Sexualized Violence Prevention and Response Policy

DEFINITIONS

For the purposes of this policy, the following definitions apply.

“complainant” means a person who makes a report alleging a violation of this policy.

“consent”\(^1\) means the voluntary agreement to engage in physical contact or sexual activity and to continue to engage in the contact or activity. Consent means that all persons involved demonstrate, through words or actions, that they freely and mutually agree to participate in a contact or activity. More specifically:

(a) consent must be given at the outset and at all stages of physical contact or sexual activity;
(b) it is the responsibility of the initiator to obtain ongoing consent;
(c) consent can be withdrawn at any time by any participant;
(d) someone who is incapacitated cannot consent;
(e) there is no consent where one person abuses a position of trust, power, or authority over another person;
(f) past consent does not imply future consent;
(g) a person cannot give consent on behalf of another person;
(h) silence or the absence of “no” is not consent;
(i) the absence of perceived resistance is not consent; and
(j) there is no consent when there is coercion, force, threats, or intimidation towards any person, or where there is fraud or withholding of critical information that could affect a person’s decision to consent.

\(^1\) For the purposes of this policy, we define consent within the framework of sexual consent. The university, however, recognizes that consent is an important everyday interpersonal practice beyond this framework.
“disclosure” means telling someone about an instance of sexualized violence. A disclosure does not initiate an investigation unless a report is made (see section 12 for how to do this).

“incapacitated” means a person does not have the capacity to give consent because, for instance, the person is impaired by alcohol or drugs, or is asleep or unconscious, or is experiencing a traumatic response. A person does not have the capacity to give consent when the person cannot appreciate the who, what, when, where, why, or how of a physical contact or sexual activity.

“intake office” means the central intake office that will provide a specific location where all members of the university community, visitors, and others can seek advice and direct referrals and/or disclose or make a report of sexualized violence.

“intersectional” means the ways in which a person’s experiences are shaped by the interaction of different social positions (e.g. sex, sexual identity, gender identity or expression, Indigeneity, racial and ethnic background, ability, faith, migration status, etc.). These interactions are rooted in interconnecting systems and structures of power and produce intersecting forms of privilege and oppression shaped by colonialism, racism, homophobia, ableism, patriarchy, transphobia, queer antagonism, trans antagonism, bi antagonism, and/or any other form of discrimination.

“respondent” means a person who is alleged to have violated this policy.

to “report” sexualized violence means making a formal report to the university with the intention of initiating an investigation process.

“retaliation” means any adverse action or threatened action, taken or made through any means, including through social or other electronic media, against a person who engages with this policy or is associated with anyone who engages with this policy.

Retaliation includes but is not limited to threatening, intimidating, or harassing conduct that could discourage a person from seeking support or other services, disclosing or reporting sexualized violence, participating in an investigation, or otherwise engaging with this policy.

“sexual misconduct” means, for the purposes of this policy, any of the acts and behaviours identified in the definition of sexualized violence.

“sexualized violence” means any non-consensual, unwanted actual, attempted, or threatened act or behaviour, that is carried out through sexual means or by targeting a person’s sex, sexual identity, or gender identity or expression. This act or behaviour may or may not involve physical contact. Sexualized violence includes all forms of sexual misconduct as set out in the Sexual Violence and Misconduct Policy Act, including but not limited to:

(a) sexual assault;
(b) sexual exploitation;
(c) sexual harassment;
(d) stalking;
(e) indecent exposure;
(f) voyeurism;
(g) the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video.

Sexualized violence can take place through any form or means of communication (e.g., online, social media, verbal, written, visual, through a third party, etc.).

“student” includes any of the following:

(a) a person who is registered, enrolled, or participating in any course or program (credit or non-credit) offered by the university;

(b) an undergraduate who has been enrolled at the university for one or more of the last three terms and is eligible to continue in a program of study;

(c) a graduate student who is enrolled at the university in the current term and is eligible to continue in a program of study;

(d) a graduate student who is on an approved or personal leave and is eligible to enroll at the university when the leave ends; or

(e) a visiting or exchange or audit student who has been formally admitted to the university for the purposes of taking courses or to take part in an approved research term.

“survivors and those impacted by sexualized violence” means survivors and those who have experienced sexualized violence, witnesses, family and friends of survivors and those who have experienced sexualized violence, and those who have received disclosures. It does not mean the respondent or those who are found responsible for causing harm to a university community member. The university recognizes that some people impacted by sexualized violence may not identify with this terminology, and have the right to determine how they will be referred to.

“survivor-centred” means prioritizing the safety and choices of survivors and those impacted by sexualized violence.

“third party reporting” means when someone (e.g. friend, staff, faculty, colleague) reports sexualized violence on behalf of the person who experienced sexualized violence.

“trauma-informed” means incorporating an understanding of the impact that sexualized violence has on a person’s life, to minimize re-victimization, and facilitate recovery and empowerment.

“university activity” means any activity that is directly related to or arising out of the operations of the university at any location, or any activity where a university community member is formally representing the university.
“university community” means:

(a) credit and non-credit students, including distance students and continuing studies students;
(b) employees (faculty, librarians, and staff);
(c) anyone holding a university appointment;
(d) post-doctoral fellows;
(e) all persons who are employed under contracts with university faculty members as the employer and who provide research or administrative services directly supporting faculty members’ research activities;
(f) visiting researchers;
(g) anyone contractually required to abide by university policies;
(h) anyone volunteering with a university program or activity;
(i) members of the Board of Governors and Senate; and
(j) anyone who ordinarily resides on campus because of their relationship with the university.
FOUNDATIONAL STATEMENTS

1. Preamble

1.1 Sexualized violence is unacceptable and prohibited conduct at the University of Victoria (the university).

1.2 The university recognizes that sexualized violence is a significant and systemic social and campus issue that can affect anyone at the university. This policy sets out the university’s framework and strategy to address sexualized violence.

1.3 The university recognizes its responsibility to increase awareness of sexualized violence, prevent its occurrence within the university community, support survivors and those impacted by sexualized violence, diligently investigate reports of sexualized violence, deal fairly with those accused of sexualized violence, and deal fairly and firmly with those who have been found responsible for violating this policy.

2. Purpose

2.1 The purpose of this policy is to instill and cultivate institutional, collective, and individual responsibility to create an environment in which consent and respect are foundational principles and practices at the university.

2.2 This university is committed to addressing sexualized violence by:

(a) implementing and actively promoting education, awareness, prevention, and training programs, in multiple formats and tailored to multiple audiences, that support survivors and those impacted by sexualized violence in a trauma-informed manner;

(b) responding to disclosures and reports of sexualized violence;

(c) communicating the support services and the resources available to all members of the university community who may be directly or indirectly impacted by sexualized violence;

(d) supporting survivors and those impacted by sexualized violence, through academic, non-academic, and other supports as required; and

(e) coordinating consistent, fair, and transparent responses to sexualized violence disclosures and reports.

3. Principles of the Policy

The following principles are intended to assist in the interpretation of this policy.

3.1 Because anyone can experience sexualized violence, this policy applies to all university community members regardless of a person’s social position or position within the university structures, hierarchies, and power relations.
3.2 Some individuals or groups experience sexualized violence at higher rates. Every effort to address sexualized violence should be grounded in an intersectional understanding that each person’s experience will be affected by many factors, including but not limited to their sex; gender identity and expression; sexual identity; family status; Indigenous, racial, or ethnic background; language barrier; ability; faith; age; socioeconomic status; academic standing; as well as their position within university structures, hierarchies, and power relations.

3.3 Sexualized violence does not exist or operate in isolation. Acts of sexual violence can also be acts of colonial violence, racism, sexism, ableism, ageism, classism, religious intolerance, homophobia, transphobia, queer antagonism, trans antagonism, bi antagonism, and/or any other form of discrimination. Hence, university strategies to address sexualized violence must be linked to broader equity and anti-discrimination initiatives and goals.

3.4 Every individual should expect to be able to learn, work, and live in a university environment that is free from all forms of sexualized violence. The university expects every member of the university community to practise consent and respect for the dignity and diversity of all community members, and to foster an environment in which these are fundamental principles. All university academic and non-academic administrators are expected to take active steps to incorporate the principles of this policy into their units.

3.5 The university is committed to transparency and accountability with respect to the implementation of this policy and its related procedures.

4. Expectations for Those Who May Engage With the Policy

4.1 The university is committed to supporting all survivors and those impacted by sexualized violence while instituting fair and unbiased response processes.

4.2 The university recognizes the serious impacts of sexualized violence and trauma on survivors and those impacted by sexualized violence, the university community, and others, and is committed to responding in a manner that promotes empowerment and recovery and minimizes re-traumatization.

4.3 The university is committed to trauma-informed practices and responses. This includes providing options to survivors and those impacted by sexualized violence on how to access supports, and whether or not to proceed with reporting processes.

4.4 Survivors and those impacted by sexualized violence have the right to choose how and when they engage with the university and the university’s reporting processes (see section 10.5 on delayed reporting).

4.5 Individuals will not be blamed for experiencing sexualized violence.

---

2 This is not an exhaustive list. Since language is fluid, these terms may change over time.
4.6 All persons who disclose or report an experience of sexualized violence to the university should expect from the university:

(a) to be treated with compassion, dignity, and respect;
(b) to be respected in their choice as to whether and to whom they wish to disclose or report their experience;
(c) timely assistance with safety planning;
(d) timely information about and referrals to available on- and off-campus support services and resources;
(e) non-judgmental and empathetic support; and
(f) if they do decide to report their experience, a clear explanation of the investigation and adjudication process, regular updates on the status of the process, and ongoing support.

4.7 All those who are accused of causing harm, and those who are found responsible under this policy can expect from the university:

(a) to be treated with compassion, dignity, and respect, and provided with support and resources throughout the process;
(b) a fair and unbiased process (in accordance with collective agreement provisions, where applicable);
(c) a clear explanation of the process, options available to them, and potential outcomes; and
(d) opportunities to engage in community accountability processes\(^3\) where appropriate and permissible under collective agreements.
(e) Where suitable, trauma-informed support will be available throughout the process.

**SCOPE**

5. **Prohibited Conduct**

5.1 All acts of sexualized violence are prohibited under this policy.

5.2 Retaliation of any kind is prohibited. This includes retaliation against any member of the university community who reports sexualized violence in person or as a third party, witnesses, and others involved. Any member of the university community found to have engaged in retaliation may be sanctioned under this policy or other university policies or the applicable collective agreements.

---

\(^3\) A voluntary process to help participants recognize and take responsibility for behaviour or acts that have caused harm. This could include facilitated discussion, education, training, counselling, and/or a recognition of impact statement or letter.
5.3 A person may also be sanctioned for retaliation if that person breaches, subject to the requirements in section 11.2, the confidentiality of a disclosure or report from a survivor or person impacted by sexualized violence.

6. Jurisdiction of the Policy

6.1 This policy and its associated procedures apply to all members of the university community.

6.2 All members of the university community who are survivors or those impacted by sexualized violence may access support under this policy. However, the university only has jurisdiction to investigate reports of actions, interactions, and behaviours that are alleged to have occurred in one or more of the following circumstances:

(a) on any property that is controlled by the university and used for university purposes;

(b) when the respondent is or was in a position of power or influence over the survivor’s academic or employment status at the university;

(c) at an event or during an activity sponsored or under the auspices of the university, including but not limited to:

(i) athletic events;

(ii) field schools;

(iii) study abroad or student exchange;

(iv) distance and online courses;

(v) placements (including co-op and practica);

(vi) academic or professional conferences;

(vii) volunteer activities; and

(viii) academic or research field work.

6.3 If an incident does not meet one or more of the above criteria, the university may still take actions to mitigate the impact of the incident on the learning, living, or working environment. If an individual is unsure about whether an incident meets the above criteria, then that individual is encouraged to contact the intake office.

6.4 The university does not have jurisdiction to investigate allegations against a person who is not a member of the university community or who is not currently affiliated with the university. However, under certain circumstances, the university can revoke visitors’ access to university property.

6.5 The university may accept disclosures or reports from persons seeking to become members of the university community in circumstances directly affecting their application to become a
member, and from former members of the university community in circumstances directly affecting their departure from the university.

6.6 The university may accept disclosures and reports from individuals who are not members of the university community if the respondent is a member of the university community, or if the incident occurred on university property or in connection with a university activity.

6.7 This policy and its associated procedures are separate from any criminal or civil proceedings. The university is responsible for determining whether a university community member has violated this policy, and is not responsible for determining violations of criminal or civil law.

6.8 University processes under this policy or associated procedures may be suspended when criminal proceedings are underway; the university will continue to provide support to members of the university community as described in this policy.

7. Employees of the University Covered by a Collective Agreement

7.1 This policy and its associated procedures are designed to complement and not conflict with the university collective agreements. Where a university collective agreement applies, such as in a disciplinary process, the processes in the collective agreement will be followed. For those who engage with this policy, the specifics of any collective agreement processes will be identified and explained.

EDUCATION AND TRAINING

8. Commitment to Education and Training

8.1 The overall goal of sexualized violence education is to build a working, learning, living, and social environment at the university based on the principles and practices of consent and respect through the awareness and prevention of sexualized violence.

8.2 The university is committed to providing access to coordinated education and training programs pertaining to preventing, and responding to, incidents of sexualized violence to all university community members.

8.3 The education and training will:

(a) be proactive, sustained, and prevention-focused with consent and respect as core elements;
(b) take into account intersectional identities and barriers, power relationships, and other relevant factors;
(c) be grounded in an anti-oppressive understanding;
(d) facilitate the dissemination of common definitions, principles, and shared values across the university community;
(e) be specific, tailored, and accessible to diverse campus populations; and
(f) be regularly reviewed and assessed.
8.4 In addition, the university is committed to education, which may include but is not limited to:

(a) implementing a comprehensive education program for faculty, librarians, staff, and students (pre-arrival, on-site orientation, and ongoing education materials, workshops, and on-line training);

(b) ensuring that all members of units and offices most likely to receive sexualized violence disclosures undergo training with a curriculum based on consistent foundational principles;

(c) making information on trauma-informed responses to disclosure available to all faculty, librarians, staff, and students;

(d) addressing harmful attitudes and behaviours that reinforce beliefs about sexualized violence such as rape myths and victim blaming that perpetuate an environment where violence is normalized; and

(e) implementing harm reduction education in relation to alcohol and other substance use.

DISCLOSURES AND REPORTS

9. Immediate Assistance

9.1 The university encourages, but does not require, survivors and those impacted by sexualized violence to seek immediate assistance. Seeking assistance promptly may be important to ensure physical safety, to obtain medical care or emotional support, or to preserve evidence. Full information on accessing immediate assistance and external and internal resources will be made available.

10. Process Options

10.1 Survivors or those impacted by sexualized violence are entitled to receive all information about their options and the processes available to them.

10.2 Employees in the intake office are available to assist survivors and those impacted by sexualized violence in understanding their options. Individuals are encouraged to contact the intake office for advice and referrals.

10.3 Options for survivors and those impacted by sexualized violence may include:

(a) a disclosure to a member of the university community;

(b) a report to the university;

(c) a report to the university through a third party;

(d) a grievance through their union;

(e) a third party report to the police;

(f) a report of a crime directly to the police;

(g) a human rights complaint with the BC Human Rights Tribunal;
10.4 The university will make a mechanism available to survivors and those impacted by sexualized violence to anonymously disclose their experiences to the university, so that the university has a record of what happened but not the identity of the person making the disclosure. The university’s response to an anonymous disclosure may be limited if the university cannot follow up with the person making the disclosure.

10.5 Disclosures or reports of sexualized violence can occur immediately after the incident or several months or years later. In the latter case, they might be triggered by another experience. University support systems will be designed to be flexible and open to a diversity of experiences and needs.

10.6 The university recognizes that survivors and those impacted by sexualized violence may not be ready to disclose or report immediately after an incident of sexualized violence. There is no time limit to an individual disclosing or reporting their experiences and accessing support under this policy.

10.7 The university may not have jurisdiction to investigate an incident if parties involved are no longer affiliated with the university. Due to a significant lapse of time, there may be cases where the university is not able to investigate.

10.8 While evidentiary and procedural challenges may arise if a report is significantly delayed, the delay in and of itself will not be considered as an indication that the incident did not occur.

10.9 The procedures associated with this policy describe the processes that the university will follow. Detailed information about options and what to expect for survivors and those impacted by sexualized violence, complainants, respondents, and all parties involved will be provided in multiple formats.

11. Disclosures

11.1 Survivors and those impacted by sexualized violence may disclose their experiences to any member of the university community. Individuals may disclose for a variety of reasons, including to access support. It is the university’s expectation that individuals who disclose are taken seriously, and are treated according to the values listed in section 4.6. A disclosure is not a report and will not initiate an investigation.

11.2 A university community member may be required to disclose information they receive if any of the following circumstances apply:

   (a) a person is at risk of self-harm or of harming others;

   (b) there is an imminent risk of harm to the university community and/or the broader community;
In these instances, the minimum amount of information needed to meet legal or other obligations will be disclosed, and every effort will be made to involve the survivor in decision-making and to mitigate any associated risks. Any university community member who is unsure about their responsibility to disclose should seek advice from the intake office.

11.3 Faculty, librarians, and staff who receive a disclosure should ensure that the individual disclosing to them is aware of this policy and of the option to seek further assistance from the intake office.

11.4 Members of the university community who receive a disclosure may contact the intake office, or the appropriate person in their unit, for advice personal support. Unless one of the exceptions in section 11.2 applies, members of the university community who receive disclosures must obtain the consent of the person who disclosed to them before sharing any information about the person who disclosed.

12. Reports

12.1 University community members who wish to make a sexualized violence report should contact the intake office. A report may be made at any time – see section 10.6.

12.2 Individuals who seek to become members of the university community, such as prospective students or prospective faculty, librarians, or staff, may make a report to the intake office.

12.3 The head of the intake office may make a report on their own initiative when required to comply with the university's legal obligations and/or its policies, or when presented with an allegation that may put the university or its community members at risk.

12.4 Employees (faculty, librarians, and staff) may choose to report sexualized violence to their supervisor who will take appropriate actions under university policies.

12.5 University reporting options for all members of the university community also include:

(a) making a report under this policy and its associated procedures; or
(b) making a complaint of sexual harassment under the Discrimination and Harassment Policy; or
(c) for unionized faculty, librarians, and staff, filing a grievance through their union.

12.6 The university will promptly respond to reports of sexualized violence made to it under this or any other university policy. All university investigations and adjudicative processes will follow

---

As required under the Workers Compensation Act.
principles of fairness and natural justice, and will protect the rights of the complainant, the respondent, and witnesses.

12.7 Investigators will apply the balance of probabilities standard of proof (i.e., whether the information shows that it is more likely than not that a violation of this policy occurred).

12.8 Reports may be made anonymously or through third parties.

12.8.1 The university may be unable to investigate an anonymous or third party report due to a lack of information.

12.8.2 Where other sufficient information exists, the head of the intake office may decide to proceed with an investigation. In such cases, the survivor or person impacted by sexualized violence has the right to choose not to participate in the investigation. The university will act in a survivor-centred manner.

12.8.3 If the university does not investigate, a record of the anonymous or third party report will be retained under restricted access.

12.8.4 The university may engage the response coordination team (see section 16) and consider whether any other steps can and should be taken, which may include increased Campus Security presence at certain times or in certain places and/or, in appropriate cases, contacting the third party who submitted a third party report to find out if the survivor or person impacted by sexualized violence would consider submitting a report or participating in an investigation.

12.9 Individuals have the right to and are welcome to involve a support person of their choice at any point in the process, and they may also engage a union representative and/or legal counsel in any meetings or processes related to a report of sexualized violence.

12.10 If, after reviewing a report of sexualized violence, the university decides not to investigate, this should not be seen as a judgment against any person or a denial that the incident occurred. There are many reasons why the university may not investigate – see the Disclosure and Reporting Procedures for more information. In all cases, supports will be available.

12.11 The complainant has the right to withdraw their report at any stage in the process. However, there are circumstances when the university will be compelled to proceed without the complainant’s involvement, for reasons which may include but are not limited to those listed in section 11.2 and where required by law.

12.12 The complainant has the right to choose how they participate in the investigation, including the right not to participate; however, if the complainant decides not to participate, the university’s

---

5 These principles include the right to be heard and to be judged impartially, and the decision maker’s duty to be fair and to be free from bias.
investigation may be limited. Complainants may choose to be kept informed about the investigation whether or not they participate.

12.13 The university recognizes that being involved in an investigation process can be difficult. The university is committed to treating all individuals involved in a manner that is respectful, trauma-informed, and procedurally fair. All participants have the right to:

(a) have the complaint process explained to them;
(b) ask questions about the process;
(c) receive information about available supports and accountability options; and
(d) communicate their own experiences.

13. Interim Measures

13.1 When requested by the complainant for safety reasons or where the university receives information that requires it to act to protect university community members’ health or safety, or university property, the university may impose interim measures before an investigation is concluded. Interim measures will be imposed in accordance with the Interim Measures Policy and any applicable collective agreement.

13.2 Interim measures seek to protect the safety of all parties involved and to protect the integrity of the ongoing investigation or disciplinary process. The need for interim measures, and which measures are imposed, will be determined on a case by case basis, taking into account the nature of the allegations and the circumstances of each situation.

13.3 Any decision to impose interim measures will not be construed as a decision or discipline against the complainant or respondent and will not be weighed against the respondent in a discipline process. Interim measures will remain in effect for as long as is reasonably required pending the outcome of an investigation. Individuals affected by interim measures may request, in writing, a review of such measures.

14. Statement on Concurrent Process

14.1 The university may proceed with an investigation into a report of sexualized violence while the incident is also being investigated by the police. The investigation process under this policy may occur simultaneously to, prior to, or following any criminal, employment, or other proceeding. The university may suspend its investigation pending the outcome of another process, or based on a participant’s health or ability to participate.

15. Amnesty

15.1 The university recognizes that some survivors and those impacted by sexualized violence may be reluctant to come forward. One of these factors may be a fear of being sanctioned for alcohol or other substance use. The university seeks to create an environment where individuals feel

---

6 See sections 17 (Confidentiality and Privacy) and 5.3 (Retaliation) for further guidance.
comfortable disclosing and reporting incidents of sexualized violence. Hence, the university will not subject any individual who discloses or reports sexualized violence to disciplinary action for alcohol or substance use occurring at or near the time of the incident(s).

16. Response Coordination

16.1 The university may form an on-campus response coordination team to review risk, coordinate support and services, and consider recommendations for interim measures. The response coordination team will include appropriate individuals based on the nature of the disclosure or report.

17. Confidentiality and Privacy

For the purposes of this section (section 17) and in accordance with British Columbia’s Freedom of Information and Protection of Privacy Act (FIPPA), “disclose” means to transmit or provide personal information to someone other than employees (faculty, librarian, staff) who require the information in the performance of their duties.

17.1 Confidentiality is an important part of fostering an environment where individuals feel safe disclosing incidents of sexualized violence and seeking support. The university respects the privacy of all members of the university community. Personal information received by the university will be kept confidential subject to limitations outlined in this section.

17.2 The information and records created and received to administer this policy are subject to the access to information and protection of privacy provisions of British Columbia’s FIPPA legislation, and the university’s Protection of Privacy Policy (GV0235). The information and records will be treated as highly confidential, in compliance with FIPPA, with applicable university policies and with the applicable collective agreement.

17.3 Subject to the requirements of section 11.2, university faculty, librarians, or staff who receive a disclosure or a report of sexualized violence or who are involved in addressing or investigating it must:

(a) make every reasonable effort to protect personal information and maintain confidentiality;
(b) collect the minimum information about individuals that relates directly to and is necessary to respond to a disclosure or report, which is considered to be supplied in confidence;
(c) use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking disciplinary action;
(d) limit use of information about individuals to those within the university who need to know to perform their duties as a faculty member, librarian, or staff member; and
(e) disclose personal information in all other circumstances only as permitted under FIPPA.

17.4 The university may use or disclose personal information, including where:

(a) it is authorized by the affected individual;

---

7 Legislation that regulates the collection, use, disclosure, storage and retention of personal information.
(b) the university determines compelling circumstances exist that affect any university community member’s health or safety as authorized by the university’s General Counsel (or delegate);
(c) it is authorized or required by a law or university policy; for example, an incident involving a minor, occupational health and safety legislation, and human rights legislation;
(d) it is for the purpose of preparing or obtaining legal advice for the university;
(e) it complies with a subpoena, a warrant, or an order issued by a court, person, or body in Canada with jurisdiction to compel the production of information;
(f) the university uses or discloses the information for the purpose for which the information was obtained or compiled, or a consistent purpose (for example, where it is necessary to fulfill the university’s duty of procedural fairness or where necessary for the conduct of the investigation);
(g) a faculty member, librarian, or staff member needs the information to perform their employment duties;
(h) the information is disclosed to a law enforcement agency in Canada to assist in a specific investigation;
(i) the information is being disclosed to the complainant, the respondent, or another person, under conditions consistent with section 17.8; or
(j) for public comment under section 17.15.

17.5 Should the university be compelled to disclose confidential information, survivors and those impacted by sexualized violence will be informed to the extent permitted or compatible with the purpose of the demand for information, and can choose to be supported at every step.

17.6 Should the university be compelled to disclose confidential information, respondents may be informed to the extent permitted or compatible with the purpose of the demand for information, and can choose to be supported.

17.7 Information may be used among university faculty, librarians, and staff only if necessary for the performance of their duties, such as to facilitate support or interim measures, to respond to a report, implement this policy, or take corrective action resulting from these processes.

17.8 The university may disclose information in order to ensure that reporting processes are fairly conducted, in accordance with the following principles:
(a) the respondent has the right to know the identity of the person who made the report (unless the university is acting as the complainant) and the material details of the allegations being made;
(b) the complainant has the right to know the outcome of the investigation, but not the details of any disciplinary actions that may have been taken against the respondent unless disclosing that information is necessary for health or safety reasons or because it affects the survivor or person impacted by sexualized violence; and
(c) other persons normally do not have the right to know any confidential information except to the extent required to give effect to this policy or where it is necessary for health or safety reasons.

17.9 Witnesses must keep in confidence any information that they learn solely as a result of the reporting or investigation process.

17.10 Where interim measures impose restrictions on the respondent’s movement or activities, if for health or safety reasons, or where restrictions otherwise affect the complainant or others (e.g. witnesses), the university will inform them of the relevant restrictions.

Third Party Reports

17.11 Information received anonymously or through a third party will be retained for the limited purposes of assessing whether the university should take action, and for compiling statistics. Personal information contained in anonymous or third party reports that are not subject to an investigation will not be retained for longer than necessary to accomplish the above purposes.

Public Statements

17.12 Subject to section 17.14, survivors and those impacted by sexualized violence are free to tell the story of their own experiences.

17.13 University community members must not disclose information that they learn solely as a result of an investigation or reporting process because under BC privacy law, this is personal information that must be kept confidential. See the procedures for more detailed information, and contact the intake office for guidance about confidentiality and privacy.

17.14 Individuals are advised that, should they choose to make public statements about the investigation (including on social or other electronic media), they may compromise the investigation or be putting themselves at risk of civil lawsuits by those who believe they have been defamed or have had their privacy rights violated. Individuals should exercise care and judgment when deciding to make public statements, and should seek legal or other advice if unsure.

17.15 Any public statements made by the university about a disclosure or report, including campus safety bulletins and statements to the media, will be trauma-informed, survivor centred, and otherwise consistent with the principles of this policy, and will not disclose the personal information of the survivor or person impacted by sexualized violence without consent of the person impacted by sexualized violence. The university reserves the right to correct misleading or inaccurate public information.
**SUPPORT**

18. Commitment to Support Survivors and Those Impacted by Sexualized Violence

18.1 The university is committed to supporting all members of the university community who experience or are impacted by sexualized violence, regardless of who they are or where and when the incident occurred.

18.2 The university is committed to maintaining a comprehensive and up-to-date list of on- and off-campus support resources, and making them accessible to all university community members.

18.3 The immediate and longer-term needs of every survivor or person impacted by sexualized violence are unique and hence the pathway through their support options will also be personalized.

18.4 The university acknowledges that every survivor or person who is impacted by sexualized violence will engage with the university and this policy from their unique situation or position. Given existing hierarchies and power dynamics at the university, they may enter the policy at a disadvantage. The university is committed to:

(a) recognizing the specific barriers and power relationships that impact a survivor in making a disclosure or report, and devising strategies that take such barriers and power relationships into account;

(b) providing supports based on the unique needs of the survivor or person impacted by sexualized violence; and

(c) offering consistent, fair, and supportive referrals to on- and off-campus services.

18.5 Support provisions to survivors and those impacted by sexualized violence will operate based on the following principles:

(a) all university community members impacted by sexualized violence can receive support;

(b) survivors and those impacted by sexualized violence will be able to access support regardless of when, where, or by whom they experienced sexual violence;

(c) the intake office will work with individual survivors and those impacted by sexualized violence to determine their support needs and assist them in accessing these;

(d) survivors and those impacted by sexualized violence who disclose may seek support, but will not be required or pressured to make a report. In some limited cases, the university may be required to take action without the survivor’s permission (see section 17). If this is necessary, the individuals affected would be informed in an accessible manner and may choose to be supported at every step of any process;

(e) survivors and those impacted by sexualized violence have the right to determine what and how much they choose to disclose or report about their experience, and to decide whether and how they would like to make a report with the university and/or the police;
(f) every reasonable effort will be made to provide survivors and those impacted by sexualized violence who are students with the opportunity to retain their status as students and continue with their studies at the university if they wish to do so; and

(g) faculty, librarians, and staff who are covered by a collective agreement are able to access support under this policy and through their unions.

18.6 The intake office is dedicated to supporting individuals in determining their pathways through support options on- and off-campus. Employees in the intake office will be trained in survivor-focused and trauma-informed responses to sexualized violence disclosures. The intake office, in coordination with other offices, will work with individuals to develop safety plans, access services and supports, and help them navigate any subsequent process in which the individual chooses to participate.

18.7 The university acknowledges that a survivor or person impacted by sexualized violence may find it easier to disclose to a member of the university community who they trust or with whom they feel safe. Therefore, the university will provide clear information on trauma-informed practices and support options to all members of the university community.

18.8 Respondents may access support based on their individual circumstances. The university will take an intersectional and harm reduction approach to supporting respondents, and acknowledges that some respondents may have experienced sexualized violence themselves. Respondents will be treated fairly and given clear explanations of the processes they are involved in, including options for resolution through a community accountability agreement. Respondents may request support, and may access the resources of the intake office, Student Life case managers, union representatives, and the Office of the Ombudsperson at any time.

18.9 The intake office, in coordination with other offices, will work with those impacted by sexualized violence to promote their safety and well-being as members of the university community. This may involve supporting survivors and those impacted by sexualized violence in obtaining academic, non-academic supports, or, including where the options exist, resolution through a community accountability agreement.

GENERAL

19. Annual Report

19.1 The President will provide information to the Board of Governors each year on the implementation of this policy. The university will provide an annual update to members of the university community.

20. Review of Policy

20.1 The university will continue to monitor best practices and research, and will review and update this policy and its associated procedures whenever it is reasonable to do so. In any event, the university will review this policy at least once every three years, and when directed to do so by the Minister of Advanced Education. This should include consultation with students, staff, faculty, and librarians.
21. Retention and Disposal of Records

21.1 Information and records must be retained and disposed of in accordance with the records retention schedule in the directory of records.

22. Authorities and Officers

22.1 The following is a list of authorities and officers for this policy:
   (a) Approving Authority: Board of Governors
   (b) Designated Executive Officer: President
   (c) Procedural Authority: President
   (d) Procedural Officer: President

RELEVANT LEGISLATION

Sexual Violence and Misconduct Policy Act, SBC 2016, c 23

Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165

Human Rights Code, RSBC 1996, c 210

Workers Compensation Act, RSBC 1996, c 492

RELATED POLICIES AND DOCUMENTS

Acceptable Use of Electronic Information Resources (IM7200)
Discrimination and Harassment Policy (GV0205)
Employment Accommodation Policy (HR6115)
Policy on Human Rights, Equity and Fairness (GV0200)
Prevention of Violence in the Workplace (SS9120)
Protection of Privacy Policy (GV0235)
Records Management Policy (IM7700)
Resolution of Non-Academic Misconduct Allegations (AC1300)
Violence and Threatening Behaviour (SS9105)

Residence Community Living Standards
Residence Contract
Family Housing Agreement