

Brandon University Sexualized Violence Protocol

This Protocol supports the Brandon University Sexualized Violence Policy approved by the Board of Governors on xxxx. This Protocol will guide members of the University community through the processes, supports and community resources available through Brandon University.

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. 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.

Supporting Those Who Have Experienced Sexualized Violence

Brandon University recognizes the traumatic effects that sexualized violence can have. Sexualized violence can have serious and wide-ranging impacts on a complainant's physical, emotional, spiritual health and 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.

Please refer to the *Guide to Responding to a Disclosure of Sexualized Violence*.

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.
- Be provided with reasonable and appropriate academic, and on-campus residential 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.

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).

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, contact with Police Services will only occur with the explicit and informed written consent of the complainant.

The responsibility to remain confidential extends to any member of the University community who may be privy to information or who possess documentation about a complaint or investigation. Breaches of confidentiality may be subject to penalties.

Disclosures of Sexualized Violence (without Reporting)

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

If an individual who has experienced sexualized violence does not want 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 to receive personal support and any accommodations they may need:

- Sexual Violence Education Prevention Coordinator (SVEPC),
- A Student Counsellor on campus,
- Human Resources,
- A union representative.

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

Students:

- SVEPC
- Student Services
- Security Services
- Diversity and Human Rights Advisor (DHRA)

Faculty and Staff:

- SVEPC
- Human Resources
- Security Services
- DRHA
- Union Representative

Off Campus:

- Klinik
- Manitoba Human Rights Commission
- Prairie Mountain Health Authority
- Brandon Police Service
- Victim Services (Provincial)
- Women's Resource Centre

Reporting Process

Anyone who has experienced sexualized violence has the option of filing a report and has the option of pursuing institutional or legal reporting options. The complainant has the choice of filing a report and pursuing institutional and or legal 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.

File a Complaint:

Complete the Sexualized Violence Complaint 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 and listen without judgement.
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.
6. Communicate with internal and external agencies on the complainant's behalf (at the complainant's request) and offer accompaniment to medical, legal or victim services.
7. Initiate Sexual Assault Response Team (SART) to ensure a comprehensive response and to ensure the confidentiality of the person is protected.
8. SART may implement interim measures while an incident is being investigated or a decision is being made regarding a report. Interim measures may include accommodations for an individual's academic, workplace or living arrangements.
9. Assist in facilitating any accommodations for the complainant that may be needed in consultation with the Dean of Student Services or Chief Human Resources Officer.

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

- Police Service;
- Royal Canadian Mounted Police (RCMP);
- Manitoba Human Rights Commission;
- Manitoba Labour Board; and
- Civil action.

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

Pursuing one reporting option does not prohibit the individual from simultaneously pursuing an alternative option.

In certain circumstances, the University is made aware of an incident it reserves the right to act on its own accord to investigate. Affected parties will be made aware of the University's intention prior to initiating an investigation.

Sexual Assault Response Team (SART)

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. The committee will develop a plan around services, supports and options for all individuals affected by sexualized violence. The team is led by the SVEPC, but includes the Director of Human Resources, and the Director of Students Services.

SART is initiated by the SVEPC and they will make decisions about how to proceed to the next steps which could include proceeding with an investigation.

Investigation Process

Under normal circumstances, a complaint process would include the following steps:

1. The University appointed investigator will inform 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 provide information regarding confidentiality.
2. The investigator will inform the complainant and respondent who the decision makers/appropriate administrators are for the investigation within three (3) working days.
3. The investigator will inform the respondent of services available to them which include Human Resources, Student Services and/or their union.

4. Investigation will be conducted by gathering evidence, interviewing witnesses, and speaking with the respondent. Under normal circumstances, this investigation will take twenty (20) to forty (40) working days.
5. The investigator prepares the report – the report will then be shared with both complainant and respondent. The report will outline the details of the incident as facts, evidence gathered and a determination if there was a breach of the policy based on a balance of probability. This report will not include personal information about the complainant, respondent or other parties to an incident or investigation. It will not include other details, such as department or job titles, which could lead to the identification of any of the parties.
6. The complainant and respondent may respond in writing to the report. These written responses will be shared with the other party.
7. Appropriate administrator receives the report and manages case based on established procedures. In considering the appropriate sanctions administrators/decision makers 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
8. If it is determined there was a breach, the appropriate administrator will render a decision in regards to sanctions within ten (10) working days of receiving 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 (removal from a course or part of a course)
 - Termination or expulsion or disbaring from campus
 - Specific for employees: change in work assignment

9. 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.

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 complaint about sexualized violence or participating in an investigation. This applies to Students/Staff/Faculty/and/or contractors on campus.

Maliciously and deliberately making a false complaint under this policy or any other Brandon University policy will be considered an act of harassment and will be treated as such. Retaliating against someone who has made a complaint 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.

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,
Direct: 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
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 (for staff/faculty):**
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. **Klinic 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.klinic.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

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