

39.02	Sexual Violence – Disclosure & Reporting	PROCEDURES
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1.0 PURPOSE

1.1 Objective

NSCC Sexual Violence procedures are intended to address how the College will respond to a Disclosure or a Report of Sexual Violence.

1.2 Authority

For clarification or additional information pertaining to these procedures, please contact the following individual:

Joseph Fraser
 Director, Diversity and Inclusion
 Nova Scotia Community College
 5685 Leeds Street
 Halifax, NS B3J 2X1
 902 491-8838

2.0 STATEMENT OF POLICY/SCOPE

2.1 Summary Policy Statement

- a. All members of the College community have a right to work and study in an environment that is free from any form of Sexual Violence. Such conduct violates NSCC’s values and principles, and, as such, is prohibited.
- b. NSCC recognizes and respects individuals’ rights, concerns and needs in responding to incidents of Sexual Violence and is committed to providing appropriate supports and responses when Sexual Violence is Disclosed or Reported to the College in accordance with the policy and these procedures.
- c. The College is committed to ensuring that those who Disclose or Report that they have experienced Sexual Violence are listened to and treated with compassion. The College is further committed to responding promptly to Disclosures and Reports, in a manner that is sensitive, consistent, and ensures due process.

2.2 Disclosure and Reporting

As outlined in Section 4.7 of the Sexual Violence policy, a person may Disclose or Report an incident of Sexual Violence to the College in accordance with these procedures. The decision to Disclose and the decision to Report are separate decisions with different processes. Section 4.7 describes Disclosure and Reporting as follows:

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2.3 Disclosure

- a. The victim/survivor may Disclose Sexual Violence in accordance with the procedures. Disclosure will enable a victim/survivor to access support from the College, including counselling services (through the Campus Counsellor, the Student Assistance Program, or the Employee Family Assistance Program, as applicable), and access to information regarding:
 - i. available external supports and medical care
 - ii. procedures to request reasonable accommodations from the College and/or interim measures, and
 - iii. the Reporting process.
- b. A Disclosure may relate to Sexual Violence perpetrated by a person who is or is not a member of the College community.
- c. A victim/survivor can make a Disclosure and choose to Report at a later date.

2.4 Reporting

A Report may be made by a member of the College community who is a victim/survivor, witness, or third party with knowledge of the Sexual Violence.

- a. A victim/survivor who makes a Report will be offered access to the same supports as are available through Disclosure. The process to make a Report is outlined in the procedures
- b. A Report may only be made with respect to Sexual Violence perpetrated by a member of the College community against another member of the College Community
- c. The College will establish a committee, the Sexual Violence Response Team (SVRT) to address Reports made under this policy. The SVRT will be chaired by the Director of Diversity and Inclusion.
- d. The Chair of the SVRT will select the membership of the SVRT as the Chair considers appropriate in the circumstances, except that the SVRT will include:
 - i. When a student is involved as a victim/survivor, respondent or complainant, the Director of Student Services and the Principal will be included in the SVRT.
 - ii. When a campus employee is involved as a victim/survivor, respondent or complainant, the Director of Human Resources and the Principal will be included in the SVRT.
 - iii. When an employee of a Central College Department/Division, or a non-student member of the College Community, is involved either as a victim/survivor, respondent or complainant, the Director of Human Resources and the Senior College Leader of the employee’s Central College Department/Division will be included in the SVRT.
- e. In the event that the Director of Human Resources, the Director of Student Services, Principal, or Senior College Leader is the victim/survivor, complainant or respondent, they shall be excluded from the SVRT deliberations for that Report.

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- f. The SVRT will have overall responsibility for Reports, including:
 - i. overseeing the College/Campus response to a Report;
 - ii. overseeing and advising on supports as required for the victim/survivor;
 - iii. determining the policy/procedures through which a Report will be handled;
 - iv. determining, in accordance with the procedures, whether to commence an investigation of a Report under this policy;
 - v. overseeing an investigation in accordance with the procedures;
 - vi. overseeing the outcome of an investigation in accordance with the procedures, and referral of the investigation findings to appropriate College representatives, including recommendations concerning discipline, mitigation steps or remedial measures.
 - vii. maintaining records as required.
- g. These procedures outline the process for making a Disclosure or Report, and contain additional information regarding these options.

3.0 DISCLOSURE PROCEDURES

3.1 Making a Disclosure

- a. Students may make a Disclosure to a Counsellor located on campus or to a counsellor through the Student Assistance Program.
- b. Employees may make a Disclosure to the NSCC Employee Family Assistance Program (EFAP)

3.2 Victims/Survivors are not required to Disclose the identity of a perpetrator in order to make a Disclosure, and may choose the amount of information that they share.

3.3 Confidentiality of Disclosure to Counsellor

- a. The College understands that victims/survivors may wish to control whether and how the information they Disclose will be shared with College representatives. In most circumstances, victims/survivors who make a Disclosure to a counsellor will retain this control.
- b. As outlined in Section 4.9 of the policy, NSCC recognizes that a counsellor’s professional position carries with it confidentiality obligations, and expects counsellors to follow the professional protocol that governs their behaviour and practice. Accordingly, counsellors are expected to treat information received through a Disclosure as confidential, and only disclose this information in the exceptional circumstances permitted by the counsellor’s professional protocol.

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3.4 Report/Disclosure to other NSCC Employees

- a. Victim/survivors who wish to protect the confidentiality of the information they share are encouraged to make Disclosures to counsellors. However, there may be situations in which a victim/survivor shares information regarding their experience of Sexual Violence to an NSCC employee other than a counsellor.
- b. In such circumstances, the NSCC employee should, as soon as it becomes apparent that information with respect to Sexual Violence may be shared, caution the victim/survivor that the employee cannot guarantee complete confidentiality of the information, and that the employee will need to seek guidance from an appropriate College employee (set out below) regarding the information that is shared. [See the Sexual Violence Policy for more information regarding confidentiality and its potential limits.] The NSCC employee should offer to refer the victim/survivor to a counsellor or the EFAP program, which provides a greater degree of confidentiality (as set out above).
- c. If information with respect to Sexual Violence is shared before the employee is able to refer the victim/survivor to a counsellor or the EFAP program, or if the victim/survivor chooses to share information with respect to Sexual Violence after the employee has provided a caution with respect to confidentiality, the employee should:
 - i. Reiterate the offer to refer the victim/survivor to a counsellor or the EFAP program (unless this is inappropriate based on the victim/survivor’s initial response to the proposed referral);
 - ii. Inform the victim/survivor that the employee is required to seek guidance from appropriate NSCC representatives (as outlined below) and that the Sexual Violence Response Team will be convened.
 - iii. Ask the victim/survivor how they would prefer to communicate regarding this matter going forward – such as through a counsellor, directly with the victim/survivor, in person, by phone, or through email;
 - iv. Offer to provide a copy of the Sexual Violence Policy and Procedures.
- d. The NSCC employee should promptly seek guidance from:
 - i. If the Victim/Survivor is a student: the Manager of Student Services, who will inform the Principal and the Director of Diversity & Inclusion; or
 - ii. If the Victim/Survivor is an employee or non-student member of the College Community: the manager of the employee who received the disclosure, who will inform the Director of Diversity & Inclusion and the Principal or Senior College Leader (as applicable).

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- e. Upon being notified of a disclosure made to an NSCC employee (other than a counsellor), the Director of Diversity & Inclusion will convene the SVRT to take appropriate action, including providing guidance regarding appropriate supports, the extent to which confidentiality may be maintained, and the steps that the College will take to respond to the information received.
- f. As set out in more detail in the policy:
 - i. If NSCC receives information which suggests that Sexual Violence may have been perpetrated by a member of the College community against another member of the College community, NSCC may be required to or choose to investigate the matter even in the absence of a Report.
 - ii. NSCC may implement interim measures to address risk to the health, safety or security of the College community, or individual members of the College community, or to the normal or effective operation of all or part of the College.
- g. NSCC understands the importance of applying a trauma-informed approach in responding to a disclosure of Sexual Violence to an NSCC employee. The SVRT will endeavour to balance the victim/survivor’s wishes (including regarding communication procedures, investigation, and confidentiality), with the College’s need to take appropriate action to promote a safe working and learning environment, and to respect due process and the College’s legal obligations.

3.5 Provision of Supports

- a. Disclosure will enable a victim/survivor to access support from the College, including counselling services (through a campus Counsellor, SAP or EFAP, as applicable), and access to information regarding: (1) available external supports and medical care, (2) procedures to request reasonable accommodations from the College and/or interim measures, and (3) the Reporting process.
- b. NSCC expects that Campus Counsellors and counsellors through the SAP and EFAP will be aware of these procedures and the Sexual Violence policy, and will provide the supports outlined above to Victims/Survivors who make a Disclosure.

3.6 Impact of Confidentiality on Provision of Internal College Supports

- a. If a victim/survivor makes a Disclosure, they will be offered information regarding the applicable procedures to request reasonable accommodations from the College (such as the Academic Accommodations Policy and Procedures (for students) and the Employee Workplace Accommodations Policy (for employees)) and the implementation of interim measures.
- b. If a victim/survivor requests such internal College supports, NSCC’s ability to provide this support may be limited by the extent of the information shared by the victim/survivor and the confidentiality requested by the victim/survivor. If the College determines that the disclosure of additional information is necessary in order to consider or implement a request for support,

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it will advise the victim/survivor of the additional information required, and the victim/survivor may choose whether to provide this information on the understanding that their decision may impact the supports that NSCC is able to provide.

4.0 REPORTING PROCEDURES

4.1 Making a Report of Sexual Violence

a. Filing a Report

A Report may be made to the College employees listed below.

- i. **For Students:** Manager of Student Services, or the Director of Diversity & Inclusion
- ii. **For employees or any (non-student) member of the College community:** Manager, Principal, other Senior College Leader, or the Director of Diversity & Inclusion

b. A complainant may make the Report by:

- i. delivering or sending a completed Sexual Violence Report Form or a letter outlining the allegation to a College representative listed above, or
- ii. providing a verbal account to a College representative listed above, who will then fill out a Sexual Violence Report Form with the information provided by the complainant.

c. Employees or students who elect to send a written report or form are strongly encouraged to seek immediate advice and support through the support services listed in **Appendix 1.**

d. Third Party and Anonymous Reports

- i. As outlined in the policy, a Report may be made by a member of the College community who is a victim/survivor, witness, or third party with knowledge of the Sexual Violence. When a Report is made by someone other than a victim/survivor, the College’s ability to address the allegation will depend on, and will be limited by, a number of factors including the information available to substantiate the allegation and to permit a fair process, and the victim/survivor’s decision whether to participate in an investigation.
- ii. A Report may be made anonymously. However, when a Report is made anonymously, the College’s ability to address the allegation will depend on, and will be limited by, the information available to substantiate the allegation and to permit a fair process.

e. Limitation on Making a Report

A Report must normally be made within twenty-four months of the last alleged instance of Sexual Violence. The Sexual Violence Response Team may accept a Report made outside of this time period in extenuating circumstances.

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4.2 Support Pending Engagement of Sexual Violence Response Team

College employees who receive a Report are responsible, where circumstances warrant, to take steps to support victims/survivors pending the engagement of the SVRT, which may include:

- a. providing information regarding available counselling services offered by the College;
- b. providing information regarding external supports and medical care;
- c. providing information regarding procedures to request reasonable accommodations from the College such as the Academic Accommodations Policy and Procedures (for students) and the Employee Workplace Accommodations Policy (for employees);
- d. where appropriate, contacting the Principal, or Senior College Leader (as applicable) and the Director of Diversity and Inclusion regarding the potential implementation of interim measures. In such circumstances, the Principal or Senior College Leader and the Director of Diversity & Inclusion will consider and coordinate the potential implementation of interim measures in accordance with the policy.

4.3 Referral to Sexual Violence Response Team

When College employees receive a Report, they will refer it as follows:

- a. When a student is involved as a victim/survivor, respondent or complainant, to the Manager of Student Services who will advise the Principal and refer the matter to the Director of Diversity & Inclusion.
- b. When an employee or a non-student member of the College Community, is involved as a victim/survivor, respondent or complainant, to their manager who will inform the appropriate Senior College Leader and refer the matter to the Director of Diversity & Inclusion.

4.4 Engagement of Sexual Violence Response Team

- a. Upon being referred a Report, the Director of Diversity & Inclusion, as Chair, will convene the Sexual Violence Response Team to take appropriate action in accordance with the policy and these procedures.

b. Determination by SVRT of Whether to Investigate

The SVRT will determine whether to conduct an investigation under the Sexual Violence policy and these procedures. The SVRT may determine that an investigation will not be conducted under the Sexual Violence policy and these procedures if it concludes that:

- i. the subject matter of the Report has been or is being investigated under this or another policy, Act, procedure or collective agreement;
- ii. the subject matter of the Report should otherwise be dealt with under another policy, Act, procedure or collective agreement;

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- iii. the subject matter of the Report does not fall within the scope of the Sexual Violence policy;
- iv. the Report was not filed within the required time period outlined above; or
- v. the Report was not made in good faith, the Report is frivolous, vexatious, or mischievous, or the Report is otherwise an abuse of the Sexual Violence policy.

c. If the SVRT determines that an investigation will not be conducted under the Sexual Violence policy and these procedures, the SVRT Chair will inform the complainant of its decision.

d. Notification of Parties

If the SVRT determines that an investigation will be conducted under the Sexual Violence policy and these procedures, and/or if the SVRT determines (as set out below) that it may be appropriate to enter into an alternative resolution process, it will provide notice of the Report to the following individuals, if they have not previously received notice of the Report:

- i. the victim/survivor (if a person other than the complainant); and
- ii. the respondent.

e. The SVRT, when it provides notice of the Report, will also provide information regarding the internal College supports available to the victim/survivor and the respondent.

f. Alternative Resolution

- i. Alternative Resolution may be available to address a report in appropriate circumstances. These methods are not aimed at fact-finding and do not involve determinations as to whether there has been a violation of Policy or other wrongdoing. Alternative Resolution does not preclude the SVRT from investigating a Report following the conclusion of an Alternative Resolution process, where the SVRT considers it appropriate in the circumstances. A complainant, a victim/survivor, or a respondent may propose the use of alternative resolution, or it may be suggested by the SVRT. An alternative resolution process will not be implemented without the consent of the parties, and a party may withdraw from the alternative resolution process at any time.
- ii. Alternative resolution encompasses a range of potential methods. The method used to explore resolution of a particular report will be determined by agreement of the parties following consultation with the alternative resolution facilitator. The alternative resolution facilitator will recommend to the parties a method which appears, in the circumstances, to be suited to enabling the parties to move forward.

g. Concurrent External Investigation

- i. If the subject matter of a Report of is also under investigation by the police or another external agency (e.g. Nova Scotia Human Rights Commission), the SVRT may continue, stay or terminate the College’s investigation.

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- ii. The College will comply with law enforcement requests for cooperation, in a manner consistent with College policies and procedures.

h. College Investigation Procedures

If the SVRT determines that an investigation will be conducted under the Sexual Violence policy and these procedures, the following shall apply:

- i. Appointment of Investigator
The SVRT will select and engage an investigator who will conduct an investigation.
- ii. Notice of Investigation
The SVRT Chair or the investigator will inform the complainant, the victim/survivor (if a person other than the complainant) and the respondent that an investigation into the Report will be conducted.
- iii. Scope of Investigation
The SVRT, in consultation with the investigator, will determine the scope of the investigation.
- iv. Participation by Victim/Survivor
Victims/Survivors are encouraged but not required to participate in the investigation. If the victim/survivor chooses not to participate in an investigation, the investigation may continue if the SVRT considers it to be in the interests of the College community, or reasonably necessary to comply with the College’s obligations under the Sexual Violence policy and/or its legal obligations.
- v. Confidentiality
Section 4.9 of the policy addresses confidentiality, and confirms that information may be disclosed where the College believes it is necessary for the effective investigation of a Report. Typically, the respondent will receive information which is reasonably necessary to respond to the Report or issues arising in the investigation. Disclosure of information, which may include identifying information and details of the matters under investigation, to witnesses may also be necessary in order to conduct an effective investigation. The documents shared may have redactions to protect confidentiality.
- vi. Meetings between Victim/Survivor and Respondent
Victims/Survivors and respondents will not typically be asked in the course of an investigation to participate in a meeting where the other party is present. Such a request would only be made in exceptional circumstances, and no party will be required to participate in such a meeting without their consent.
- vii. Questions with respect to Victim/Survivor
 - (a) An investigator, in the course of the investigation, will take reasonable efforts to avoid questions or comments that imply judgment or blaming of the victim/survivor.

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(b) An investigator, in the course of the investigation, will take reasonable efforts to avoid questions regarding the past sexual history of the victim/survivor, unless the investigator reasonably determines that such information is directly relevant to the issues under investigation and the information is of significant value to the investigation.

viii. Additional Issues Arising in Investigation

If a new issue comes to the attention of the investigator which does not fall within the scope of the investigation, the investigator should at the first opportunity bring the matter to the attention of SVRT. If the SVRT determines that the new issue should be investigated, the investigator will be asked to expand the scope of the investigation to include this new issue. Where the scope of an investigation is expanded, the Chair must inform the complainant, the victim/survivor (if a person other than the complainant and if the victim/survivor has chosen to participate in the investigation) and the respondent.

ix. Risk to Safety or Violation of Criminal Law

Where, in the course of an investigation, the investigator receives information which suggests there is a risk to the safety of an individual or the College, or that a violation of criminal law may have occurred, the investigator should at the first opportunity disclose this information to the Chair of the SVRT and the Principal or Senior College Leader (as applicable). If the information disclosed by the investigator requires immediate action to address imminent risk of harm, the Chair and Principal or Senior College Leader may take such action without convening the SVRT. If the information does not require immediate action, the Chair will convene the SVRT to consider the information disclosed by the investigator and determine what action, if any, should be taken.

x. Conclusion of Investigation

- (a) An investigation should be concluded, wherever reasonably possible, within thirty (30) working days of the appointment of the investigator.
- (b) The investigator should, within ten (10) working days of concluding the investigation, provide the SVRT a written report of the findings of the investigation and an opinion on whether there has been a violation of the policy. The investigator may seek an extension of the deadline to prepare the investigation report where it is not reasonably possible to meet the deadline.
- (c) Within ten (10) working days of receiving the investigation report, the SVRT will review the investigation report and determine whether further investigation is necessary.
- (d) If the SVRT determines that further investigation is necessary, the SVRT Chair will instruct the investigator to conduct the further investigation and prepare a further report within a deadline determined by the SVRT.

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- xi. After the SVRT determines that the investigation is complete, the SVRT will:
 - (a) make a decision as to whether to accept or reject the investigator’s conclusion regarding whether the policy was violated;
 - (b) inform the complainant, the victim/survivor (if a person other than the complainant, and if the victim/survivor has chosen to participate in the investigation) and the respondent of their decision.
 - (c) disclose the investigation report (with or without redactions as the SVRT considers appropriate) and its decision including recommendations concerning discipline, mitigation steps or remedial measures to appropriate College representatives for their consideration and action as appropriate.
- xii. The SVRT, to the extent it considers it to be appropriate or necessary, may also disclose all or part of the investigation report, its decision, or information received in the course of the investigation to:
 - (a) Any person believed to be necessary to implement due diligence to prevent similar or related violence in the future.
 - (b) Any person or authority required by legal, regulatory or contractual obligation.

4.5 Timelines

The College will endeavor to address all Sexual Violence Reports within the timelines stated in these procedures. In extenuating circumstances, the College may not be able to adhere to the timelines of this policy. In such cases, the timeline may be extended at the discretion of the SVRT.

4.6 Withdrawal of Report

The complainant shall not be compelled to proceed with a Report and shall have the right to withdraw a Report at any point. The College may proceed with an investigation where the SVRT considers it to be in the interests of the College community, or reasonably necessary to comply with the College’s obligations under this policy and/or its legal obligations.

5.0 PROCEDURES SUPPORTS

39.03 Sexual Violence Reporting Form

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6.0 APPENDIX 1 – Province-Wide Resources

1. <https://breakthesilencens.ca/>
2. Emergency 911
3. 811. Health and information services. For the hearing-impaired, call 7-1-1 (TTY). Service is offered in English, French and interpretation services for over 100 languages. A Registered Nurse is available to for advice and information on all health matters including sexual violence. 24 hours a day, 365 days a year. Dial 811.
4. 211. Free confidential and referral service across Nova Scotia. Dial 211. 24/7
5. Mental Health Mobile Crisis Telephone Line 1-888-429-8167. Available 24 hours 7 days a week.
6. NS Mi'kmaq Crisis and Referral Line. 24/7 phone support for Mi'kmaq people across the province. 1-855-379-2099
7. Transition House of Nova Scotia. Emotional support and referrals for women who have been abused. 1-800-563-2945.
8. Nova Scotia Rainbow Action Project E-mail: nsrap@nsrap.ca
9. Employee and Family Assistance 1-800-387-4765 (English) 1-800-361-5676 (French); TTY Service, 1-877-338-0275. Immediate assistance available 24 hours a day 7 days a week. Or visit Shepell.fgi online services at workhealthlife.com
10. Victim Services – Nova Scotia Toll free numbers for provincial offices https://novascotia.ca/just/victim_Services/contact.asp
11. Nova Scotia Public Prosecution Service Regional Office contact information: <https://novascotia.ca/pps/contact.asp>
12. Legal advice for sexual assault
13. Campus Counselling and Wellness Services <https://novascotia.ca/sexualassaultlegaladvice/>
14. Student Support Program: English 1-855-649-8641, TDD: 1-877-338-0275 (Hearing impaired), French 1-800-363-3872, ATS: 1-800-263-8035 (personnes malentendantes)

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