

Brandon University Sexualized Violence Protocol

This Protocol supports the [Brandon University Sexualized Violence Policy](#) approved by the Board of Governors on March 25th, 2017. This Protocol will guide members of the University community through the processes, supports and community resources available through Brandon University.

1. Purpose and Scope

The purpose of the Brandon University Sexualized Violence Protocol is to provide a consistent and supportive response to members of the Brandon University community who disclose and/or report incidents of sexualized violence. It provides clarification around existing processes, procedures, services, and resources available on and off campus to support complainants and respondents. This Protocol also outlines the internal processes for disclosing and/or reporting an incident of sexualized violence.

This protocol applies to all members of the Brandon University community, including students, staff, faculty, contractors and suppliers of services, volunteers, visitors, and individuals who are connected to any University initiatives. It applies to the actions, interactions and behaviours that take place on and off campus. This includes the business of Brandon University or other activities sanctioned by or representing the University (including but not limited to athletic events, practical and clinical placements, academic or professional conferences, volunteer activities, academic or field research work). The context of the interaction need not be University-related if the primary relationship of those involved is through their mutual connection to the University. Conduct on social media or communication through electronic means is also included, such as, email, texting, Facebook, Instagram and Snapchat.

This applies to all forms of sexualized violence outlined in **Section 4, Definitions** of the Brandon University Sexualized Violence policy, which includes sexual assault, sexual harassment, and all other forms of sexual misconduct.

This protocol is guided by [The Manitoba Post-Secondary Sexual Violence Policy Guide](#) published by the Government of Manitoba in April, 2017.

2. Supporting Those Who Have Experienced Sexualized Violence

Brandon University recognizes the traumatic effects that sexualized violence can have including physical, emotional, psychological and spiritual well-being. Brandon University is committed to providing support and information for all those affected to allow them to make the best decision on how to move forward. Members of the University community are encouraged to intervene to prevent or stop acts of sexualized violence from occurring, but only as far as it is safe to do so.

If someone discloses sexualized violence to you, please visit our **Guide for Responding to a Disclosure of Sexualized Violence** which outlines important tips on how to assist an individual who has experienced sexualized violence.

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The role of the [Sexual Violence Education Prevention Coordinator](#) (SVEPC) is to oversee campus-wide initiatives related to raising awareness, education, prevention, support and response to sexualized violence. The position will oversee the development and implementation of initiatives directed at strengthening our commitment to providing a safe, supportive and empowering environment for survivors of sexualized violence. This will involve the development and delivery of appropriate supports for survivors of sexualized violence on our campus.

With this Protocol, Brandon University commits to ensuring that complainants of sexualized violence will:

- be treated with empathy, compassion, and respect.
- be provided with non-judgemental support and care as long as the complainant feels necessary.
- have their privacy and confidentiality respected and any limits to confidentiality explained.
- be made aware of the Protocol in place to address sexualized violence.
- be provided with safety planning assistance on and off campus.
- be informed of available supports and resources on and off campus.
- receive survivor-centred information, supports, and services appropriate to their intersectionality or social identities, including race, sexual orientation, gender identity/ expression, beliefs, indigeneity cognitive and physical abilities, mental and physical ability.
- on a case by case basis, be provided with reasonable and appropriate academic, and on-campus residential, and/or workplace accommodations.
- be provided adequate information to decide whether to pursue criminal or institutional reporting options.
- have reasonable and necessary actions taken to prevent unwanted contact with the respondent.
- have input with respect to the nature and level of response unless the safety of others is a concern.

3. Confidentiality

Safeguarding confidentiality is central to creating an environment of security and respect, where complainants feel safe to disclose and to seek support and accommodation.

Brandon University is committed to securing such an environment. We are committed to keeping all parties informed when there is a situation where confidentiality may be limited. The following circumstances limit confidentiality:

- a. There is a child at risk (under the age of 18).
- b. A person is determined to be at risk of harming themselves.
- c. A person is determined to be at risk of harming others.
- d. A court subpoena requires release of information.
- e. Evidence of the sexualized violence exists in the public domain (e.g. a video on social media).

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In the following circumstances, information regarding the respondent may be shared without consent:

- a. if circumstances exist that affect anyone's health or safety.
- b. to assist in an investigation or in making the decision to start an investigation.

Except in the limited circumstances mentioned above, the person who receives the disclosure would contact police services only with the explicit and informed written consent of the complainant.

The responsibility to maintain confidentiality extends to any member of the University community who may be privy to information or who possess documentation about a report or investigation.

4. Disclosures and/or Report

When someone has experienced an act of sexualized violence they have options available to them. Some may wish to access supports and accommodations for themselves, but do not wish to initiate a process like an investigation or criminal charges. In this case, the individual would choose the processes under *Disclosure of Sexualized Violence* below. Those who want the university to proceed with an investigation and potential disciplinary process would choose the processes under *Report of Sexualized Violence* below. Complainants can change which process they wish to follow at any time. If an investigation has been initiated, however, the university may be obliged to continue with the investigation even after a complaint has been withdrawn.

4(a) Disclosure of Sexualized Violence

A disclosure is when the complainant tells a member of the University community that they have experienced sexualized violence. The complainant is not seeking a formal resolution but is seeking support and information about available options.

If an individual who has experienced sexualized violence does not wish to report the incident to the police, or use the University's reporting process, they have the option of disclosing their experience to any of the following areas on campus to receive support and accommodations:

- SVEPC,
- A Student Counsellor on campus,
- Human Resources,
- A union representative.

A complainant may choose to have support from within the University, from community agencies/resources and/or from trusted people in their lives.

Members of Brandon University that receive the disclosure are expected to inform the SVEPC to ensure a comprehensive response and for statistical purposes. Members can do this by telephone, email or in person. Methods of contact to the SVEPC are found in Appendix A.

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Resources available to students:

- SVEPC
- Trusted faculty or staff member
- Student Services
- Security Services
- Diversity and Human Rights Advisor (DHRA)
- Manager of Residence Hall Programs

Resources available to employees:

- SVEPC
- Human Resources
- Security Services
- DHRA
- Union Representative
- LifeWorks

After hour, off-campus options and reporting contacts:

- Clinic Community Health Centre, Sexual Assault 24 Hour Crisis Line.
- Brandon Police Service (9-1-1 in case of emergency)
- LifeWorks

4(b) Report of Sexualized Violence

Anyone who has experienced sexualized violence (students, faculty and staff) has the option of filing a report and has the option of pursuing institutional or legal reporting options.

The decision to file a report regarding sexualized violence is the choice of the complainant. The complainant has the right to withdraw the report at any time. All reasonable efforts will be made to respect the complainant's wishes of any course of action.

A report of sexualized violence should be made directly to the SVEPC.

How to File a Report:

Complete the [Sexualized Violence Report Form](#) *(to be linked to the document)*

The form must be submitted to the SVEPC to be considered filed.

The SVEPC will:

1. receive the complainant's report.
2. immediately assess the safety of the complainant.
3. support the complainant and others affected.
4. explain processes involved for their specific situation.
5. empower the complainant to choose the nature and level of the response.

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6. at the complainant's request, communicate with internal and external agencies on their behalf and offer to accompany them medical, legal or victim services.
7. Convene Sexualized Violence Response Team (SVRT) to ensure a comprehensive response.
8. in consultation with the SVRT, implement interim accommodations while an incident is being investigated or a decision is being made regarding a report (e.g. accommodations for an individual's academic, workplace or living arrangements).

This Policy and Protocol does not limit the right of a member of the University community to file a police report or to exercise any other rights under the law. Members of the University community retain the right to address issues through the grievance process outlined in their respective collective agreement or through other University policies. It is possible to pursue more than one of these options at a time.

Off-Campus Reporting Options

Anyone who has experienced sexualized violence may also pursue any of the following formal reporting options off campus:

- Police Service;
- Royal Canadian Mounted Police (RCMP);
- Manitoba Human Rights Commission;
- Manitoba Labour Board; and
- Civil action.
- Medical assistance: A complainant has the option to attend a local hospital or Emergency Room for medical attention to address possible physical injury, pregnancy and/or sexually transmitted infections. Complainants do not need to consent to a forensic exam to acquire medical attention.
- A Forensic exam: performed at a hospital to collect any samples of DNA evidence if the complainant wishes to make a report to the police. Note: Complainants may seek medical attention but it is their choice to continue with a forensic exam. In Brandon, within 120 hours (5 days) from the sexual assault, complainants can present at the emergency room for a forensic exam. After 120 hours, complainants may be referred to physician in the community.

The SVEPC can provide support and/or additional information on any of these options.

In certain circumstances when the University is made aware of an incident it may be obligated to initiate an investigation in the absence of a formal report. Affected parties will be made aware of the University's intention prior to the start of an investigation.

5. Sexualized Violence Response Team (SVRT)

The team consists of a core group of members with skills and expertise to coordinate and facilitate a response to all forms of sexualized violence on our campus. SVRT is co-chaired by

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the Chief Human Resources Officer and the Dean of Students. Other members of the University community will be included on the team on a case by case basis. The team will develop a plan around services, supports and options for all individuals affected by sexualized violence.

SVRT is convened by the SVEPC and they will make decisions about how to proceed to the next steps, which could include proceeding with an investigation and determine whether it is internal or external.

6. University Report/Investigation Process

The investigation and decision-making process to be undertaken varies depending on the context in which the sexualized violence has taken place and the affiliation of the complainant and respondent (student, faculty or staff). For example, if the complainant and respondent are both students, then the process is guided by Student Rights and Responsibilities policy, which includes the Student Misconduct policy. If the complainant is a student and the respondent is a faculty member, the process for investigation and decision-making is established by University policies regarding conduct in the workplace or by collective agreement. Where an investigation is required, the Investigator gathers information as quickly as possible, following the processes outlined in the [Guide to Internal Investigations at Brandon University](#) and either the DHRA or the external investigator contacts both the complainant and respondent regularly to inform them of the progress and expected timelines.

Under normal circumstances, an investigation process would include the following steps:

- a. The University appointed investigator informs both the complainant and respondent within five (5) working days that there is an investigation commencing, describe what the allegations are, what the possible sanctions could be, and provides information regarding confidentiality.
- b. The investigator informs the complainant and respondent who the decision makers/appropriate administrators are for the investigation within three (3) working days consecutive to Step a.
- c. The investigator informs the respondent of services available to them which include Human Resources, Student Services and/or their union.
- d. The SVEPC provides support and advocacy to the complainant throughout the investigative process, and may accompany the complainant to interviews.
- e. Investigation involves interviewing the complainant, respondent and possible witnesses, and gathering evidence. Under normal circumstances, this investigation will take twenty (20) to forty (40) working days. Throughout the process, the investigator will advise both complainant and respondent of their progress and expected timelines.
- f. The investigator prepares the report which will then be shared with both complainant and respondent. The report outlines the details of the case, evidence gathered and a determination if there was a breach of the policy.

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- g. The complainant and respondent may respond in writing to the report. These written responses will be shared with the other party.
- h. The appropriate administrators receive the report and manage the case based on established procedures. In considering the appropriate sanctions administrators should consider:
 - The complainant's desired sanctions/remedy
 - Principles of progressive discipline
 - The University's role to educate
 - Requirements under collective agreements, policies, etc.,
 - Nature and severity of incident
 - Other relevant factors
- i. If it is determined there was a breach, the appropriate administrators will render a decision in regards to sanctions within ten (10) working days of receiving the report. **Examples of sanctions and/or remedial actions may include one or more of the following:**
 - Written warning
 - Formal apology
 - Mandated education or workshops
 - Community service
 - Loss of privileges
 - Probation
 - Restitution
 - Interim suspension (without/without pay, pending an investigation) (removal from a course or part of a course)
 - Termination or expulsion or formal removal from campus
 - Specific for employees: change in work assignment
- j. The complainant will receive enough information about the sanction and/or remedial action to maintain the complainant's ongoing safety and/or reduce the possibility of contact between the parties.

7. Retaliation

It is contrary to this protocol and related policies for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant reporting an incident of, or making a report about sexualized violence or participating in an investigation. This applies to Students/Staff/Faculty and/or contractors on campus.

Retaliating against someone who has made a report in good faith under this policy, or any other University policy, against someone who has cooperated in good faith in an investigation under this policy or any other University policy or legislation will also be treated as harassment.

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Appendix A:

On-Campus Supports and Resources

- 1. Sexual Violence Education Prevention Coordinator**
During office hours Monday-Friday 8:30 AM-4:30 PM
Office: 227 Health Studies,
Phone: 204-727-7498
navidc@brandonu.ca
- 2. Security Services**
During office hours Monday-8:30 AM – 4:40 PM
Office: Physical Plant
330B - 20th Street
Brandon, Manitoba
R7A 6A9
Phone: 204-727-9700
- 3. Student Services**
During office hours Monday-Friday 8:30 AM-4:30 PM
Office: Room 102
A. E. McKenzie Building
Phone: 204-727-9737
- 4. Diversity and Human Rights Advisor**
During office hours Monday-Friday 9:00 AM-5:00 PM
Office: Room 333, Clark Hall
Phone: 204-727-9785
- 5. Human Resources**
During office hours Monday-Friday 8:30 AM-4:30 PM
Office: Room 337, Clark Hall
Phone: 204-727-9782

Off-Campus Supports and Resources

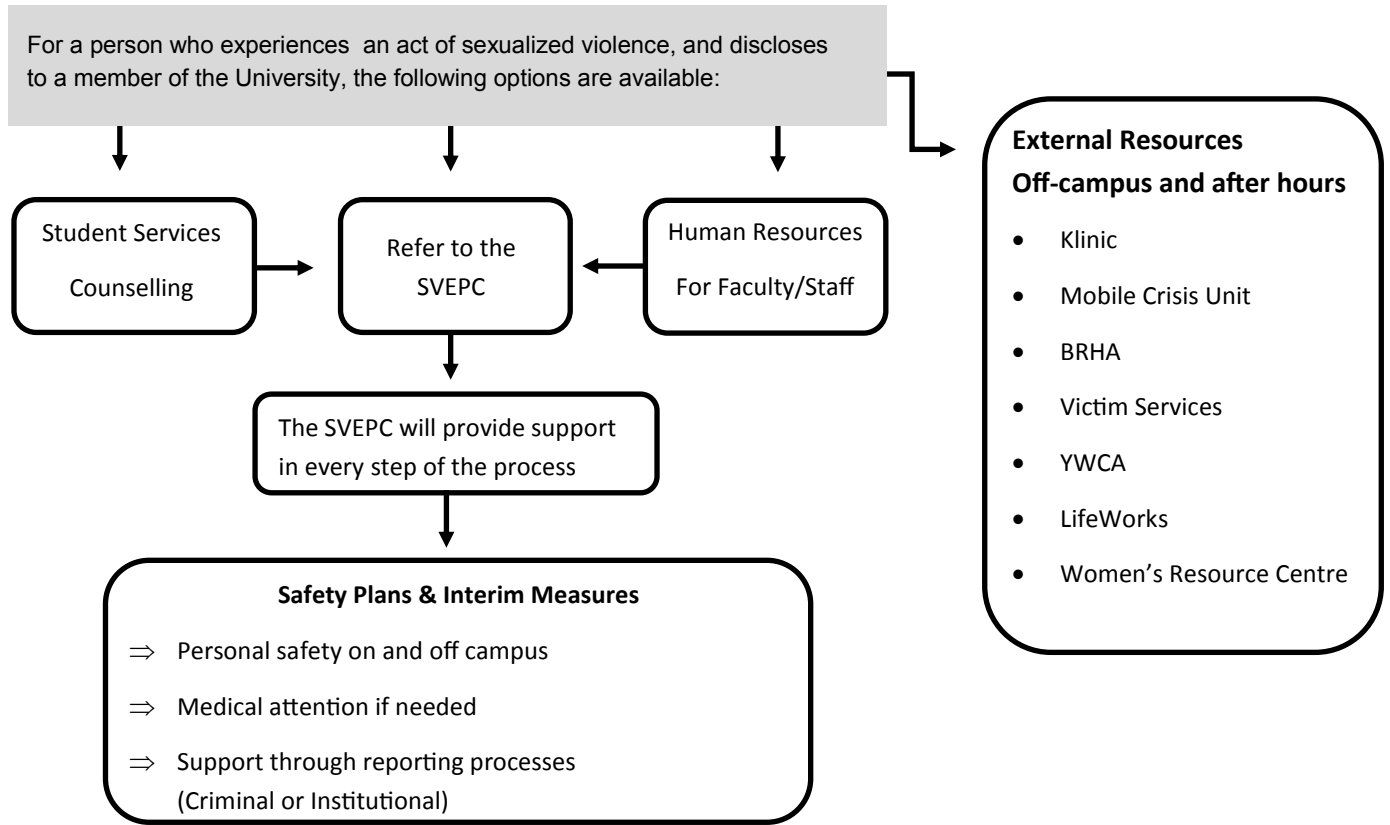
- 1. Klinik Community Health Centre, Sexual Assault Crisis Services** in Winnipeg provides a 24 hour sexual assault hotline that is a province-wide service available 24 hours a day, seven days a week, toll free 1-888-292-7565 or www.klinik.mb.ca
- 2. Manitoba Human Rights Commission**
For further information on the Commission or *The Human Rights Code*, please contact the Manitoba Human Rights Commission office in your area.
Brandon: 341-340 Ninth Street
Brandon, MB R7A 6C2
Phone: 204-726-6261
Fax: 204-726-6035 TOLL FREE: 1-888-884-8681
TTY: 1-888-897-2811
Email: hrc@gov.mb.ca

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3. **Prairie Mountain Health Authority**, Main Office: follow up for medical results.
Towne Centre: Public Health
Unit A5, Brandon, MB, R7A 6N5
204-578-2500
4. **Brandon Police Services and Victim Services**
1020 Victoria Ave, Brandon, MB R7A 1A9
Brandon Police Service and Victim Services Non-Emergency 204-729-2345
or call your local RCMP detachment.
5. **Victim Services (Provincial)**
Brandon Courthouse, 1104 Princess Avenue, Brandon, Manitoba R7A 0P9
(204) 726-6515
6. **The Women's Resource Centre**
731 Princess Avenue
Brandon, MB R7A 0P4
204-726-8632, Toll-Free: 1-866-255-4432
Fax: 204-727-6230

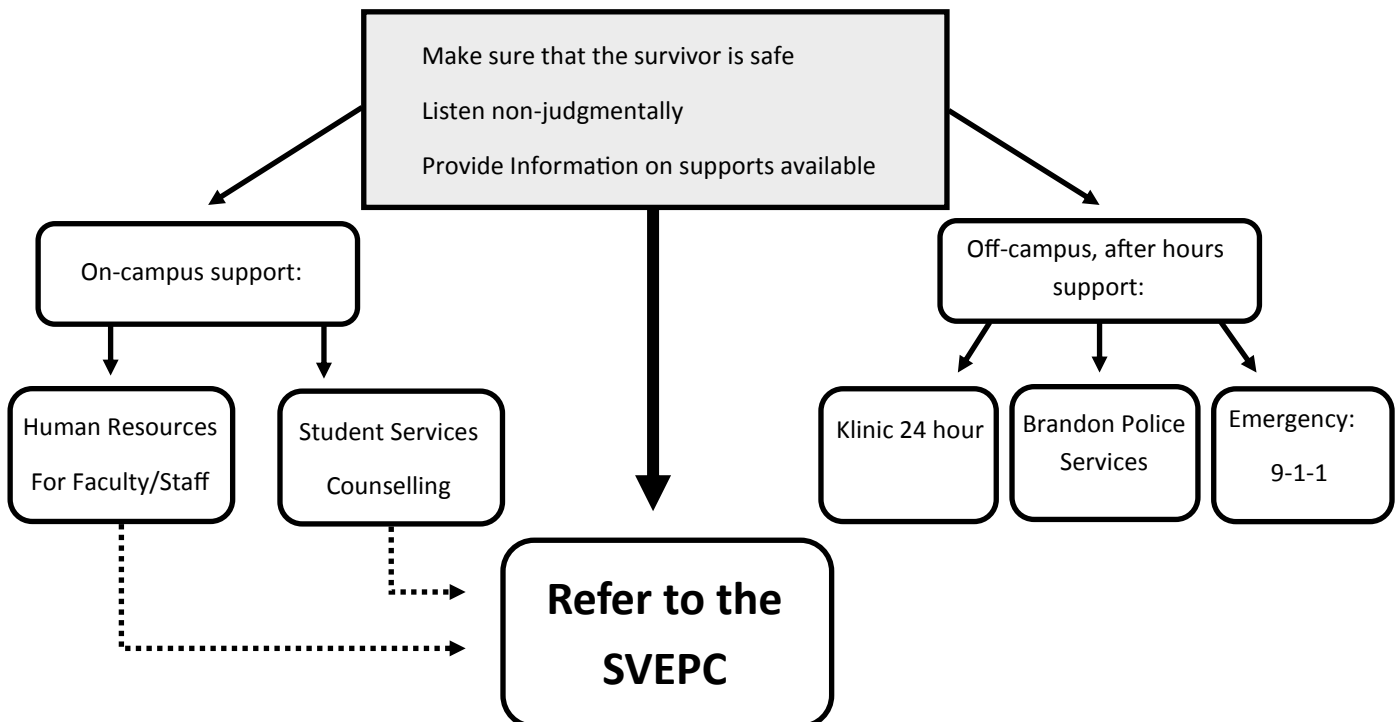
This document is available in PDF and Microsoft Word format on the Brandon University website. A printed copy can be attained from the Sexual Violence Education and Prevention Coordinator, Room 227, Health Studies Building.

RESPONSE for Assisting a Complainant who has Experienced Sexualized Violence



RESPONSE for someone who receives a disclosure of Sexualized Violence

Members of the University community are encouraged to intervene to prevent or stop acts of sexualized violence from occurring, but only as far as it is safe to do so.

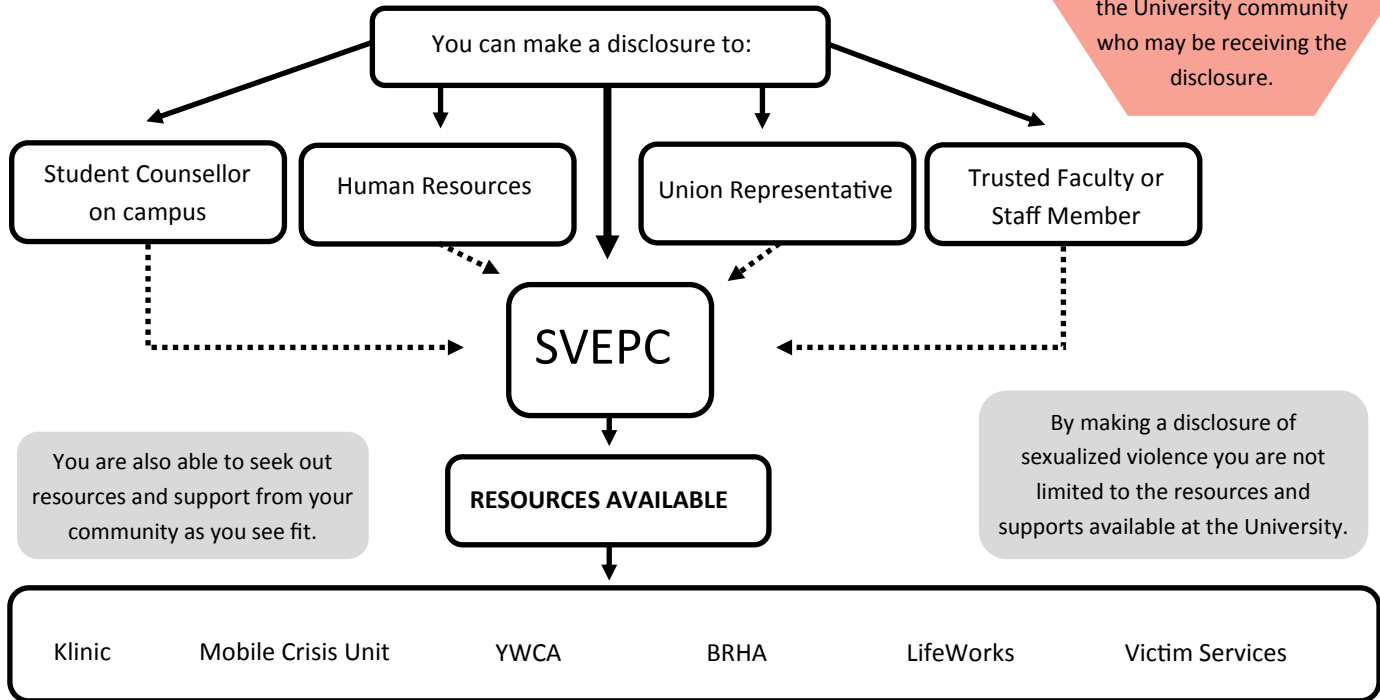


Making a DISCLOSURE of Sexualized Violence

A disclosure is when YOU (the complainant) tell a member of the University community that you have experienced sexualized violence

Confidentiality

The responsibility to maintain confidentiality extends to any member of the University community who may be receiving the disclosure.



Making a REPORT of Sexualized Violence

A report is when YOU (the complainant) tells a member of the University community that you have experienced sexualized violence and you are seeking formal or institutional resolution which may involved an investigation.

The SVEPC will:

- Receive the report.
- Assess the safety of the complainant and others affected.
- Explain the process for your specific situation.
- Communicate with Internal and External agencies on your behalf, If requested.
- Convene SVRT to ensure a comprehensive response including implementing interim measures, safety plans, and accommodations.

Complete the Sexualized Violence Report Form

Submit form to the **SVEPC**
In person, via email or through an Administrative Office at BU

Pursuing one reporting option does not limit the right of the complainant to exercise their right under the law. It is possible to pursue more than one of these options at a time.

