



South House Sexual Assault Policy

Last Revised: January 11, 2018

Applicability: This policy and protocol applies to staff, students, and volunteers of the South House Sexual and Gender Resource Centre

1. PREAMBLE

South House is dedicated to creating a safer environment for all members of the South House Community. We recognize that Sexual Assault is a serious offence with severe consequences that is often under-reported and under-addressed¹; therefore, addressing Sexual Assault in an appropriate manner is essential to promoting a safer campus and safer city. We understand that there are many physical, emotional, social, environmental, and structural factors that may prevent those who have experienced Sexual Violence from reporting or disclosing their experiences. In Canada, only 10 percent of all Sexual Assaults are reported to police.² We know that Sexual Assault can occur between individuals regardless of sex/gender, sexual orientation, race/culture/ethnicity, migrant status, Indigenous identity, class, disability, or age. However, research and experience show that Sexual Assault is not a neutral social phenomenon that occurs randomly, but is largely committed against women, often by people that they may know. South House believes that “women” is a broad definition that includes all cis women, trans women, trans femmes, and/or people who are read as female/women within the dominant culture (Two-Spirit

¹ Brennan and Taylor-Butts 2008

² Brennan and Taylor-Butts 2008

people, non-binary people, intersex people, non-binary femmes). South House understands that not all people reads as female/ women within dominant culture are women and that this is a demonstration of transphobia, transmisogyny, cissexism, and intersections of such.

In 1993, the year of the last national survey that directly asked about violence against women, it was found that half of all Canadian women had experienced at least one incident of physical or sexual violence since the age of 16.³ More research suggests that the numbers of Sexual Assault have remained steady, though the numbers of reported Sexual Assaults in Canada have declined.⁴ Through this policy, we establish our commitment to addressing Sexual Assault using an Anti-Oppression, Pro-Survivor framework.⁵ We do not discriminate and are a space for everyone in the South House Community.

South House acknowledges that in Canada Sexual Assault disproportionately occurs in the university/college setting and that the material consequences of a growing rape culture on campus (a culture that tolerates sexual violence) need to be addressed.⁶ Given our reach to the surrounding universities, including Dalhousie University, University of King's College, Saint Mary's University, the Nova Scotia College of Art & Design, Mount Saint Vincent University, Nova Scotia Community College, and Université Sainte-Anne, we are committed to working against this reality.

From 2014 - 2016, both Dalhousie University and Saint Mary's University have garnered media and public attention in two cases of sexual and gendered violence (in the Faculty of Dentistry and 'frosh-week' group chant respectively). In comparison to other regions of Canada, the numbers of reported Sexual Assaults between 2009-2013 on the campuses of the South House Community totaled more than 60.⁷ 40 of these were reported at Dalhousie University and the University of King's College⁷. However, it should be noted that it is difficult to compare rates of Sexual Assault on campus as the method of data collection varies across the country, and the rate of reporting Sexual Assault is quite low.

South House believes that rape culture on campus fosters a "continuum of acts in which (mostly) women are objectified and demeaned".⁸ South House believes that rape culture perpetuates Survivor/Victim-Blaming stereotypes. South House also understands that the use of alcohol and drugs is common on campus, and that both are important risk factors for Sexual Assault.⁹ Those who are incapacitated have a higher risk for sexual victimization than those who are not.¹⁰ South House strives to work from a harm reduction approach and framework and understands that individuals who live with addictions may negotiate consent in ways that are reflective of their lived experiences and South House does not aim to erase, disregard, or moralize these experiences. Nonetheless, Consent in its many forms must always be granted. Overall, the *South House Sexual Assault Policy* and the *Sexual Assault Response Protocol* should be used as a

³ Statistics Canada 1993

⁴ Statistics Canada 2009

⁵ Moore 2003

⁶ Olson 2014

⁷ CBC News 2015

⁸ Adams 2014

⁹ Krebs, Lindquist and Warner 2007

¹⁰ Krebs, Lindquist and Warner 2007

guide to navigate the complexity of Sexual Assault outlined above. It is also a planning tool for reducing harm and acting on experiences of Sexual Assault within South House.

2. DEFINITIONS

2.1 Anti-Oppression, Pro-Survivor Framework

A framework for addressing Sexual Assault that prioritizes the autonomy and empowerment of Survivors/Victims. This framework also takes an anti-racism, anti-sexism, anti-heterosexism, anti-ableism, anti-ageism, anti-cissexist, and anti-classism stance. For those in the South House Community, this includes a commitment to upholding the Survivor/Victim rights enshrined in the *South House Sexual Assault Policy* and the *Sexual Assault Response Protocol*. Although named the Anti-Oppression, Pro-Survivor framework for brevity we acknowledge that different individuals may have different ways of speaking and writing about their experiences. The language of ‘oppression’ and ‘survivors’ is in correspondence with our current roles and ideas of oppression politics, and may be subject to change overtime.

2.2 Complainant

A Complainant is a person in the South House Community who reports that they have been a Survivor/Victim of Sexual Assault and initiates a Complaint.

2.3 Complaint

A formal report or Complaint of an incident of Sexual Assault for the purposes of initiating some form of investigation or adjudication on or off campus.

2.4 Confidentiality

Confidentiality means to refrain from disclosing personal information to others. Every effort will be made to respect the wishes of persons experiencing sexual violence and to protect the privacy and anonymity of any person who discloses any incident of sexual violence. Prior to disclosure of any information reported relating to incidents of sexual violence, the expressed consent of the individual who made the report of sexual violence will be required. There are some situations where confidentiality must legally be broken and where information dispersed to certain authorities - the list of situations wherein confidentiality is broken is found below. The constraints

of confidentiality will be clearly communicated to people disclosing experiences of sexual assault in advance of disclosure.¹¹

Limits to Confidentiality: The following circumstances may require taking immediate action in relation to a disclosure of Sexual Violence:

- An individual is at imminent risk of self-harm;
- An individual is at imminent risk of harming another; and/or
- There are reasonable grounds to believe that others in the South House Community may be at risk of harm.
- Reporting or action is required by the law
- Evidence of Sexual Assault is available in the public realm (e.g. social media)
- A bystander discloses a Sexual Assault

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the Survivor/Victim would not be released to the public.

2.5 Consent¹²

Under section 273.1 of the *Criminal Code* of Canada, Consent is the voluntary agreement to engage in the sexual activity in question. This means that there must be an understandable exchange of affirmative, clear words that indicate a willingness to participate in mutually agreed upon sexual activity. The existence of a current or previous dating, marital, or sexual relationship is not sufficient to constitute Consent to sexual activity.

Consent must be informed, freely given, active, and continuously given. It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement. Relying on non-verbal communication can lead to miscommunication about intent and it is important each participant clarifies the willingness to continue during progression of sexual activity.

Consent:

- Is not silence or the absence of ‘no’
- Is never assumed or implied
- Cannot be given by someone who is incapacitated by alcohol or drugs* or who is unconscious
- Can never be obtained through threats, Force, Coercion or other pressure tactics
- Can be revoked at any time, regardless of any sexual activities that may have taken place
- Cannot be obtained if the Perpetrator abuses a position of trust, power or authority
- Cannot be assumed from previous consent to similar activities

¹¹ St. Thomas University 2015

¹² Lakehead 2014

*As stated above, South House acknowledges that some members of the South House Community may have different relationships to substances and they may negotiate consensual sexual acts while intoxicated. In these contexts, negotiations of Consent will look different than our definition. Nonetheless, Consent must always be granted.

2.6 Criminal Complaint

This is a form of Complaint that can be made to the police in an effort to pursue criminal charges under the *Criminal Code of Canada*. Prior to reporting in the Criminal option, Survivors/Victims are encouraged to report acts of Sexual Assault to any of the bodies listed in the Non-Criminal/On-Campus option as a member of these bodies may be able to assist with a Criminal Complaint.

2.7 South House Community

The South House Community consists of:

- South House Staff
- South House Volunteers
- South House Board of Directors
- Any member of Dalhousie University and University of King's College*
- All members of the Halifax Regional Municipality including members of Saint Mary's University and Mount Saint Vincent University
- Any person who has used South House services at any time

*Part-time and full-time Dalhousie University and University of King's College students help to fund South House activities through a levy fee. Students on the Dalhousie Agricultural Campus in Bible Hill do not pay a levy fee. Students may opt-out of the levy fee at the beginning of each semester.

2.8 Disclosure

A Disclosure occurs when someone tells another person in confidence that they have experienced Sexual Assault.

2.9 First Responder

A First Responder is the person to whom the Survivor/Victim initially disclosed. This could be a friend, staff member, volunteer, or faculty member. They may be significantly affected by the Disclosure of Sexual Assault and may also be in need of support.

2.10 Force

In the context of sexual misconduct, Force is the use of physical violence and/or imposing on someone physically to gain sexual access to that person. Force also includes threats of harm to self or others, intimidation and or Coercion to overcome resistance.¹³

2.11 Mediator

A Mediator is a person, usually with expertise in counseling, peer support, mediation or social work, who is appointed to work with a Complainant and a First Responder to assist them in an attempt to settle a Complaint of Sexual Assault.

2.12 Non-Criminal/On-Campus Complaint

This is a form of Complaint that can be made to a South House Staff member, Dalhousie University Human Rights and Equity Services, Dalhousie Student Union Equity and Accessibility Office and/or Department Head. At Dalhousie University, on-campus Complaints can be filed as a violation of the *Code of Student Conduct* or the *Sexual Harassment Policy*. Non-Criminal, On-campus Complaints at other institutions should occur according to the individual university/college policy.

2.13 Non-Directional

The Non-Directional approach involves empowering individuals to make decisions and seek recourse through providing information regarding available options and resources while not encouraging or discouraging the use of certain options over others.¹⁴

2.14 Perpetrator

A person who has been indicated as a Perpetrator of Sexual Assault.

2.15 Sexual Assault

Sexual Assault is prohibited by section 271 of the *Criminal Code* of Canada. Sexual Assault is sexual touching of another person with any object or body part that is without Consent or by Force. Any sexual activity without Consent is Sexual Assault. It is therefore crucial to understand Consent.¹⁵

¹³ Lakehead 2014

¹⁴ McGill University 2016

¹⁵ Lakehead 2014

2.16 Sexual Assault Response Team

The Sexual Assault Response Team consists of who the Survivor/Victim has disclosed to and the people necessary in supporting them with their needs and asks surrounding their assault, as such, this team will consist of South House staff, and/or board, and/or volunteers depending on the Survivor/ Victim disclosure. As South House operates from a survivor centred framework, it will then be up to the Survivor/Victim to decide the next steps of action. The purpose of the Sexual Assault Response Team will be to offer referrals and resources to the Survivor/Victim so they may make their most informed choice moving forward. The Sexual Assault Response Team will aim to encourage reporting culture, be able to reference the South House referral guide, and uphold an Anti-Oppression, Pro-Survivor framework. If other campus offices or community resources become part of the process, the Sexual Assault Response Team will aim to make sure the Survivor/ Victim has South House's support and advocate for them to the best of the team's ability.

2.17 Sexual Harassment

Sexual Harassment as defined by a vexatious comment or conduct of a sexual nature that is known or ought reasonably to be have been known to be unwelcome. All forms of sexual harassment and sex/gender-based harassment are serious offences because these actions create a hostile, intimidating or offensive environment.¹⁶

Sexual Harassment can include, but is not limited to:

- Unwelcome sexual advances
- Unwanted attention
- Implied or expressed rewards or benefits for sexual favours and implied or expressed threats if sexual favours are denied
- Requests for sexual favours
- Indecent exposure (prohibited under section 173 of the *Criminal Code* of Canada)
- Voyeurism (prohibited under section 162 of the *Criminal Code* of Canada)
- Unwelcome remarks and/or vexatious comments about someone's expression and or identity, including but not limited to: gender, sexuality, race, class, ability
- Attempts to extort sexual favours
- Inappropriate touching
- Repeated and vulgar sexual comments
- Display of pornographic or suggestive calendars, signs, posters and/or photographs
- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter, and Instagram.

2.18 Sexual Violence

¹⁶ Lakehead 2014

Sexual Violence is any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their Consent, and cyber harassment or cyber stalking of a sexual nature.¹⁷

2.19 Survivor/Victim

A Survivor/Victim is any individual who has experienced Sexual Assault.

2.20 Survivor/Victim-Blaming

Putting blame for the occurrence of Sexual Assault on Survivors/Victims for any reason. Survivor/Victim-Blaming can be implicit, such as through references to clothing choices, sexuality (including orientation, history and character), or the perceived “riskiness” of behaviours or choices. A non-Victim-Blaming response acknowledges that Perpetrators make choices to violate the sexual integrity of others, and Perpetrators are responsible for these choices. A non-Victim-Blaming response also acknowledges the role of cultural forces that normalize and tolerate Sexual Assault.¹⁸

3. POLICY STATEMENT

South House is committed to creating safer spaces for those who have experienced Sexual Assault. South House believes that the South House Community should be a safer and positive space where members feel that they are able to work, learn, and express themselves in an environment free from Sexual Assault.

All reports of Sexual Assault will be addressed to the best of South House’s ability and in a manner that ensures due process. No individual should feel uncomfortable about making a report in good faith about Sexual Assault that they have experienced or witnessed.

South House is committed to:

3.1 Not tolerating or condoning any form of Sexual Assault.

3.2 Ensuring that Survivors/Victims are treated with dignity and respect using an Anti-Oppression, Pro-Survivor Framework.

3.3 Assisting Survivors/Victims to obtain counseling and medical care, either on or off campus if that is the Survivor/Victim’s choice.

¹⁷ Ontario Women’s Directorate 2013

¹⁸ McGill University 2016

3.4 Providing Survivors/Victims with comprehensive information about reporting options in a Non-Directional manner.

3.5 Supporting Survivor/Victim through potential criminal and/or non-criminal, on campus investigation procedures of Sexual Assault if that is the Survivor/Victim's choice.

3.6 Educating and training the Board of Directors, staff, volunteers, and interested community members to respond to a Complaint, Disclosure and/or act of Sexual Assault.

3.7 Providing trauma-informed, survivor-centric, consent-based education to the South House Community.

3.8 Providing education and information to the South House Community about how to use an Anti-Oppression, Pro-Survivor framework in their group/organization

3.9 Being part of the process of strengthening non-criminal, internal, on-campus investigation policies and protocols at Dalhousie University and University of King's College.

4. SURVIVOR/VICTIM RIGHTS

South House believes that all individuals who experience Sexual Assault may be at risk of further harm or Retaliation, and understands that it is difficult to disclose Sexual Assault. South House recognizes this challenge, but urges individuals to seek support for their own healing. This can take the form of support from a partner, friends, grass-roots community organization, chosen family member(s), South House services, other University services, and/or the police.

All Survivors/Victims of Sexual Assault should have the right to:

4.1 Access support, safety and recourse measures.

4.2 Maintain confidentiality, and Consent to any Disclosures of information within South House and to third parties.

4.3 Be treated with sensitivity, compassion, dignity and respect.

4.4 Not to be blamed for the Sexual Assault, either implicitly or explicitly.

4.5 Not to be questioned about their sex/gender or sexual orientation.

4.6 Define the language used to describe their experiences and identity.

4.7 Access information about on- and off-campus support, safety, and recourse options.

4.8 Freely choose which options to access (if any), in any combination or order, and receive assistance in pursuing their chosen option if requested.

4.9 Be provided with assistance in formulating a safety plan.

4.10 Be represented by an advocate of their choosing.

4.11 End participation in a protocol at any point.

4.12 Be informed of the outcome of requests and Complaints.

5. RESPONSIBILITIES

5.1 South House Staff

- Ensure effective referral to on and off-campus law enforcement and services
- Address conflict of interest for those tasked with following up on a report of Sexual Assault
- Ensure confidentiality in Disclosures, Complaints, and/or follow-up process
- Support Complainants while a Complaint is being followed up on through active listening, offering resources, and potential accompaniment to appointments

5.2 First Responders/Mediator

- Be informed about the harms caused by sexual misconduct
- Listen without judgment or agenda
- Respond with compassion and respect
- Inform the Survivor/Victim that counseling and support services are available on and off campus
- Refer the Survivor/Victim to Dalhousie Human Rights and Equity Services, Dalhousie Student Union Equity and Accessibility Office, Department Head, and/or applicable community resource
- Maintain confidentiality

5.3 South House Board of Directors

- Support South House Staff during intense times of disclosure by being available for debriefing and regularly checking in with staff. With board consensus utilizing staff/board care fund. Replying at least within 48 hours to emails.
- Staff-board liaison: Check in with staff in person at least weekly.
- Act as a unified voice to advocate for a community that centres Survivor/Victims through upholding the principles of the Anti-Oppression, Pro-Survivor framework, and the philosophy of South House presented in the Preamble of the *South House Sexual Assault Policy* and *Sexual Assault Response Protocol*.

- Be involved with policy and procedural advancements in regards to Sexual Assault at Dalhousie University and University of King's College.

5.4. South House Volunteers

- Put their safety first
- Immediately refer Disclosures to South House Staff

5.5 Members of South House Community

- Members of the South House Community should uphold the principles of the Anti-Oppression, Pro-Survivor framework, and the philosophy of South House presented in the Preamble of the *South House Sexual Assault Policy* and *Sexua Assault Response Protocol*.

6. HARM REDUCTION MEASURES AND EDUCATION

South House is committed to enacting the following measures to reduce harm, and to provide education around Sexual Assault in the South House Community:

6.1 Provide comprehensive Anti-Oppression, Pro-Survivor Sexual Assault training for members of Dalhousie University and University of King's College when asked. Based on availability and expertise invite outside parties to provide trainings.

6.2 Establish strong, visible partnerships between other groups in the South House Community that are Anti-Oppression, Pro-Survivor spaces.

6.3 Have a strong presence during student orientation week and other high-risk times.

6.4 Support the development and maintenance of the Sexual Assault Peer Support Line at Dalhousie University and University of King's College.

6.5 Continue to develop and provide feedback on orientation week training modules for orientation week students, volunteers, staff, and faculty.

6.6 Assist and communicate with the Dalhousie University Student Union and the University of King's College Student Union about addressing Sexual Assault on campus.

6.7 Provide comprehensive sex education to the South House Community.

7. CONFIDENTIALITY OF SEXUAL ASSAULT DISCLOSURE

7.1 Confidentiality is particularly important to those who have disclosed Sexual Assault.

7.2 When Sexual Assault is disclosed, the confidentiality of all parties must be protected by South House.

7.3 The South House believes in not policing people's expressions during times of trauma and that initial outrage over accusations of Sexual Assault are often a form of Survivor/Victim blaming. However, South House Sexual Assault Response Team is bound to Confidentiality during process including: Criminal and/or Non-Criminal investigation, Non-Criminal/On-Campus Complaint, Mediation.

7.4 If a Criminal and/or Non-Criminal investigation is carried out, Confidentiality should be upheld by the appropriate policies (e.g. Dalhousie University Sexual Harassment Policy).

8. POLICY REVIEW

This policy will be reviewed by South House's Board of Directors at least every two years.

9. REFERENCES

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