiences of violence. Programming will aim to address systemic issues contributing to sexual violence and aim to challenge rape culture and other forms of discrimination and hate.

17. Policy Review and Amendment

- 17.1 This Policy will be reviewed at least once every three years.
- 17.2 The review and amendment process will include consultation with representatives of the University's elected student governments and with consideration of input from a diverse selection of students as well as input from faculty and staff, including the Faculty Association and staff unions.

18. Acknowledgements

- 18.1 This Policy is based on and borrows from York University's Policy on Sexual Violence, and consequently, the University wishes to provide acknowledgement and thanks to York University.

SCHEDULE A

Sexual Violence Policy Supports and Services

Service	Supports Available	Contact Information
Sexual Violence Prevention and Response Office	Provides referrals to counselling and medical services; safety planning; assistance with academic and workplace accommodations; self-care resources; advocacy and help in navigating resources. Also provides assistance in making informed decisions about next steps involving reports to authorities within the university or to the police. Delivers education, prevention, training and awareness activities with campus partners.	
UPEI Security Services	24-hour emergency response, including crisis intervention/emergency management and referral. They provide safety planning and can assist in making a report to the police if this is what the survivor requests. Also provide Walk Safe service and free self-defense courses. http://www.upei.ca/facilities/security/emergency-contacts	Hours: 24 hours a day Phone: (902) 566-0384 Location: University Campus Email: security@upei.ca
UPEI Counselling Services	Provides confidential on-campus, individual and group counselling for students. http://www.upei.ca/studentlife/student-affairs/counselling	Hours: Monday to Friday 8 am – 4pm. Phone: (902) 566-0488 Location: Dalton Hall (5 th Floor) UPEI Campus Email: studentserv@upei.ca

<p>UPEI Health Centre</p>	<p>Offers medical attention during regular business hours by appointment for students. Can test for sexually transmitted infections (STI's) or pregnancy. Can refer to local hospitals and specialists.</p> <p>http://www.upei.ca/studentlife/University-student-health-centre</p>	<p>Hours: Monday to Friday 8:30 am–12:00 pm and 1:00–4:00 pm</p> <p>Phone: (902) 566-0616</p> <p>Location: W.A. Murphy Student Centre, University (above University Bookstore)</p> <p>Email: healthcentre@upei.ca</p>
<p>UPEI Mawi'omi Centre</p>	<p>A culturally supportive environment where all First Nations, Aboriginal, Inuit, Metis status and non-status students can get support and assistance with traditional teachings.</p> <p>http://www.upei.ca/studentlife/mawiomi-centre</p>	<p>Phone: (902) 620-5125</p> <p>Location: Dalton Building, UPEI (5th Floor)</p>
<p>UPEI Residence Services Office</p>	<p>Direct connection to the professional staff Residence Life On Call personnel, Residence Advisors (RA) on-call and/or Residence Service Desk (RSD) Agents; personal connection/referrals to the Office of Sexual Violence Support and Education, and the Centre for Student Development and Counselling.</p> <p>http://www.UPEI.ca/studentlife/residence</p>	<p>Phone: (902) 566-0330 Hours: Monday-Friday 10:00 am-5:00 pm</p> <p>Location: Bill and Denise Andrew Hall, UPEI (First Floor)</p> <p>Email: residence@UPEI.ca</p>

UPEI FA	UPEI Faculty Association	Phone: (902) 566-0693 Contact: Nola Etkin UPEI FA President Location: Duffy Science Building, UPEI Email: netkin@upei.ca
CUPE 1870	CUPE Union Local 1870	Phone: (902) 894-2836 Contact: Tracy Carmichael CUPE 1870 President Email: tcarmichael@upei.ca
CUPE 501	CUPE Union Local 501	Phone (902) 566-0373 Contact: Wayne Squarebriggs Shop Steward Email: jsquarebriggs@upei.ca
IBEW 1928	IBEW Local 1928	Phone (902) 394-0477 Contact: Blair Somers Vice-Chair & Shop Steward Email: blair.somers@hotmail.com
City Police RCMP	City of Charlottetown, City Police Royal Canadian Mounted Police	(902) 629-4172 (902) 368-9300

Supports and Services Available in the Community

Name of Services	Supports Available	Contact information
<p style="text-align: center;">Prince Edward Island Rape and Sexual Assault Centre</p>	<p style="text-align: center;">Supports and advocates for survivors of sexual assault and abuse in their healing and to ensure that all residents of PEI are safe from sexual violence.</p> <p style="text-align: center;">http://www.peirsac.org/</p>	<p>Hours: 8:30 am - 4:30 pm, Monday through Friday Phone: (902)566-1864</p> <p>Location: 1 Rochford Street, Charlottetown, Prince Edward Island, Canada, C1A 7N3</p>
<p style="text-align: center;">Victim Services PEI Department of Justice and Public Safety</p>	<p>Assists victims in the aftermath of a crime and throughout their involvement in the criminal justice system. A person can access Victim Services whether the police have been called or not, and even if no charges are laid. Services include:</p> <ul style="list-style-type: none"> - Information about the police investigation and the criminal justice system; - access to counselling and emotional support; - court preparation and accompaniment; - help in preparing a victim impact statement; - assistance to apply for financial compensation; - referrals and coordination of services. <p style="text-align: center;">https://www.princeedwardisland.ca/en/information/justice-and-public-safety/victim-services</p>	<p>Phone: Queens and Kings County 902-368-4582 Prince County 902-888-8218</p> <p>Location: Queens and Kings County 1 Harbourside Access Rd, Charlottetown, PE</p> <p>Prince County Suite 19, 2nd Floor 263 Moyse Drive, Summerside, PE</p>