Procedures for Board Policy 1.29 Gender Based and Sexual Violence

I. General

A. In these Procedures, reference to "the Policy" shall mean the Policy on Gender-Based and Sexual Violence.

B. These following procedures apply to all matters relating to Gender-Based and Sexual Violence.

II. Confidentiality

A. King's University College will treat Disclosures and Complaints of incidents of Gender-Based and Sexual Violence in a confidential manner and in accordance with the provisions of the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act.

B. King's University College will limit sharing of information to those within King's University College who have a need to know the information for the purposes of implementing the Policy, including providing support, accommodation and interim measures, and the investigation and decision-making processes.

C. Confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of a Member or Members of King's University College Community or where required by law.

D. Where a Complainant files a Complaint against a Respondent, the name of the Complainant, if known, and the material allegations being made will be disclosed to the Respondent.

III. Disclosures

A. Disclosure can be made to any Member of King's University College Community. A Disclosure by a Survivor may involve a perpetrator who is or is not a Member of King's University College Community. ***A Disclosure does not initiate a formal Complaint process.***

B. If personal security is an immediate concern, staff at Western Special Constable Service (WSCS) are available on a 24/7 basis and can provide guidance, support and response.

C. A Disclosure does not result in a Complaint being made and does not initiate a process to address the act of Gender-Based and Sexual Violence. The decision to make a Disclosure and the decision to file a Complaint are separate decisions to be made by a Survivor. A Survivor who has made a Disclosure is not required to file a Complaint and is not required to request or participate in an investigation by King's University College.

D. King's University College recognizes that some individuals may be hesitant to make a Disclosure or Complaint or participate in an investigation process in cases where they have been drinking while under-age or were using drugs at the time the Gender-Based and Sexual Violence took place. A Survivor 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 King's University College 's policies related to drug and alcohol use at the time that the Gender-Based and Sexual Violence took place.

E. Any Member of King's University College Community who receives a Disclosure should listen to the Survivor, inform the Survivor of the Policy and refer the Survivor to the Campus and Community Social, The Dean of Students Office and other available supports at Western University. For a list of supports, please refer to Schedule A of these procedures.

F. Members of King's University College Community who receive a Disclosure should refrain from judging and taking steps to address the alleged act of Gender-Based and Sexual Violence on their own initiative and outside of formal processes. Unless trained in providing counselling to those who have experienced Gender-Based and Sexual Violence, Members of King's University College Community who receive a Disclosure should refrain from providing counselling.

G. Except for healthcare providers, Personal Counselling, Accessibility, Counselling and Student Development at King's, Health & Wellness employees at Western, and members of the Student Emergency Response Team who receive a Disclosure in the provision of healthcare services to the Survivor, University employees, emeriti, visiting professors, contractors, affiliated persons and Student Leaders who receive a Disclosure (hereinafter called a "Disclosee") shall follow the following steps:

IV. D. How to Respond to a Disclosure Generally

(For Disclosures in Residences outside of Normal Business Hours, see below)

A. **Step 1:** The Disclosee should ask the Survivor if they are feeling safe in the current moment and address any immediate danger, including proximity of perpetrator or thoughts of self-harm or suicide. If the Survivor is concerned for their physical safety, the Disclosee should offer to call Western Special Constable Service at 519.661.3300. All Survivors should be offered a referral to medical care, especially if they are injured, express thoughts of self-harm or suicide, or are interested in evidence collection for criminal investigation. The Disclosee should offer to call, or should refer the Survivor, to one or more of the supports and resources listed in Schedule A.

B. **Step 2:** The Disclosee shall explain the limits of confidentiality to the Survivor. In particular, emphasize that you are here to help; part of that help means connecting them with the Campus and Community Social Worker on campus who can provide professional support and advice on options moving forward. Explain that with consent of survivor, you will be filling out an referral to King's University College 's Campus and Community Social Worker for the sole purpose of ensuring the Survivor has all of the information they need to make an informed decision; emphasize that the Survivor will get to choose what happens next. A referral is confidential and that it does not mean a Complaint is filed. Your role is just make sure they have the information to inform their choices. Explain that if the Disclosee makes statements disclosing plans to self-harm, harm another person, or end their own life, that you should involve emergency services.

C. **Step 3:** The Disclosee shall inform the Survivor that: the Campus and Community Social Worker will be contacting them with an outreach email or phone call the next business day to offer support and resources; and it will be up to the Survivor to decide whether they wish to access supports/resources or to submit a Complaint.

D. **Step 4:** The Disclosee shall ask for the Survivor's email address or telephone number and shall collect the email address or telephone number of preference, not necessarily King's University College email address or telephone number for the Survivor.

E. **Step 5:** After receiving the Disclosure and with consent of survivor, the Disclosee shall complete and submit the referral form to allow the Campus and Community Social Worker to provide outreach and support to the Survivor.

F. **Step 6:** Upon submitting the form: the Survivor will receive an automated email from Campus and Community Social Worker outlining support options in the moment, if the Survivor's email was provided; and the Disclosee will receive an automated email from the Campus and Community Social Worker offering to schedule a meeting to debrief the Disclosure.

V. How to Respond to a Disclosure Outside of Regular Business Hours in Residences

A. **Step 1:** The Disclosee should ask the Survivor if they are feeling safe in the current moment and address any immediate danger, including proximity of perpetrator or thoughts of self-harm or suicide. If the Survivor is concerned for their physical safety, the Disclosee should offer to call Western Special Constable Service at 519.661.3300. All Survivors should be offered a referral to medical care, especially if they are injured, express thoughts of self-harm or suicide, or are interested in evidence collection for criminal investigation. The Disclosee should offer to call, or should refer to the Survivor, to one or more of the supports and resources listed in Schedule A.

B. **Step 2:** The Disclosee shall explain the limits of confidentiality to the Survivor. In particular, emphasize that you are here to help; part of that help means connecting the them with people and resources on campus that can provide professional support and advice on options moving forward; and explain that the only reason you will tell somebody is to make sure they have all of the information they need to make an informed decision; emphasize that the survivor will get to choose what happens next. Your role is just to make sure the Survivor has the information to inform their choices. In the case of a recent incident (something that occurred within the previous two weeks) being disclosed in Residences after Normal Business Hours, let the Survivor know you will let the Manager on Call know when your conversation with the Survivor is over so they can connect them with valuable supports and accommodations, which may include different residence room.

C. **Step 3: If the incident occurred within the previous two (2) weeks**, the Disclosee shall inform the Survivor that the Campus and Community Social Worker will be contacting them with an outreach email the next business day to offer support and resources and that it will be up to the Survivor to decide whether they wish to access supports/resources or to submit a Complaint.

   - The Disclosee shall ask for the Survivor's email address or telephone number and shall collect the email address or telephone number of preference, not necessarily King's University College email address or telephone number for the Survivor.

   - Once your conversation with the Survivor has concluded, contact the Manager on Call and let them know you have received a Disclosure. They will debrief the call with you and let you know if there are any additional steps to take. In some cases, the Manager on Call may decide to speak to the Survivor directly.

D. **Step 6 : If the incident occurred more than two weeks ago**, the Disclosee shall: Inform the Survivor that the Campus and Community Social Worker will be contacting them with an outreach email the next business day to offer support and resources and that it will be up to the Survivor to decide whether they wish to access supports/resources or submit a report; and If the Survivor does not feel comfortable waiting until the next business day, the Disclosee should offer to contact or refer the Survivor to the Manager on Call or one or more of the supports or resources in **Schedule A.**

   - The Disclosee shall ask for the Survivor's email address or telephone number and shall collect the email address or telephone number of preference, not necessarily King's University College email address or telephone number for the Survivor.

   - The Manager on Call shall determine whether an immediate response is necessary. Complete the online referral form as soon as possible to allow Campus and Community Social Worker to provide outreach and support to the Survivor

E. **Step 7**: Upon completing the form: the Survivor will receive an automated email from Campus and Community Social Worker outlining support options in the moment; and the Disclosee will receive an automated email from the Campus and Community Social Worker offering to schedule a meeting to debrief the Disclosure.

F. **Step 8**: The Disclosee shall complete and submit the online referral form to allow the Campus and Community Social Worker to provide outreach and support to the Survivor

G. **Step 9** Upon submitting the form, the Survivor will receive an automated email from the Campus and Community Social Worker outlining support options in the moment; and he Disclosee will receive an automated email from the Campus and Community Social Worker offering to schedule a meeting to debrief the Disclosure and offer supports, if required.

H. In accordance with their professional obligations, regulated University health care providers shall convey any Disclosure to WSCS, the police or another person, as they deem necessary for the purpose of eliminating or reducing significant risk of bodily harm to the Survivor or others, in accordance with the healthcare providers' applicable statutory and professional obligations and restrictions.

I. WSCS shall notify Dean of Students and/or the Campus and Community Social Worker on all Disclosures received by WSCS.

J. Any Members of King's University College Community who receive a Disclosure may contact the Campus and Community Social Worker, The Dean of Students and/or Human Resources to receive further information in order to support the Survivor.

VI. Support and Accommodations

A. Supports, services and/or accommodations are available to any Member of King's University College Community who makes a Disclosure regardless of when or where the Gender-Based and Sexual Violence took place and whether or not a Complaint is made. Support services are available to Survivors, witnesses of Gender-Based and Sexual Violence, and support persons and Respondents.

B. In the case of a Survivor who is a student, they are encouraged to contact the Campus and Campus and Community Social Worker or the Manager on Call in Residence. In the case of a Survivor who is an employee (i.e., staff or faculty member), they are encouraged to contact Human Resources.

C. Respondents may access support, resources and information through the Office of the University Ombudsperson, Community Legal Services, the Manager on Call and/or as directed during any investigation proceeding. Schedule A. outlines details and contact information for the various on-campus and community support services available.

D. Witnesses to an incident of Gender-Based and Sexual Violence and/or those who are supporting a Survivor or a Respondent may contact the Campus and Community Social Worker, Gender-based Violence Prevention Education Coordinator (Student Experience at Western) or Human Resources for support.

E. If needed by a Survivor, the Campus and Community Social Worker will provide support (including safety planning), resources and referrals, assistance with accommodation,

information about Complaint options or reporting to the police and assistance with preparing a Complaint.

F. Applicable departments shall ensure that accommodations are properly implemented. Accommodations for a Survivor who is a student may include, but are not limited to, permission for late submissions of assignments, permission to write a make-up exam or test, waiver of attendance or participation requirements, late withdrawal from a course without penalty, a leave of absence, moving to a different room or residence, moving to a different office, removal from the student directory, or other accommodations deemed necessary.

G. Accommodations for a Survivor who is an employee may include, but are not limited to, permission to work remotely, a leave of absence, adjustments to work schedule, moving to a different office, removal from staff directory, assignment of a new telephone number/extension or new email address, etc. The University will provide similar accommodations for Respondents where reasonable and appropriate under the circumstances.

VII. Complaints

A. Jurisdiction

The processes available to King's University College to address Complaints only applies to Complaints where:

1. The Complainant was a Member of King's University College Community at the time of the alleged incident;

2. The Respondent was a Member of King's University College Community at the time of the alleged incident;

3. The Respondent is a Member of King's University College Community when the Complaint is filed; and

4. The subject matter of the Complaint has not been previously investigated and determined under the Code of Student Conduct or the Discrimination and Harassment Policy.

B. If, at any time during the investigation or decision-making process, the Respondent's relationship with King's University College ends, King's University College may suspend the process, with the option of reinstating it if the Respondent rejoins King's University College; or continue with the process to conclusion, whether or not the Respondent chooses to participate.

C. A student who is also an employee who commits an act of Gender-Based and Sexual Violence may be subject to sanctions as both a student and an employee in accordance with the relevant collective or employment agreement and policies.

VIII. Submitting a Complaint and Intake

A. Members of King's University College Community who experience Gender-Based and Sexual Violence are not required to make a Complaint under this Policy and are not required to request a University investigation in order to receive the Supports and Accommodations outlined in section D. of these procedures.

B. Gender-Based and Sexual Violence Complaints must be made in writing and submitted using an online form or submitted directly to the Dean of Students Office or in the case of employees to Human Resources. Complaints must:
   1. identify the Respondent;
   2. set out the relevant facts alleged to constitute Gender-Based and Sexual Violence;
   3. Include any documentation (e.g. text messages, social media posts, emails, letters, notes, etc.) upon which the Complainant relies.

C. As necessary, Student Affairs or the Human Resources will provide Support and accommodations to those Members of King's University College Community who are unable to submit complaints in writing without assistance.

D. A Complaint against a student or visiting student Respondent shall be investigated and determined in accordance with the process in section F. of these procedures. A Complaint against an employee, emeritus, post-doctoral fellow/associate, visiting professor, or contractor Respondent shall be investigated and determined in accordance with the Harassment Policy and Discrimination Policy and the applicable collective agreement and/employment agreement.

E. In the case of a Respondent who holds more than one role within King's University College community (for example a student who is also an employee) or in the case of multiple Respondents who hold different roles, The Vice-President and Academic Dean), in their sole discretion, will decide which process will apply in the circumstances of the particular case. In the event the Respondent(s) holds more than one role within King's University College community, they may be subject to more than one process and sanction.

IX. Process for Resolving Complaints against Student Respondents

A. Application

1. The following complaint process outlined in this section F. of these procedures only applies to a Complaint involving a Respondent who is a student or visiting student of King's University College or where the Vice-President (Academic) has determined that this process shall apply in accordance with their discretion pursuant to section

B. Procedural Rights

1. Procedural rights set out in the following complaint process (the "Complaint Process") apply in place of procedural rights set out in the Code of Student Conduct, the Discrimination and Harassment Policy and all other University policies, including procedural rights related to notice, limitation periods, hearing entitlements and appeals.

C. Participation

1. No Complainant is required to participate in an investigation or the other aspects of the Complaint Process, including adjudication of a Complaint. However, Complainants should understand that a decision not to participate may prevent King's University College from investigating a Complaint and making a decision with respect to the same.

2. No Respondent is required to participate in an investigation or the other aspects of the Complaint Process, including adjudication of a Complaint. However, Respondents should understand that a decision not to participate will not be used against Respondents, but may nevertheless be detrimental to the Respondent and will not deter King's University College from proceeding with an investigation or making a decision with respect to the Complaint.

3. The DEAN OF STUDENTS may decline to refer a Complaint for investigation if King's University College does not have jurisdiction or if the allegations, if proven true, would not constitute a violation of this Policy.

4. If the DEAN OF STUDENTS determines that the Complaint should be referred for investigation, the Dean of Students shall appoint an internal or external investigation in consultation with Vice-President and Academic Dean.

5. If the DEAN OF STUDENTS refers a Complaint for investigation, the referral decision is final and is not subject to review or appeal.

D. Interim Measures

1. Upon a receipt of a Complaint, the DEAN OF STUDENTS may impose interim measures that the DEAN OF STUDENTS deems to be appropriate pending completion of the Complaint Process. Such interim measures shall take into account the interests of the Complainant and the Respondent, the integrity of the ongoing investigation and the Complaint Process and the health and safety of the Members of King's University College Community. Interim measures are not disciplinary and do not represent a finding of misconduct.

2. Interim measures may include but are not limited to one or more of the following: removing a Respondent from class or residence; imposing a no-contact directive; a prohibition from attending campus or other University owned property; suspending campus or work related privileges; changing a lab schedule, moving an office to another location and/or providing an escort to the Complainant.

3. Respondent who is subject to interim measures can ask the DEAN OF STUDENTS to reconsider whether they are appropriate, in consideration of the factors in section The DEAN OF STUDENTS shall advise the Respondent of the DEAN OF STUDENTS's reconsideration decision in writing ordinarily within three business days of the Respondent's request for reconsideration. There is no other right of reconsideration or appeal of the decision with respect to interim measures.

E. Notice to the Respondent

1. The Respondent will be notified in writing of the investigation by the Dean of Students. The notice will:
    i. include a summary of all of the allegations;
    ii. describe any interim measures and indicate how to seek reconsideration of such measures;
    iii. Append relevant documents submitted as part of the Complaint; and identify potential sources of support.

F. Investigation

1. The Investigator will then conduct the investigation. The Investigator will ordinarily:
    i. Obtain a written response and documents from the Respondent;
    ii. interview the Complainant, the Respondent and any witnesses;
    iii. produce a written summary of the interviews (e.g. produce witness statements);
    iv. Gather additional relevant documents; and produce a written investigation report.
    v. At the conclusion of the investigation, the Investigator shall prepare an investigation report in which the Investigator shall review the Complaint and

determine whether the factual allegations in the complaint have been established on a balance of probabilities. The investigation report shall not include a determination of whether the Policy has been breached or a recommendation regarding any sanction(s).

2. Throughout the investigation, a Complainant and a Respondent may invite a support person or advisor (including legal counsel at their own expense) to meetings with the Investigator. Such support persons and advisors are not to answer questions and are not to otherwise interfere with the conduct of the interview.

3. King's University College is committed to the thorough and timely investigation of Complaints and to keeping both the Complainant and the Respondent apprised of the status of investigations. Decision

4. The investigation report will be reviewed by the DEAN OF STUDENTS, who will determine whether, on the balance of probabilities, Gender-Based and Sexual Violence occurred and, if so, the appropriate sanction(s), having regard to the factors identified in section F. The DEAN OF STUDENTS may choose to meet with the Complainant and/or the Respondent prior to making a decision. The Respondent and the Complainant will be notified in writing of the decision and the reasons for the decision. The Respondent shall be advised of the proposed sanction(s), if any, to be imposed on the Respondent. The Complainant and the Respondent will also be notified of their right to appeal the decision.

5. Prior to the DEAN OF STUDENTS making a final decision with respect to the sanction(s) who will determinebased on the fact finding of investigator to be imposed on the Respondent, the DEAN OF STUDENTS shall meet with the Respondent to provide the Respondent with an opportunity to make submissions with respect to the appropriate sanction(s).

6. When imposing sanction(s), the DEAN OF STUDENTS will consider the following:
    i. the Complainant's and the Respondent's submissions on sanction(s), if requested and provided;
    ii. the principle of progressive discipline and King's University College 's role as an educational institution;
    iii. The nature and the severity of the incident; and aggravating, mitigating and any other relevant factors.

7. Sanction(s) may include, but are not limited to one or more of the following:
    i. a written warning or reprimand;
    ii. educational sanctions such as an apology, an educational program, an assignment
    iii. or counselling;

iv. a behavioural contract;
v. exclusion from a class or other area;
vi. restriction or denial of University services or privileges;
vii. no Contact Order;
viii. prohibition or limitation of employment;
ix. prohibition from entering onto campus;
x. forfeiture of University awards of financial assistance;
xi. probation;
xii. termination of the residence contract;
xiii. suspension; and/or
xiv. Expulsion.

8. Following the meeting identified in clause F.6., the DEAN OF STUDENTS shall notify the Respondent and Complainant in writing of any sanction(s) imposed on the Respondent along with reasons for imposing the sanction(s).

9. Where required by a professional licensing body, the decision of the Dean of Students and Appeals Committee and sanction(s) imposed on the Respondent may be communicated to that professional licensing body following: (i) the lapse of any appeal period identified in section F. without the filing of an appeal; or (ii) the conclusion of all appeal(s) filed prior to the lapse of any appeal period identified in section F.

10. If requested by either the Complainant or the Respondent, the DEAN OF STUDENTS shall provide access to the investigation report, including any witness statements/summaries supporting the report and any other evidence supporting the DEAN OF STUDENTS's decision.

11. Prior to receiving access, the Complainant or the Respondent, as the case may be, shall agree not to photocopy or photograph the report and shall agree to only use its contents for the purposes of considering and/or filing an appeal of the DEAN OF STUDENTS's decision.

12. Suspensions and expulsions for (GBSV) Gender Based and Sexual Violence are recorded on the official transcript. The suspension notation will be removed when the student graduates or five years after the last registration. The expulsion notation is permanent unless the President grants a petition for its removal. Any such petition may be made no sooner than five years after the offence. Removal of the expulsion notation from the transcript does not overturn the expulsion decision; the expulsion remains in effect.

G. Appeal

1. In the event that the Complainant or Respondent wish to appeal the decision of the DEAN OF STUDENTS, an appeal application (the “Appeal Application”) must be filed by the Complaint or Respondent with the Secretary within two weeks after the decision with respect to the sanction(s) has been issued or, if the Policy is not found to have been breached, within two weeks after the decision has been issued.

2. The Appeal Application must contain a copy of the DEAN OF STUDENTS’s decision, the grounds for the appeal, the outcome sought, and a full statement supporting each ground for the appeal, and all evidence relied upon by the Appellant in support of their Appeal Application. An Application will not be accepted by the Secretary unless the application is complete.

3. Filing an Appeal Application will not stay the implementation of any sanction(s) imposed except where the Chair of Appeals Committee otherwise orders upon application of the Appellant.

4. Parties to an appeal are the Complainant or Respondent appealing the decision (the “Appellant”) and the DEAN OF STUDENTS.

5. An Appellant may only raise the following grounds for appeal:
    i. New evidence not available at the time of the earlier decision has been discovered, which
    ii. Casts doubt on the correctness of the decision;
    iii. There was a serious procedural error(s) in the hearing of the complaint which was
    iv. prejudicial to the Appellant;
    v. The decision of the DEAN OF STUDENTS of whether Gender-Based and Sexual Violence occurred
    vi. was unreasonable or unsupportable on the evidence; or
    vii. The sanction imposed by the DEAN OF STUDENTS was unreasonable or unsupportable on the evidence.

6. Upon receipt of the Appeal Application, The Dean of Students shall determine whether the Appellant has identified the requisite grounds for an appeal of the decision. If the Appellant has not identified the requisite grounds for appeal in their Appeal Application or if the Appeal Application has no reasonable prospect of success, the appeal shall be dismissed by the Dean of Students and the Appellant shall be notified of the decision in writing.

7. The DEAN OF STUDENTS shall file a concise written response to the Appeal Application, the investigation report and any other documentation and evidence relied upon by the DEAN OF STUDENTS in making their decision (the “Materials”)

with the Secretary within ten days of receiving the Appeal Application from the Secretary.

8. A copy of the Materials shall be provided to the Appellant and the Appellant shall be given an opportunity to file a reply within ten days of receipt of the DEAN OF STUDENTS response. The Appellant shall only use the Materials for the purposes of the Appeal and shall strictly follow any directions issued by the Secretary for the secure handling and disposal of the Materials.

9. The Appellant and the DEAN OF STUDENTS shall file all documentary evidence with the Secretary together with the appeal application, response or reply, as applicable. No documentary evidence will be accepted separate from these submissions. The Appeals Committee may waive or vary these timelines under section F. where reasonable and appropriate to do so.

10. The Secretary will give the Appellant and the DEAN OF STUDENTS at least 14 days written notice of the hearing. The notice shall explain the purpose of the hearing, explain that legal counsel or another support person may accompany the Appellant and describe the potential consequences of a failure to attend.

11. The Complainant or the Respondent who is not an Appellant will be invited to make a submission and attend to answer any questions of the Appeals Committee; they shall have the option to participate via video link (or similar technology) and they may be accompanied by legal counsel or a support person.

12. The Appeals Committee will not in the usual course hear from witnesses other than the Complainant and the Respondent. In the event the Appeals Committee determines that they need to hear from witnesses other than the Complainant or the Respondent, the witnesses will only attend the hearing to give oral evidence. If either the DEAN OF STUDENTS or the Appellant believes that one or more other witnesses should attend, they shall ask the Appeals Committee to invite the witnesses to attend (in writing, explaining why the witness's attendance is necessary) at least ten days before the hearing. In the event the Appeals Committee declines to invite the witness (es) to attend, the Appeals Committee shall advise the parties of the decision prior to the commencement of the hearing.

13. The purpose of the hearing is to allow the Appeals Committee to understand the basis for the Appeal in addition, to decide whether to grant or deny the Appeal in accordance with section F., The Appeals Committee has discretion to control how the hearing is conducted, but will ordinarily conduct the hearing as follows:

    i. The DEAN OF STUDENTS and the Appellant will give a short (no longer than 10 minutes) opening statement to set out their positions.

ii. The Appeals Committee will question the hearing participants (Complainant, the Respondent, the DEAN OF STUDENTS and/or any other witnesses who have been invited to attend).
iii. The DEAN OF STUDENTS and the Appellant may provide questions to the Appeals Committee that they would like the Appeals Committee to ask any of the hearing participants (Complainant,
iv. Respondent, DEAN OF STUDENTS, and any witnesses). All questions shall be provided to the Appeals Committee no later than the outset of the hearing. The Appeals Committee shall ask all submitted questions that are proper and that seek to elicit relevant evidence that is not already before the Appeals Committee.
v. The DEAN OF STUDENTS and the Appellant will give short (no longer than 20 minute) statements to comment on what was said at the hearing and how what was said supports their positions on the grounds raised in the appeal.

14. If either the DEAN OF STUDENTS or Appellant believe that the ordinary process should be modified or believe that any particular procedure is required, they may write the Appeals Committee in advance of the hearing with a request for modification. The Appeals Committee shall provide such request to the other party to the hearing who may object to the proposed modification. The Appeals Committee shall consider the request and any objection to it and shall make a determination with respect to the hearing process with a view to conducting a fair hearing. There is no other right of reconsideration or appeal of the Appeals Committee's decision with respect to the hearing process.

15. Subject to the following, the Appeals Committee will consider only that evidence that was before the DEAN OF STUDENTS at the time of the decision made under these procedures. Evidence that was not before the DEAN OF STUDENTS will not be considered unless the Appeals Committee determines that it is relevant, significant and could not have been available at an earlier stage through reasonable efforts.
16. The Appeals Committee may:

i. Deny the appeal.
ii. In the case of an appeal under section F. grant the appeal and remit the matter back with appropriate directions to the DEAN OF STUDENTS and/or the Investigator.
iii. In the case of an appeal under section F., grant the appeal and quash or vary the DEAN OF STUDENTS's decision and/or vary the sanctions.

17. The Appeals Committee's decision, with reasons, shall be filed with the Secretary and copies shall be sent to the parties. The DEAN OF STUDENTS will notify

relevant units/Faculties of the decision on a need to-know basis. The decision of the Appeals Committee is final and there is no further right of appeal.

18. The Appeals Committee may waive or vary any time limits specified herein or adopted in any process established by the Appeals Committee in a given proceeding.

19. The parties to the appeal have the right to be represented by legal counsel. The Appeals Committee also reserves the right to retain and be represented by counsel.

20. The parties must bear all their own legal expenses, if any. The Appeals Committee will not order the University to pay all or part of the Appellant's costs nor will it order the Appellant to pay all or part of King's University College 's costs.

21. The Secretary shall provide administrative support and procedural advice to the Appeals Committee.

H. Informal Resolution

1. The DEAN OF STUDENTS, in the DEAN OF STUDENTS's discretion, may offer the Respondent and the Complainant the opportunity to participate in the informal resolution process. Informal resolution may take place after the notice of a Complaint is issued to a Respondent, but before DEAN OF STUDENTS issues a decision, in an effort to resolve the matter by mutual agreement. A qualified mediator, or such other qualified staff or faculty member designated by the DEAN OF STUDENTS (the intermediary") shall conduct the informal resolution process.

2. Both the Complainant and the Respondent have the right to end the informal resolution process at any time. Any informal resolution must be acceptable to the Complainant, the Respondent, and the DEAN OF STUDENTS. Even if both the Respondent and Complainant agree to resolution, the DEAN OF STUDENTS must also agree with the resolution, acting reasonably, for it to be final.

3. If a resolution is reached, the Complainant and the Respondent shall be notified in writing, and the Intermediary will confer with the DEAN OF STUDENTS when creating a written memorandum memorializing the agreed upon resolution and consequences for non-compliance. This memorandum will be included in the Respondent's student record. Once the Complainant, the Respondent and the DEAN OF STUDENTS sign the informal resolution, the Complaint shall be dismissed.

4. If no agreement is reached within a reasonable time, the DEAN OF STUDENTS shall issue a decision in accordance with section F.; information learned during

and directly from the informal resolution process will not be disclosed to the DEAN OF STUDENTS, nor considered by the DEAN OF STUDENTS when making a decision.

I. Anonymous Complaints or Complaints made by someone other than the Survivor

1. Although Complaints may be made anonymously or by someone other than the Survivor, the University's ability to respond may be limited by the information available or its ability to provide a fair process to the Respondent.

J. Retaliation

1. King's University College will take appropriate steps to protect a person disclosing an incident of Gender-Based and Sexual Violence or making a Complaint from retaliation. This may include, but is not limited to advising individuals in writing of their duty to refrain from committing or threatening an act of reprisal, sanctioning individuals for a breach of that duty, enforcing non-contact arrangements or excluding an individual from campus or other University owned property. King's University College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances. Threats of or acts of retaliation will be treated as incidents of Gender-Based and Sexual Violence.

K. Education and Training

1. Through an intersectional and primary preventative lens, or preventing Gender-Based and Sexual Violence before it happens, King's University College will provide on-going education and awareness initiatives about Gender-Based and Sexual Violence, including, but not limited to, the exploration of body positivity/neutrality, healthy sexuality and relationship, gendered socialization and intersectionality, rape culture, consent and digital communication, impacts of violence, bystander intervention and disclosure training.

2. King's University College will build the capacity of King's University College community to address Gender-Based and Sexual Violence and play a role in ending Gender-Based and Sexual Violence in our community. As outlined in the Western's Gender-based Violence Prevention Education Framework, the University and our campus partners will:
    i. Deliver evidence-informed programming;
    ii. Commit to ongoing and rigorous assessment and research of programming to ensure continuous improvement;
    iii. Ensure well trained, professional staff deliver content.

3. King's University College will maintain a dedicated webpage on Gender-Based and Sexual Violence which will set out particulars of initiatives and programs

related to Gender-Based and Sexual Violence that promote awareness of the support and services available to Members of the University Community.

4. King's University College will provide and make available to Members of King's University College community, including students, Student Leaders, employees, and affiliated persons, education and awareness training on this Policy, on the prevention of Gender-Based and Sexual Violence, and responding to incidents of Gender-Based and Sexual Violence, with content tailored to the audience and relevant to their role and responsibility in preventing, responding to, and addressing Gender-Based and Sexual Violence.

5. King's University College will provide training on the Policy and the resolution of Gender-Based and Sexual Violence Complaints to the DEAN OF STUDENTS, the Appeals Committee(s) and any internal investigators.

6. King's University College will provide ongoing training on the Policy to Members of King's University College Community who are likely to receive Disclosures or Complaints to support Survivors with dignity and compassion and to inform them of their options in a safe and supportive manner. Provide King's University College community with ongoing education and training about sexual violence including information on how to respond to the disclosure of sexual violence with dignity and compassion and to inform them of their options in a safe and supportive manner.

7. When using external investigators, King's University College will only use external investigators who have knowledge, training and experience in Gender-Based and Sexual Violence investigations and related issues.

L. DEFINITIONS:

1. **Complaint**: The sharing of information concerning an act of Gender-Based and Sexual Violence by a Survivor with the intention of initiating a formal process identified in this Policy.

2. **Complainant:** A Member of King's University College Community who has filed a Complaint under this policy.

3. **Consent**: The voluntary agreement of an individual to engage in a sexual activity. Consent is direct, active, voluntary and a conscious choice. Consent can be revoked at any time. Consenting to one kind of sexual activity does not mean that consent is given for another sexual activity. Consent is not obtained where a person is Incapacitated; cannot be obtained under threat or coercion; cannot be given on behalf of another person; and may be compromised where individuals

are in a position of power, trust or authority over the person whose Consent is required.

4. **Dean of Students**: Means Dean of Students at King's University College or designate

5. **Disclosee**: means University employees, emeriti, visiting professors, contractors, affiliated persons and Student Leaders who receive a Disclosure but excludes healthcare providers, Health & Wellness employees, and members of the Student Emergency Response Team who receive a Disclosure in the provision of healthcare services to the Survivor.

6. **Disclosure**: The sharing of information by a Survivor with a Member of King's University College Community concerning an incident of Gender-Based and Sexual Violence. A Disclosure may or may not be for the purpose of accessing supports, services and/or accommodations.

7. **Human Resources** : A department of King's University College that provides support, education, and advice to staff, faculty, and academic and administrative leaders on King's University College 's discrimination and harassment policies, as well as on diversity, inclusion and human rights related issues.

8. **Gender-Based and Sexual Violence:** Any sexual act or act targeting a person's sexuality, gender identity and gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's Consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, cyber harassment and sexual exploitation.

9. **Campus and Community Social Worker** : A staff member of King's University College who provides support to undergraduate and graduate students at King's University College , who have been subjected to Gender-Based and Sexual Violence at any time in their life.

10. **Gender-Based Violence Prevention Education Coordinator**: A staff member in Western Student Experience Student Experience who advances education surrounding the spectrum of gender based violence on campus and is responsible for developing, delivering and evaluating education programs and training aimed at preventing gender-based violence and fostering support for survivors.

11. **Incapacitated:** An inability to understand the nature of the sexual activity or appreciate the option of declining to participate in the sexual activity. Under this Policy, a person who is significantly impaired (and not merely disinhibited) by

alcohol or drugs is deemed to be incapable of consenting, as is a person who is asleep, unconscious or otherwise unable to communicate.

12. **Manager on Call**: means the manager in the applicable Residence available to offer resources, support and accommodation in accordance with this Policy or the residence contract.

13. **Members of King's University College Community:** Includes employees, emeriti, post-doctoral fellows/associates, students, visiting professors, visiting students, contractors and other affiliated persons.

14. **Normal Business Hours:** Means the hours from 9:00 am to 4:00 pm, Monday to Friday, excluding statutory holidays and other University closures.

15. **Residence**: means a residence operated by King's University College

16. **Respondent**: A Member of King's University College Community against whom a Complaint has been filed against under this policy.

17. **Secretary of the Board**: Means the Secretary of King's University College or designate.

18. **Student Leaders**: Means any student in defined student leader role through King's University College or through the King's University Students' Council

19. **Survivor:** A person who has experienced Gender-Based and Sexual Violence. King's University College uses the term "Survivor" in this Policy but acknowledges that individuals may prefer other terms to define themselves in relation to their experience such as "victim" or "thrivor".

Schedule A.

- **The Regional Sexual Assault and Domestic Violence Treatment Centre**, located at St. Joseph's Hospital (go to Urgent Care). Call 519-646-6100, press 0 and ask for the nurse-on-call for sexual assault and domestic violence. Support is provided regardless of gender and, with the consent of the survivor/victim, will also be provided to a partner/significant other.

  Get help between 8:00 a.m. to 4:00 p.m.

  Visit The Regional Sexual Assault and Domestic Violence Treatment Centre, located at St. Joseph's Hospital, London (directions). Go to Urgent Care and request to speak to a SADVTC nurse.

  (519) 646-6100 ext. 64224

Get help after hours

Call (519) 646-6100, press 0 ask for the nurse on call for the Regional Sexual Assault Program to be paged.

- **Anova (formerly the Sexual Assault Centre London ,** which can be reached at 519-642-3000. Anova also provides individual & group counselling and accompaniment and advocacy for women. A 24-hour crisis & support line is available to men and women.
- **The Campus and Community Social Worker** is available within Accessibility Counselling and Student Development at King's University College. Wemple Room 151. 519-433-3491 ext. 7800.
- **The Gender-based Violence & Survivor Support Case Manager** at Western's Student Services Building, who can be reached at 519-661-3568 (non-emergency), Monday-Friday 8:30am-4:30pm.

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