

## Sexual Violence/Misconduct Policy Procedures

If someone is at imminent risk of harm to self or others, please call 911 immediately, and then contact Campus Security at 306-585-4999

If someone requires immediate access to support, more resources are available at this link:  
<https://www.uregina.ca/sexual-violence/get-support/index.html>

### 1. Introduction

These procedures are designed to accompany and provide details regarding the [Sexual Violence/Misconduct Policy](#).

\*If a sexual harassment allegation is made against an employee, the [Respectful University Policy](#) and the procedures thereunder will apply. All other sexual harassment allegations will be subject to the [Sexual Violence/Misconduct Policy](#) and the procedures thereunder.

### 2. Procedural Information

#### 2.1 Confidentiality

Maintaining confidentiality benefits everyone involved in the disclosure, reporting, and/or investigation process. Those making complaints should not discuss the matter other than with the appropriate parties. Those involved in dealing with the complaints will make every effort to maintain confidentiality of information and will disclose confidential information only where absolutely necessary. Wherever possible, the complainant will be consulted before any disclosure of information is made. The importance of confidentiality will be stressed to all those involved in any disclosure, report, and/or investigation.

Because of the particular sensitivity of Sexual Violence/Misconduct complaints, and their consequences, confidentiality is of the utmost importance and will be maintained at all times, unless there is a risk to personal safety, or the University's legal obligations require disclosure of information. Notwithstanding the foregoing, disclosure of certain matters pertaining to a Sexual Violence/Misconduct complaint may be disclosed to those individuals within the University who have a need to know (in order to administer this policy, carry out interim measures, to deal with safety concerns, to take corrective measures, etc.).

In addition to the matters described above, confidentiality cannot be assured:

- where an individual is at imminent risk of self-harm;
- where an individual is at imminent risk of harming another;
- where there are reasonable grounds to believe that member of the University community or in the wider community may be at risk of harm; and/or
- subject to Section 12 of [The Child and Family Services Act](#), which states that "every person who has reasonable grounds to believe that a child is in need of

protection shall report the information to an officer or peace officer” and federal child exploitation laws.

In such circumstances, information will be shared only with such persons whose intervention is necessary to prevent harm. The names of those involved will not be released to the public.

Respondents and complainants may discuss their case with their supervisor, legal counsel, support person(s), student advocate and/or union representative in confidence. The Coordinator or designate may discuss specific cases and their dispositions for educational purposes provided that no identifying information is disclosed.

Breaches of confidentiality may give rise to investigation under this policy and/or the *Freedom of Information Policy* and may be subject to disciplinary action.

*Note:* Confidentiality does not mean anonymity. It is a fundamental principle of natural justice that the respondent be informed of who has made the allegations, and the specific nature of the allegations, at the earliest possible point in the process.

## **2.2 Additional Protections**

Nothing in the policy or these procedures is intended to discourage or prevent a member of the University community, including students and employees, from reporting an incident of sexual violence/misconduct to the police, filing a complaint with the Human Rights Commission, or from exercising any other legal rights pursuant to any other law.

Nothing in the policy or these procedures is intended to limit the rights of an employee governed by a collective agreement. If there is any ambiguity or conflict between the policy or these procedures, and a collective agreement, the collective agreement will prevail to the extent of such ambiguity or conflict.

## **2.3 Protection from Retaliation**

For the purposes of the policy and these procedures, retaliation is understood to mean taking, attempting to take, or threatening to take any adverse action or retribution of any kind against anyone involved in a sexual violence/misconduct process including the individual who made a disclosure or complaint, and anyone involved in an investigation or resolution of an allegation of sexual violence/misconduct, or friends or family members of the same. Retaliation can take many forms, including threats, intimidation, pressuring, harassment, continued abuse, violence or other forms or threats of harm to others, and in varying modes, including in person and in electronic communication or through third parties. Retaliation can also include adverse employment or educational actions made or taken against an individual because of participation in the reporting, investigating and/or resolution of an alleged violation of the sexual violence/misconduct policy, or any conduct that would discourage a person from engaging in a disclosure, report, or investigation.

It is contrary to the policy for anyone to retaliate, engage in reprisals or threaten to retaliate, against any person, for:

- having pursued rights under the policy, the *Criminal Code*, or any other law;
- having participated or co-operated in an investigation under the policy, the *Criminal Code* or any other law; or
- having been associated with someone who has pursued rights under the policy, the *Criminal Code*, or any other law.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

Threats or other safety concerns associated with one's involvement in a report or investigation of should be reported immediately to the Coordinator, and, where appropriate, Campus Security. If necessary, interim preventative, remedial and/or disciplinary measures may be taken.

## **2.4 Respondent's Relationship with the University**

If after a report is made a respondent ends their relationship with the University, such that they are no longer a member of the University community (including through graduation, withdrawal or resignation), the investigation process will continue as will the adjudication and, where applicable, disciplinary outcomes or other sanctions may be ascribed.

## **2.5 Off-Campus Considerations**

In the event that a complainant, respondent or witnesses are not based in Regina the applicable Coordinator / Investigation Team will make reasonable accommodations on a case-by-case basis throughout the assessment and investigation process, such as phone or video meetings/interviews or in-person visits to an off-campus location. Off-campus members of the University community may access University supports and services or be referred to supports and services at a location nearest to them by contacting the Coordinator, Sexual Violence Prevention and Response.

# **3. Disclosure and University Response**

The decision to disclose an incident of sexual violence/misconduct, and the decision to report such an incident can comprise separate decisions. An individual may choose to disclose sexual violence/misconduct without making a report. Disclosure does not automatically result in a report being made or an investigation being undertaken by the University, except for cases where personal safety is at risk.

Individuals may anonymously disclose an incident of sexual violence/misconduct (<https://www.uregina.ca/sexual-violence/get-support/incident-report.html>) or a disclosure can be made to a member of the University Community. If a disclosure is made to a member of the University community, that person should contact the Coordinator, Sexual Violence Prevention and Response for support and information about reporting options, information on how to support someone who has disclosed or been disclosed to, and the arrangement of safety measures.

The University will make appropriate support services and accommodations available to members of the University community on the basis of a disclosure, regardless of whether they decide to make a report or whether the University has the jurisdiction to investigate.

This may include:

- Student room changes within University housing or short-term emergency student housing;
- Class schedule changes;
- Provision of academic or workplace accommodations;
- Emergency funding for students;
- Safety planning;
- Temporary work reassignment, location reassignment, or scheduling changes; and
- Obligations under *The Saskatchewan Employment Act*.

Students seeking support services and accommodations should contact the Coordinator, Sexual Violence Prevention and Response to discuss. Further, support from URFA/CUPE and the Employee Family Assistance Plans are available for employees.

The University recognizes that some individuals may be hesitant to disclose sexual violence/misconduct in cases where alcohol (including underage use) and/or substances were used at the time the sexual violence/misconduct took place. In this case, neither the survivor nor any witnesses who discloses or reports an incident of sexual violence/misconduct will be subject to discipline for violations of the University's policies related to drug and alcohol use.

## **4. Reporting and University Response**

### **4.1 Filing Reports**

**Reports Involving Students:** Reports involving a respondent who is a student should be filed with the Coordinator, Student Conduct (306.585.4557 or [student.conduct@uregina.ca](mailto:student.conduct@uregina.ca)).

**Reports Involving Other Members of the University Community:** Reports involving a respondent who is not a student should be filed with the Coordinator, Respectful University Services (306.585.5400 or [respect.matters@uregina.ca](mailto:respect.matters@uregina.ca)).

**Reports Involving non-members of the University Community:** Reports involving a respondent who is not a member of the University community should be filed with the police.

### **4.2 Reporting Options**

Individuals who have disclosed an incident of sexual violence/misconduct have the right to decide whether to make a report to the University and/or file a report with the police. Reports to the police may result in criminal charges under the Criminal Code of Canada. This, or some other legal action, is the only avenue for pursuing a

report of sexual violence/misconduct involving someone who is not a member of the University community. In the event that the complainant is a member of the University community, but the respondent is not, the complainant can still access supports offered by the University and the University may place restrictions on the respondent's access to campus, University services, and University events.

Where a report is received by the Coordinator, Student Conduct or the Coordinator, Respectful University Services, as the case may be, other than where there are extenuating circumstances, the complainant will be provided with written acknowledgment of the report within 5 business days from the date on which the report is received.

### **4.3 Third Party Reporting**

A person other than the person who experienced the sexual violence/misconduct can bring forward a report. The third party may be a witness, a friend, a colleague, a person who receives a disclosure, or any other person. Third party reporting offers individuals the ability to protect their identity while giving information that can lead to a safer University community.

*Note:* If a third party report leads to an investigation, anonymity of the third party and others (including the person who experienced the sexual violence/misconduct) cannot be guaranteed. Individuals are encouraged to consult with the Coordinator, Sexual Violence Prevention and Response for support and information regarding third party reporting.

### **4.4 Initial Assessment of the Report**

Once a report is received by the Coordinator, Student Conduct or the Coordinator, Respectful University Services, as the case may be (each a "**Coordinator**"), an assessment will be made to determine if the University has jurisdiction to investigate.

The Coordinator's determination is final and not subject to further review or appeal.

- i. If the Coordinator determines that the University does not have the jurisdiction to investigate, the Coordinator will inform the complainant in writing of this decision along with the rationale for the determination.
- ii. If the Coordinator determines that the University has the jurisdiction to investigate, the Coordinator will begin the investigation process.
- iii. If the Coordinator determines that the report discloses other kinds of misconduct or information that the University may need to act on under another University policy or process, the Coordinator may refer the report or the relevant portions of the report to the appropriate University authority. The Coordinator will inform the complainant if the report is so referred.

#### **4.5 Interim Measures**

Following the filing of a report, the Coordinator will identify any critical issues that may require immediate attention, such as urgent safety and security matters, and determine if interim measures should be implemented. Such measures are without prejudice to the outcome of the investigation. The interim measures will be in effect for the duration of the Investigation period.

- i. For students affected by sexual violence/misconduct, the interim measures will be implemented by the Associate Vice-President (Student Affairs) upon request of the Coordinator. Requests for interim measures may also be made by the Coordinator, Sexual Violence Prevention and Response, Campus Security, and other offices as appropriate. These measures may include:
  - Room changes within University housing if one or both parties are residents;
  - On and/or off campus safety planning;
  - Restrictions on access to University facilities;
  - Reasonable academic accommodations (such as extensions on assignments, deferrals of exams, leaves of absences, authorized withdrawals, etc.);
  - No contact and no communication orders.
- ii. For employees affected by sexual violence/misconduct, the interim measures will be implemented by the Associate Vice-President (Human Resources) upon request of the Coordinator. Requests for interim measures may also be made by the respective Dean, Director or delegate, the Coordinator, Sexual Violence Prevention and Response, Campus Security, and other offices as appropriate. These measures may include:
  - On and/or off campus safety planning;
  - Restrictions on access to University facilities;
  - No contact and no communication orders;
  - Reasonable employment/workplace restrictions or accommodations (such as temporary work assignment, location reassignment, or scheduling changes);
  - Imposition of administrative leave of absence.
- iii. For other members of the University community affected by sexual violence/misconduct, the interim measures will be directed by the President (in consultation with the Coordinator, Student Conduct, the Coordinator, Respectful University Services, the Coordinator, Sexual Violence Prevention and Response, Campus Security, and other offices as appropriate).

#### **4.6 Alternative Resolution**

- i. If the Coordinator believes that an alternative resolution may be appropriate, they will discuss this option with the complainant.
- ii. If the complainant agrees to an alternative resolution process, the Coordinator will contact the respondent to advise them that a report was

made, and will discuss the proposed alternative resolution process option with the respondent.

- iii. If the respondent also agrees to an alternative resolution, the Coordinator will explore the options with the parties, and proceed with the process agreed to by the parties.
- iv. If at any time either the complainant or the respondent decides they no longer wish to participate in the alternative resolution process, it will be terminated and the University may proceed with the investigation process.
- v. The complainant has the right to request an alternative resolution process at any time, up to the submission of the investigation report to the appropriate decision maker. However, the University reserves the right to complete an investigation report and submit it to the appropriate decision maker.
- vi. An alternative resolution is only acceptable under two conditions:
  - Both parties must consent to such process, and
  - Such process must not require any face-to-face meeting between the complainant and the respondent unless both parties agree.

Examples of alternative resolution are restorative justice and mediation and can include Indigenous-centred approaches to resolution and healing.

## **5. Investigation**

### **5.1 Notice of Investigation**

1. Once an initial assessment of the report is complete, and if it has been determined that the University has the jurisdiction to investigate, the investigation will commence and the University will appoint an investigation team.
2. Once appointed, the investigation team will:
  - (a) Contact the complainant to advise them that the report has been referred to investigation, and provide the complainant with:
    - The name and contact information of the investigation team members;
    - A link to the policy and these procedures;
    - Information about the support resources available during the investigation process; and
    - Information about the complainant's right to have an advisor, support person, Elder/Knowledge Keeper, legal counsel, or union representative present whenever they meet with the investigation team.

- (b) Contact the respondent to advise them that a report has been made and has been referred to investigation, and provide the respondent with:
  - A summary of the report filed by the complainant;
  - The name and contact information of the investigation team members;
  - A link to the policy and these procedures;
  - Information about the support resources available during the investigation process;
  - Information about the respondent's right to have an advisor, support person, Elder/Knowledge Keeper, legal counsel, or union representative present whenever they meet with the investigation team; and
  - Information regarding the date, time, and location of the respondent's interview with the investigation team [this information may be provided at a later date if the initial intake regarding the report is not yet complete].
- 3. The Coordinator / Investigation Team shall ensure that the Complainant and the Respondent have been:
  - (a) advised that all those involved in a sexual violence/misconduct investigation are expected to maintain confidentiality, particularly within the work, learning or living unit in question, and shared professional and social circles. Any person breaching confidentiality may be subject to discipline or other appropriate action;
  - (b) advised that retaliation or the threat of retaliation or reprisal against anyone involved in a sexual violence/misconduct investigation is considered to be a serious offence and may be subject to discipline or other appropriate action;
  - (c) advised that threats or any other safety concerns should be reported to the Coordinator.
- 4. The complainant or respondent can make a request to the applicable Coordinator for an alternate individual to be appointed to the investigation team, if they have reason to believe that the appointed individual cannot act impartially in the particular case. The University will review the request and determine if an alternate investigator will be assigned.

## **5.2 Investigation without Complaint**

There may be times when the University is required or may choose to conduct an investigation where a report has not been filed, or when a survivor has disclosed an incident of sexual violence/misconduct but has chosen not to proceed with the investigation process or has withdrawn their report. These include, but are not limited to: (i) situations where the safety and security of other members of the University community may be at risk, or (ii) where there is evidence of sexual violence/misconduct in the public realm (such as a video posted online).



Information and support will be made available to the survivor involved even if they choose not to participate in an investigation.

### **5.3 Principles of the Investigation Process**

The investigation will be conducted in accordance with the principles of procedural fairness and natural justice. In particular:

- All investigations will be completed in a timely manner, taking into consideration the complexity of the case and availability of the respondent, the complainant, and any relevant witnesses;
- The complainant will be provided an opportunity to provide evidence, including witnesses, in support of their report;
- The complainant will not be required to answer questions regarding their past sexual history (other than the complainant's history with the respondent);
- The respondent may request access to documentary and other evidence gathered in the course of the investigation, subject to confidentiality provisions;
- The respondent will be provided a reasonable opportunity to respond to the allegations in the report;
- The respondent is entitled to the same level of assistance in the process as is available to the complainant. The respondent has the right to meet with the Coordinator to obtain information, guidance and assistance and discuss options. The Coordinator will not directly assist the respondent in preparing their response; a respondent may seek such assistance from a union representative, a trusted friend or colleague, their lawyer or anyone else they deem appropriate;
- Any person whose action or inaction obstructs an investigation under these procedures or who violates these procedures will be subject to discipline;
- While strict rules of evidence do not apply, appropriate weight must be given to evidence based on its credibility and reliability; and
- Witnesses (including complainants and respondents) may consult with and be accompanied by a representative.

### **5.4 The Investigation Process**

- i. Investigations are not adversarial processes and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.
- ii. The investigation team will conduct separate interviews with the complainant, the respondent, and any relevant witnesses. Notes from the interviews will be typed, and each interviewee will be given the opportunity to review, confirm, and/or add comments to the typed statements. More than one interview may be required as new information is gleaned.
- iii. The respondent shall have the right (but is not obliged) to provide a written response to the report, to be provided to the Investigation Team within 10 days of being notified of the report. The response, if any, should acknowledge or deny the validity of the allegations in whole or in part, provide additional information, and/or propose a resolution of the matter. A request for an extension of the response period may be granted in appropriate and reasonable circumstances.

- iv. In the event that the respondent does not reply to the meeting request within a timely manner, or chooses not to participate in the investigation process, the investigation team may proceed with the investigation without a statement from the respondent.
- v. The investigation team is solely responsible for determining the scope of the investigation, including which witnesses, if any, are to be interviewed. Witnesses may include anyone who can provide information, records or details regarding an allegation or the circumstances surrounding a report. When material facts are not in dispute, interviewing witnesses may be unnecessary.
- vi. There is an obligation on members of the University community to cooperate in the investigation of a report of sexual violence/misconduct.
- vii. If the matter complained of is also under investigation by the police or another external agency (such as the Saskatchewan Human Rights Commission or Saskatchewan Labour Relations & Workplace Safety), the University, at its discretion, may continue, stay or terminate the investigation or any other proceedings related to the matter.
- viii. The investigation team shall collect, review, analyze and assess the facts with respect to the merits or veracity of the allegation(s). Facts are derived from evidence provided by the complainant, the respondent, as well as witnesses and other evidence, if any, and may include inferences drawn by the investigator from the evidence gathered.
- ix. The investigation team shall conclude the investigation as expeditiously as possible, normally within ninety (90) days from the date on which the report is received by the respective Coordinator. If, during the course of the investigation, the investigation team believes that this timeline cannot be met, the investigation team will contact the respondent and complainant as soon as possible to inform them of the revised estimated timeline.
- x. After all interviews have been completed, and the evidence assessed, the investigation team will prepare an investigation report. The investigation report will include the investigation team's determination as to whether, on a balance of probabilities, the allegations are or are not substantiated, and whether or not the policy has been violated. The investigation team will not make specific disciplinary recommendations; however, the investigation report may provide information that is important to the determination of appropriate disciplinary action by the applicable decision maker (as described below).
- xi. The investigation report also serves as a guide to remedial actions necessary to correct deficiencies in the work or learning environment; as such, the investigation report may include recommendations (corrective, preventative, educational or remedial - e.g. training and development) to correct deficiencies and/or restore the health of the work or learning environment.

- xii. Any recommendations made by the investigation team are advisory only, and are not binding on the University, the complainant, the respondent, or any other person.
- xiii. The investigation report, it will be submitted to the appropriate decision maker, as follows:
  - (a) the Associate Vice-President (Student Affairs) where the respondent is a student;
  - (b) the Associate Vice-President (Human Resources) where the respondent is an employee of the University;
  - (c) the Chair of the Board of Governors (or delegate), where the respondent is a member of the Board of Governors (including the President) or a non-employee member of a committee of the Board or of the University;
  - (d) the Chancellor, where the respondent is a non-employee member of the Senate, or is the Chair of the Board of Governors; or
  - (e) the President, where the respondent is any other member of the University community.

The complainant and the respondent will also be provided with a copy of the investigation report.

- xiv. The submission of the investigation report ends the investigation team's role in the process unless the decision maker seeks clarification of the investigation report in any respect, or regarding matters arising requiring further investigation and/or supplementary reports. The role of the Coordinator will be ongoing for remedial and preventative purposes, and follow-up.

## **5.5 Support During an Investigation**

- i. Both complainants and respondents will have access to University supports throughout the investigation and adjudication-making process. Support for complainants will be provided by the Coordinator, Sexual Violence Prevention and Response. Support for respondents who are students will be facilitated by the Coordinator, Student Conduct. Support for respondents who are employees will be facilitated by Human Resources, consistent with any existing relevant collective agreement provisions.
- ii. As noted above, each of the complainant and the respondent have a right to the assistance of a support person of their choice, including a union representative, legal counsel or student advocate, at any stage in the investigation. The role of the support person is to:
  - provide moral support, keeping in mind that the complainant and the respondent are responsible for expressing their own thoughts and feelings, and for full disclosure of information related to the allegations, and
  - support the investigation team's objective of conducting a full, fair and impartial investigation.

The support person cannot be a witness in the investigation. The investigation team may terminate or postpone the interview if the behaviour of the support person is inappropriate. Any costs associated with the attendance of a support person shall be borne by the complainant or the respondent, as the case may be.

## **5.6 Adjudication**

### **i. Adjudication - Student:**

- Where the respondent is a student, an adjudication board will be convened by the Associate Vice-President (Student Affairs) to review the findings in the investigation report.
- The respondent will be provided with the opportunity to appear before the adjudication board (prior to the rendering of a discipline decision). The complainant will not be required to appear before the adjudication board.
- The Associate Vice-President (Student Affairs), in consultation with the adjudication board, will determine the appropriate disciplinary penalty, outcome or other measures, if any. The disciplinary decision will be based upon the nature and severity of the sexual violence/misconduct (and will be in accordance with the penalties for other acts of non-academic misconduct up to and including expulsion). The penalty may include measures such as counselling and mandatory education or training.
- The decision of the adjudication board will be conveyed in writing by the Associate Vice-President (Student Affairs) to the respondent and will be deemed to be a disciplinary penalty under and subject to the [Regulations Governing Discipline for Academic and Non-Academic Misconduct](#) (including with respect to all rights of appeal).

### **ii. Adjudication – Employee:**

- Where the respondent is an employee, the Associate Vice-President (Human Resources) will review the findings in the investigation report and determine the appropriate disciplinary penalty, outcome or other measures, if any (in consultation with such other individuals as the Associate Vice-President (Human Resources) deems appropriate, including the Coordinator, the employee's supervisor, etc.). The disciplinary decision will be based upon the nature and severity of the sexual violence/misconduct, and may include measures such as counselling and mandatory education or training, to termination of the member's position with the University.
- The disciplinary decision will be conveyed in writing by the Associate Vice-President (Human Resources) to the respondent.
- Nothing in the policy or these procedures is intended to limit the rights of an employee governed by a collective agreement.

### **iii. Adjudication – Other Members of the University Community:**

- Where the respondent is a Member of the Board of Governors (including the President), a Non-Employee Member of a Committee of the Board or of the University, a Non-Employee Member of Senate, or any other Member of the University Community, the review of the investigation report and determination of appropriate disciplinary penalty, outcome, or

other measures, if any, will be determined on a case-by-case basis by the applicable decision maker as described in section 5.4(xiii).

### **5.7 Notice of Adjudication to the Complainant**

The complainant will be advised by the applicable decision maker whether or not a disciplinary penalty has been given to the respondent, but not the specifics of any disciplinary action (other than information on such measures that may have a direct impact on the complainant).

### **5.8 Appeals (See Appendix C)**

Student respondents may appeal the imposition or severity of a disciplinary decision to the Council Discipline Committee. If a student is dissatisfied with the decision of the Council Discipline Committee, they may appeal the decision to the Senate Appeals Committee (see Undergraduate and Graduate Calendars for details relating to such appeals).

An employee who is disciplined for a breach of the policy has the right to grieve the disciplinary decision under the applicable collective agreement, if applicable.

### **5.9 Good Faith Reports**

Reports of sexual violence/misconduct made in good faith are not considered malicious, even if the allegations are found to be unsubstantiated.

Knowingly making a false accusation of is a serious violation of the policy. Anyone who knowingly makes a false accusation of sexual violence/misconduct, makes a report that is determined to be frivolous, vexatious, malicious, in bad faith or retaliatory, or provides false information in the course of an investigation, will be reported to the appropriate designated authority and may be subject to disciplinary action.

## APPENDIX A – Disclosure

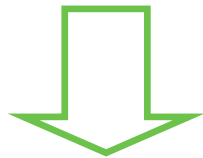
### **Disclosure**

Disclosures can be made to anyone and can be made in person, anonymously, or through a third party.



### **The Coordinator, Sexual Violence Prevention and Response**

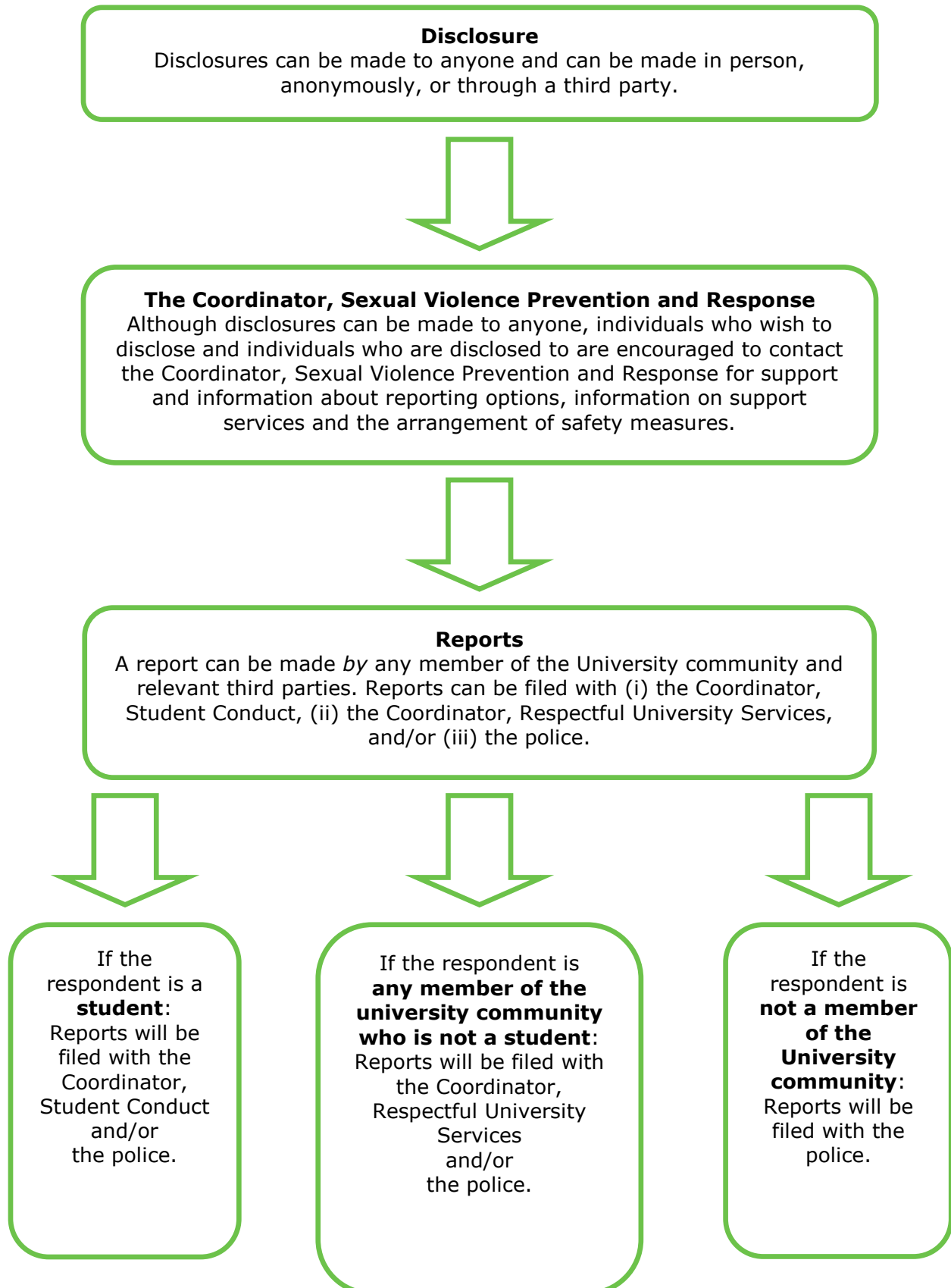
Although disclosures can be made to anyone, individuals who wish to disclose, and individuals who are disclosed to, are encouraged to contact the Coordinator, Sexual Violence Prevention and Response for support and information about reporting options, information on support services and the arrangement of safety measures.



### **No Intent to Report**

The individual disclosing may access University supports and services by contacting the Coordinator, Sexual Violence Prevention and Response (306-337-3149, [sexual.violence.response@uregina.ca](mailto:sexual.violence.response@uregina.ca)).

## APPENDIX B – Reporting



## APPENDIX C – Appeals

