



COLLEGE OF THE NORTH ATLANTIC

OPERATIONAL PROCEDURE

TOPIC: SEXUAL VIOLENCE

Procedure No.	PO-002-PR	Division	President's Office
Supersedes	n/a	Board Policy Ref.	GP-GR-803 & GP-RR-901
Related Policies	HR-403 HR-414 SS-201	Effective Date	October 17, 2023

PROCEDURE

This Sexual Violence Procedure (hereafter known as “the Procedure”) is designed to address the concerns and complaints of sexual violence, as outlined in the Sexual Violence Policy (hereafter known as “the Policy”).

1.0 Definitions

Bystander	An individual who is not the subject of sexual violence but who has witnessed or is otherwise aware of behaviour which contravenes the Policy. Bystanders have a responsibility to take appropriate action and report the behavior to someone in authority.
College Environment	Includes, but is not limited to College of the North Atlantic (CNA) premises, facilities, programs, policies, faculty, administration, students, and educational/work experiences that employees, students, and others interact with in the workplace and educational settings.
College of the North Atlantic Community	A CNA community member under this Policy includes, but is not limited to: <ul style="list-style-type: none">• <i>Affiliates</i>: any individual working in collaboration with CNA for a business or academic purpose or an external community member, including all CNA graduates and alumni.• <i>CNA Board of Governors</i>: individuals forming the governing body of CNA.• <i>Employees</i>: any individual who is currently employed by CNA or provides services to CNA

under an employment contract. This includes all employees, regardless of status, as well as current employees who are on a leave of absence (i.e., paid/unpaid).

- *Students*: any individual registered in CNA programs or otherwise participating in CNA courses, programs, events, and activities. This includes prospective students and recently accepted student applicants.
- *Visitors*: any individual visiting a CNA property and/or facility.
- *Volunteers*: any individual performing work for CNA in an unpaid capacity.

Complainant	Any CNA community member who has filed a complaint under this Policy alleging an experience of sexual violence. A CNA community member, upon filing a complaint, is referred to as the 'complainant'.
Complaint	A statement of allegation concerning any form of sexual violence by a complainant seeking recourse under this Policy.
Confidential Disclosure	CNA community members may disclose sexual violence, as defined by this Policy, in a confidential manner to a CNA Guidance Counsellor or Employee Assistance Program (EAP) Counsellor for the purpose of receiving confidential support and advice.
Consent	Voluntary agreement to engage in sexual activity (as defined by the <u>Criminal Code of Canada</u> and subject to change by legislation and interpretation by the courts).
General Disclosure	CNA community members may disclose sexual violence, as defined by this Policy, to other CNA community members who are not a CNA Guidance Counsellor or EAP Counsellor. This type of disclosure initiates a duty to respond for employees which may lead to a formal complaint and a subsequent investigation as required by the <u>Newfoundland and Labrador Occupational Health and Safety Regulations, 2012</u> .
Head of Campus	A CNA campus/site administrator, including: <ul style="list-style-type: none"> • Senior Campus Director for campuses that have more than one Campus Director;

- Campus Director or Campus Manager for campuses that only have one Campus Director/Manager;
- Senior Manager Administrative Services; and
- Administrator of non-campus buildings (e.g., administrative sites).

Human Resources (HR) Representative	A CNA employee who provides guidance and support to CNA employees who are complainants, respondents, bystanders, or witnesses under this Policy.
Investigation	The systematic and objective examination of facts relevant to a sexual violence complaint. An investigation may involve interviewing and obtaining signed statements from complainants, respondents, and witnesses, as well as a review of relevant documentary evidence.
Investigator	A trained CNA employee or external person who is engaged by the relevant representative to complete the formal resolution (investigative) process.
Natural Justice	The principles of natural justice include the right to a fair and timely hearing (where all parties are given the opportunity to present their case and to respond to the evidence against them) and the right to a fair process (where a decision is reached in a manner that is untainted by bias and where reasons for the decision, the evidence relied upon and the results are given in writing).
Parties	Refers to the complainant(s), respondent(s), and witness(es) to a complaint.
Procedural Fairness	Includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them, and the right to information regarding the status of a complaint.
Respondent	Any CNA community member against whom a complaint of sexual violence is made under this Policy.
Sexual Violence	An act of violence, physical or psychological in nature, that threatens to intimidate, coerce, or engage in an unwelcomed behaviour of a sexual nature, without the person's consent. Includes in-person and digital/cyber actions. This violence takes different forms including, but

not limited to, sexual harassment and sexual assault. Acts of sexual violence can also include, but are not limited to:

- distribution of intimate images without consent;
 - coercion of another person's sexuality by physical or psychological intimidation;
 - stealthing - removal of or failure to use a condom during intercourse without consent;
 - denial of another person's sexual decision-making rights; and
 - retaliation or threats by an individual as a result of their sexual advances not being accepted.
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- Sexual Harassment – Is contrary to the Newfoundland and Labrador *Human Rights Act, 2010*, as amended (the "Human Rights Act") and may be contrary to the *Criminal Code*. It is a course of unwelcome, humiliating, and/or embarrassing comments of a sexual nature, persistent or abusive sexual solicitation or advances directed at an individual based on sex, sexual orientation, gender identity or gender expression, by another individual or group who knows, or ought reasonably to know, that this attention is unwelcome; any solicitation or advance which is known, or ought reasonably to be known to be unwelcome, humiliating and/or embarrassing made by an individual who is in the position to confer or deny a benefit; a single incident, or a series of incidents; and /or any reprisal or threat of reprisal, for refusing to comply with an implied or expressed sexual solicitation or advance.

Sexual harassment also includes but is not limited to:

- stalking or unwanted and repeated direct or indirect communication, including emails, gifts, letters or notes;
- indecent exposure;
- voyeurism;
- display of sexually suggestive pictures, posters, objects or graffiti;

- unwanted behaviours or comments that fetishize perceived personal characteristics such as gender, sexuality, ethnicity, and/or race, age, or size etc.; and
 - any of the behaviours described here when these behaviours are displayed or communicated on any form of social media or other electronic media.
- Sexual Assault – Is illegal under Canada’s *Criminal Code* and can include any form of physical and or psychological violence and refers to any form of sexual contact without consent. Sexual assault includes, but is not limited to, unwanted kissing, fondling, touching, disrobing, any kind of intercourse or other forms of penetration, that is done onto the CNA community member without their consent. It also includes inducing intoxication, impairment, or incapacity for the purpose of making another person vulnerable to non-consensual sexual activity.

Student Services Representative	A CNA employee who provides guidance and support to students and other CNA community members (i.e., visitors, affiliates, contractors or volunteers) who are complainants, respondents, bystanders, or witnesses under this Policy.
Support Person	Provides support to complainants, respondents, and witnesses during interviews. Bargaining-unit members may bring their union representative as their support person.
Temporary / Interim Measures	Temporary, non-disciplinary adjustments to the living, learning, and working environments of a CNA community member that may be put in place once a complaint is received to safeguard the environment of a complainant, respondent, and/or witness. Temporary / interim measures may include, but are not limited to, a student residence relocation, class schedule changes, academic accommodations, temporary work location reassignment, work scheduling changes, no contact orders, and restrictions on access to campus or parts of campus, etc.

2.0 Responsibilities

College of the North Atlantic

It is the responsibility of CNA to:

- administer, implement, and review the Policy;
- promote a safe and secure study and work environment for all CNA community members through education, awareness, and training;
- ensure a procedurally fair, non-discriminatory, and timely process; and
- utilize reasonable measures to ensure safety.

CNA Community Members

It is the responsibility of all CNA community members to:

- know what constitutes sexual violence;
- as required, participate and facilitate participation in education and training about this Policy and its related Procedure;
- familiarize themselves, respect, and follow the processes under this Policy and its related Procedure;
- lead by example and act respectfully in all dealings with CNA community members;
- where and when appropriate, advise others of the Policy and its related Procedure;
- consult with, or refer to, the relevant representative regarding possible situations of sexual violence;
- cooperate and share openly and honestly in informal/formal resolution processes;
- respect the confidentiality of all processes under the Policy and Procedure; and
- treat all parties to a complaint with compassion, dignity, and respect and provide them with non-judgmental support.

Student Services Representative and Human Resources Representative

It is the responsibility of the Student Services Representative to:

- receive sexual violence complaints from students and other CNA community members (excluding employees);
- take primary responsibility for the administration of the Policy and its related Procedure in cases where a student or other CNA community member (excluding employees) is the complainant;
- provide support to a student or other CNA community member (excluding employees), identified as a respondent or witness, in a sexual violence complaint;

- advise and guide students or other CNA community members (excluding employees) through the Policy and its related Procedure;
- support students or other CNA community members (excluding employees) and provide information regarding support services (e.g., internal counselling services and external services/resources), medical care, and possible temporary / interim measures;
- determine if a complaint meets the scope as defined by the Policy;
- act as a subject matter resource for the development of orientation, training, and information programs in relation to sexual violence;
- assist divisions/departments in notifying respondents of a complaint;
- advise parties to a complaint on matters pertaining to the Policy;
- coordinate the assignment of investigators for formal investigations into complaints of sexual violence;
- advise investigators on policy and procedural issues associated with the conduct of formal sexual violence investigations; and
- maintain records of all sexual violence complaints and track progress through to resolution/conclusion.

It is the responsibility of the HR Representative to:

- receive sexual violence complaints from employees;
- take primary responsibility for the administration of the Policy and related Procedure in cases involving employees;
- provide support to an employee identified as a respondent or witness in a sexual violence complaint;
- advise and guide employees through the Policy and its related Procedure;
- support employees and provide information regarding support services (e.g., EAP and external services/resources), medical care, and possible temporary / interim measures;
- determine if a complaint meets the scope as defined by the Policy;
- act as a subject matter resource for the development of orientation, training, and information programs in relation to sexual violence;
- assist divisions/departments in notifying respondents of a complaint;
- advise parties to a complaint on matters pertaining to the Policy;
- coordinate the assignment of investigators for formal investigations into complaints of sexual violence;
- advise investigators on policy and procedural issues associated with the conduct of formal sexual violence investigations; and
- maintain records of all sexual violence complaints and track progress through to resolution/conclusion.

Investigator(s)

It is the responsibility of the Investigator(s) to:

- inform the complainants, respondents, witnesses, and support persons of the process that will be followed and their roles in the investigation, including the process for disclosure of statements/evidence in accordance with the principles of procedural fairness;
- conduct the investigation in a fair and impartial manner;
- respect confidentiality at all times;
- interview the complainants, respondents, bystanders, and witnesses and prepare written statements;
- review all statements and evidence collected in the investigation;
- prepare a draft investigation report for preliminary review and assessment;
- prepare an investigation report that provides an analysis of the evidence gathered and findings as to whether sexual violence has occurred in accordance with the definitions outlined in the Policy;
- submit the finalized investigation report to the relative representative;
- provide written notification to the complainant and respondent on the status of the investigation processes throughout the course of the investigation; and
- consult with the relevant representative as required by the Policy.

Associate Vice Presidents and Vice Presidents

It is the responsibility of the relevant Associate Vice Presidents (AVP) or Vice Presidents (VP) to:

- create and maintain a respectful college environment;
- consult with the relevant representative regarding next steps upon notification of a complaint;
- schedule a meeting between the relevant representative and the division/department representative assigned by the AVP/VP, and the respondent to inform the respondent of the complaint and outline the resolution process;
- upon receipt of an investigation report, provide a summary document to the complainant and respondent and allow for response;
- following receipt of responses, make a decision as to whether to accept the investigation findings in whole, in part, or at all in consultation with the AVP Human Resources or AVP Student Services;
- for investigations wherein the complainant and respondent work in different divisions/departments, communicate findings of the investigation to the respondent's AVP/VP; and
- upon consultation with the AVP Human Resources or AVP Student Services, take appropriate action within timelines outlined in the Policy and respective collective agreement provisions, as required.

3.0 Consultation Procedure

3.1 For issues, concerns, or complaints relating to sexual violence, students and other CNA community members (i.e., visitors, affiliates, contractors or volunteers) are encouraged to consult with the Student Services Representative, and employees are encouraged to consult with the Human Resources (HR) Representative. The nature of the issue, concern, or complaint may require these representatives to travel to the respective CNA campus.

3.2 All consultations with the representatives are handled in accordance with the confidentiality provisions in section 7 of the Policy.

3.3 Anonymous Report

When a CNA community member experiences, witnesses, or has reasonable concerns about an act of sexual violence, they may submit an anonymous written allegation to the relevant representative. Whether or not the anonymous report can proceed in the absence of an identified complainant will be determined by the representative, in consultation with the AVP Student Services or the AVP Human Resources, upon consideration of all the circumstances and evidence.

3.4 Bystander Complaints

A bystander can report alleged sexual violence by contacting the relevant representative and submitting a written complaint. The representative shall acknowledge the complaint in writing within five (5) days and provide information on the bystander complaint process. Where a bystander complaint is received under the Policy, the subject of the alleged sexual violence will be contacted to discuss the bystander complaint and to possibly meet to discuss resolution options under the Policy, if so desired. If the subject of the alleged sexual violence wishes to explore resolution options under the Policy, they must follow the complaints process.

4.0 Disclosures and Complaints

4.1 Disclosures and complaints are separate actions that CNA community members can choose to take.

The sharing of information about a sexual violence experience, as defined by the Policy, with a CNA Guidance Counsellor or EAP Counsellor for the purpose of receiving confidential support and advice, constitutes a confidential disclosure under this Policy. This confidential disclosure does not require making a complaint or addressing the sexual violence through an informal/formal process and will remain confidential except as required by law or a Counsellor's professional ethics.

The sharing of information about a sexual violence experience, as defined by the Policy, with a CNA community member, who is not a CNA Guidance Counsellor or EAP Counsellor, constitutes a general disclosure under this Policy. A CNA community member, if subject to a general disclosure, shall listen respectfully without judgement, provide information about the Policy, and make a referral to the relevant representative in accordance with section 8 of the Policy.

4.1.1 A general disclosure or complaint may be made by a CNA community member at any time following a confidential disclosure.

4.1.2 Once a general disclosure has been made, a CNA community member can still avail of support services; however, confidentiality has its limits where those within the CNA community need to know information to carry out their responsibilities under the Policy.

4.2 A CNA community member who makes either a disclosure or a complaint about an incident that may constitute sexual violence will be provided with information about the option to report to the police.

4.3 Unless otherwise required by law, the CNA community member's decision to report, or not to report, to the police shall be respected.

4.4 If a CNA community member chooses to report to the police, they may also, at any time, choose to make a disclosure or submit a complaint under the Policy.

4.5 When a complaint is made, the relevant representative will ask the CNA community member (referred to as the "complainant") what their needs are and will inform the complainant of available supports and services. These supports and services may include:

- safety planning and protective measures;
- information about counselling services, including those available through CNA Guidance Counsellors or EAP Counsellors;
- referral to police, medical or legal services;
- temporary learning, living, and/or working accommodations, such as schedule changes, academic accommodations, and work location reassignment; and
- faculty-level supports.

5.0 Complaint Process

When a complaint of sexual violence has been reported, CNA will exercise care to protect and respect the rights of the complainant and the respondent. CNA

understands and respects that complainants may wish to control how their experience is dealt with.

5.1 For Complainants

5.1.1 A written complaint must be submitted to the relevant representative within twelve (12) months of the last incident of sexual violence, unless the timeline is extended by the representative upon request by the complainant. The complaint will include:

- the names of both the complainant and the respondent;
- a detailed description of the behaviour that forms the basis of the complaint; and
- an indication of the correction or reparation sought by the complainant.

5.1.2 The representative will provide support and advice to assist the complainant with submission of the complaint and to understand the reporting process under the Policy.

5.1.3 Upon receipt of the complaint, the representative will determine if the complaint falls within the scope of the Policy. Where it has been determined that a complaint shall not be addressed under the Policy, the complainant shall be advised in writing within thirty (30) days that no further action, with respect to the complaint, will be taken and why. The complainant will also be advised of available supports and resources, and other policies that may be applicable. If new information is subsequently provided, this decision may be re-evaluated.

5.1.4 Within five (5) days following the receipt of a complaint that falls within the scope of the Policy, the representative shall acknowledge the complaint in writing and schedule a meeting with the complainant to discuss resolution options.

5.1.5 Within five (5) days of receipt of the complaint, the representative will notify the AVPs/VPs of the complainant's and respondent's division(s)/department(s) of the complaint and provide a copy of the submitted complaint. The AVPs/VPs (or designate) shall consult with the representative to determine whether any temporary / interim measures and/or waiver of time limits is necessary in reference to applicable collective agreements, if any.

5.1.6 During the meeting noted in 5.1.4, the complainant will be provided with information, without pressure or coercion, about available resolution options and temporary / interim measures. In determining resolution options, important factors to consider include:

- the informed choice of the complainant and their preference after receiving information about the informal and formal resolution options;
- the safety of all CNA community members;
- the voluntary participation of the respondent (to the extent that resolution options involve their participation, they must agree); and
- any applicable collective agreement.

5.1.7 Heads of Campus or AVPs/VPs of division(s)/department(s) will only be notified of a complainant's identity when it is required to allow for temporary/interim measures, informal/formal resolutions, or sanctions/discipline.

5.2 For Respondents

5.2.1 Within five (5) days following the meeting noted in 5.1.4, the relevant AVP/VP and the Head of Campus will be notified by the relevant representative that there is a complaint against a CNA community member.

5.2.2 Within five (5) days following the meeting noted in 5.1.4, the representative shall contact the AVP/VP of the respondent's division/department to request a meeting with the respondent and a divisional/departmental representative assigned by the AVP/VP. At this meeting, the representative shall advise the respondent of the complaint, provide a written copy of the complaint, provide information about how to access the Policy and an overview of the resolution processes, answer any questions the respondent may have, and advise on available supports. Prior to this meeting, the representative may meet with the divisional/departmental representative.

6.0 Temporary / Interim Measures

6.1 All temporary / interim measures are at the discretion of the relevant AVP/VP in consultation with the representative. Temporary / interim measures do not require consent of the parties.

6.2 At any stage of the complaint and/or resolution process, it may be necessary to take, modify, or end temporary / interim measures in order to:

- safeguard the environment of the parties to a complaint and CNA operations; and
- ensure the integrity of any potential investigation.

- 6.3 When the representative receives a complaint, they will meet with the complainant, the respondent (and witness as applicable) separately to discuss temporary / interim measures that can be put in place with respect to the living, learning, and working environments. Temporary / interim measures may include, but are not limited to, a student residence re-location, class schedule changes, academic accommodations, temporary work location reassignment, work scheduling changes, no contact orders, or restrictions on access to campus or parts of campus.
- 6.4 Where temporary / interim measures are required, the relevant representative will inform the respective Head of Campus and relevant AVP/VP of the complainant, respondent, or witness' division/department should such measures impact the work or learning environment. When temporary / interim measures affect a student's continued stay in a CNA residence, the representative will consult with the Head of Campus or the Manager of Student Residences before the imposition of such temporary / interim measures.
- 6.5 Where temporary / interim measures are required, the relevant representative will provide written notice to the complainant, the respondent (or witness as applicable) of any temporary / interim measures being imposed.
- 6.6 Temporary / interim measures shall not be construed as evidence pertaining to an allegation of sexual violence, as a disciplinary measure, or as a violation of the Policy.
- 6.7 All temporary / interim measures must be assessed by the applicable AVP/VP following resolution of the complaint.
- 6.8 In certain circumstances the duty to accommodate for services, facilities, and academic purposes may be required, under the provisions of the *Human Rights Act, 2010*. In these circumstances, the relevant representative will facilitate the process of accommodation, while maintaining confidentiality.
- 6.9 Temporary / interim measures may be challenged as follows:
- Complainants, respondents, and witnesses may challenge temporary / interim measures by writing the relevant representative within ten (10) working days of implementation. The relevant representative will respond with a written decision on the challenge.
- 6.10 Alleged breaches of temporary / interim measures are to be reported to the relevant representative, who will consult with the relevant AVP/VP to take appropriate steps to determine if the temporary / interim measures have in fact been breached, and if so, what action will be taken as a result of any such breach.

6.11 Failure to comply with conditions of a temporary / interim measure may become part of an investigation.

7.0 Response to Complaint: Informal Resolution Options

7.1 The representative who is advising the complainant will outline informal and formal resolution options to resolve the sexual violence complaint.

7.2 If the complainant selects an informal resolution option, the representative shall acknowledge the selection of the resolution option in writing, to both the complainant and respondent.

7.3 When an informal resolution requires the respondent's voluntary participation, or will otherwise impact the respondent in any way, the respondent should first be provided with the following:

- written notice of the resolution option chosen by the complainant;
- information about the right to include a support person throughout the process;
- a reminder that this Policy prohibits retaliation; and
- an opportunity to meet with the respective Head of Campus and the AVP/VP of the department/division, or their designates, to review the chosen resolution option, if desired.

7.4 Following the selection of an informal resolution option, the resolution process shall be initiated within fifteen (15) days. Timelines for informal resolution will be determined by the service provider, in consultation with the parties, based on the situation. Informal resolution options are subject to pre-participation assessment, preparation of the parties, etc.

7.5 If the respondent refuses or does not willingly participate in the informal resolution process, the relevant representative shall inform the complainant and discuss other available options (i.e., complaint withdrawal, alternative informal/formal resolution options, etc.).

7.6 Where an informal resolution impacts the study or work environment, the respective Head of Campus and AVP/VP of the division(s)/department(s) will be informed.

7.7 Informal resolution services and programs are confidential. For example, all information discussed in an informal resolution will be held in confidence, by the parties and the service provider, unless there is agreement between the parties and/or with the service provider as to what information may be released. Information will be disclosed to outside parties, if required by law. Procedural updates on meeting times and general progress will be provided to the relevant representative upon request.

8.0 Response to Complaint: Formal Resolution

- 8.1 If the complainant selects a formal resolution option, the representative shall acknowledge the selection of the formal resolution option in writing, to both the complainant and respondent.
- 8.2 If the representative, in consultation with the complainant, determines that the complaint will proceed through a formal investigation, the representative will:
- provide the respondent with the following:
 - written notice of the resolution option chosen by the complainant;
 - details outlining the investigation that will follow;
 - information about the right to include a support person throughout the process;
 - a reminder that the Policy prohibits retaliation; and
 - an opportunity to meet with the respective Head of Campus and the AVP/VP of the department/division, or their designates, to review the chosen resolution option, if desired.
 - provide the respondent with ten (10) working days to provide a formal written response to the complaint;
 - if a written response is received from the respondent, provide the complainant with a copy;
 - inform the relevant AVP/VP and the Head of Campus that an investigation is taking place involving the respondent;
 - appoint an Investigator to the file within ten (10) days following selection of the formal resolution option; and
 - provide the Investigator with all materials submitted by the complainant and respondent.
- 8.3 Selection of the formal resolution option does not prevent complainants from later deciding to pursue an informal resolution option or vice versa.
- 8.4 If the respondent does not provide a written response to the complaint, the relevant representative will provide written notice to the respondent that the sexual violence allegations in the complaint are unchallenged, and that CNA will continue with the process of investigation in the absence of their participation.

9.0 Investigative Procedures

- 9.1 The Investigator will treat all information received in the course of the investigation in accordance with the confidentiality provisions outlined in the Policy.
- 9.2 The investigation will commence within five (5) days of receipt of the complaint by the Investigator and shall be completed (i.e., final report

submitted to the AVP/VP of the complainant's division) within ninety (90) days.

- 9.3 The Investigator will not require the complainant to participate in the investigation but may, however, request additional clarifying information or evidence to supplement the complaint or provide names of any potential witnesses;
- 9.4 An investigator may not inquire into, or consider, information provided by other parties regarding the complainant's past sexual behaviour at any point in the investigation;
- 9.5 The following steps would generally be followed by the Investigator:
- the Investigator will review the complaint;
 - the Investigator will give written notice to the complainant and the respondent that the allegations set out in the complaint will be investigated;
 - the Investigator will interview the complainant, prepare a written statement, and collect supporting documentation, if applicable. The complainant will be given a reasonable opportunity to submit any additional information they wish to have considered;
 - the Investigator will disclose the complainant's statement and supporting documentation to the respondent;
 - the Investigator will interview the respondent, prepare a written statement, and collect supporting documentation, if applicable. The respondent will be given a reasonable opportunity to submit any additional information they wish to have considered;
 - the Investigator will identify witnesses, interview witnesses, prepare written statements, and collect supporting documentation, as applicable;
 - following each interview, the individual interviewed will be provided with a written summary of their interview and be provided a reasonable opportunity to provide comments on the accuracy of the summary; and
 - an investigator may take other actions deemed to be necessary for the purpose of the investigation (e.g., site visit, requests for information from third parties, confirmation of records, etc.).
- 9.6 The Investigator will disclose all statements and relevant evidence to the complainant and the respondent and provide an opportunity to respond.
- 9.7 At the conclusion of the investigation, the Investigator will prepare a written confidential investigation report that makes a finding as to whether or not, on a balance of probabilities (i.e., more likely than not), the respondent has committed an act of sexual violence against the complainant and provide

reasons for the finding. Reasons will include findings of credibility, a description of what evidence was and was not accepted, and a weighing of that evidence.

9.8 The investigation file shall be organized as follows:

- original written complaint;
- activity log;
- correspondence to/from the representative;
- complainant statements and documentation, including correspondence;
- respondent statements and documentation, including correspondence;
- witness statements and documentation, including correspondence; and
- other documentation/evidence deemed relevant to the investigation.

9.9 The investigation conclusion will follow these steps.

9.9.1 The Investigator will submit the investigation report to the relevant representative, who will review the report to ensure compliance with the mandate and that any documentation referenced in the report has been appended.

9.9.2 The representative will send the investigation report to the AVP/VP of the complainant's division/department.

9.9.3 Within five (5) days of receipt of the final investigation report, the AVP/VP of the complainant's division/department will provide a copy of the summary report to the complainant and respondent for review and response.

9.9.4 The complainant and the respondent will have fifteen (15) working days to provide a written response to the summary report to the AVP/VP of the complainant's division/department.

9.9.5 Following the expiry of the fifteen (15)-day response period, or the receipt of all responses by the AVP/VP of the complainant's division/department, whichever occurs first, the AVP/VP of the complainant's division/department shall within fifteen (15) days:

- make a decision, in consultation with the AVP Human Resources or the AVP Student Services as to whether to accept the investigation findings in whole, in part, or at all;
- in consultation with the AVP/VP of the respondent's division/department, if applicable, communicate the decision made to the complainant and respondent; and

- consult with the AVP Human Resources or the AVP Student Services regarding any sanctions/discipline resulting from the investigation.

9.9.6 The relevant AVPs/VPs shall keep a log of all divisional actions completed in relation to the complaint and/or resolution process, which subsequent to section 9.9.5, will be transferred to the relevant representative. Following receipt of the log, the relevant representative shall close the file.

10.0 Disciplinary Referrals

- 10.1 The AVP/VP of the complainant’s divisions/department may, based on the decision of whether the respondent has breached the Policy, refer the matter to the Student Code of Conduct or the Employee Discipline Policy for possible disciplinary measures. The AVP/VP of the complainant’s division/department will advise the complainant and the respondent of the referral in writing and provide information on available resources.
- 10.2 The Student Code of Conduct provides an appeal process for sanctions/discipline imposed upon students. Employee Discipline Policy sanctions/discipline may be grieved by employees under any relevant collective agreement, as applicable.
- 10.3 Sanctions/discipline are confidential and shall not be shared with other parties to this investigation.
- 10.4 Proceedings or determinations of any kind in another forum, such as conviction in the court of law, do not diminish the authority of CNA to refer the matter to the Student Code of Conduct or the Employee Discipline Policy for possible disciplinary measures.

Approval History	
Approved by President	October 17, 2023