



# Sexualized Violence Prevention and Response Policy

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## Associated Procedures:

Appendix A – Unit Roles and Responsibilities  
Appendix B – Support Procedures  
Appendix C – Voluntary Process Procedures  
Appendix D – Procedures for Filing a Report  
Appendix E – Procedures for Investigating a Report  
Appendix F – Statement on Process Participant Rights  
Appendix G – Statement on Confidentiality and Privacy  
Appendix H – Sexualized Violence Education Framework

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## DEFINITIONS

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

**“Administrative Authority”** means the senior individual identified at the outset of an investigation to have administrative responsibility for the Respondent, or decision-making authority. Administrative authorities may include but are not limited to: Vice-Presidents, Associate Vice-Presidents, Deans, Chairs, Executive Directors, Directors, or other senior positions at the University. Where the appropriate Administrative Authority is in question, the relevant Vice President will identify the Administrative Authority.

**“Anonymous Allegation”** means an individual’s allegation communicated to Equity and Human Rights (“EQHR”) regarding their experience of Sexualized Violence while they remain anonymous. An Anonymous Allegation is not a Report and does not necessarily initiate a process under the Policy.

**“Complainant”** means a person who makes a Report to EQHR alleging a violation of this policy. A Survivor will be referred to as a Complainant after a Report has been filed with EQHR.

**“Consent”** means the voluntary agreement to engage in sexualized contact or 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. It is the responsibility of the initiator of the specific sexualized contact or activity to obtain ongoing Consent. More specifically, Consent:

- (a) is required regardless of the relationship status or sexual history of the parties;
- (b) must be obtained at the outset and at all stages of sexualized contact or activity;
- (c) can be withdrawn at any time by any participant;
- (d) cannot be given by someone who is Incapacitated;
- (e) cannot be given on behalf of another person;
- (f) cannot be assumed from previous consent to the same or similar activities;
- (g) is not silence, the absence of “no” or the absence of perceived resistance;
- (h) is not present when one person abuses a position of trust, power, or authority over another person; and
- (i) cannot be obtained through coercion, force, threats, or intimidation towards any person, or through deception or the withholding of information that could affect a person’s decision to Consent.

**“Consultation”** means a discussion between EQHR and any member of the University Community about issues related to the Policy.

**“Disclosure”** means telling someone about an instance of Sexualized Violence. A Disclosure is not a Report and does not necessarily initiate a process under the Policy (see section 11 for how to do this).

**“Equity and Human Rights”** or **“EQHR”** is the unit at the University with institutional accountability for receiving and responding to Consultations, requests for Voluntary Process, and Reports, including conducting and overseeing investigations. EQHR has responsibility for providing education, information, and referrals related to the Policy.

**“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 sexualized contact or activity.

**“Individual With Supervisory Responsibilities”** means those with workplace supervisory responsibilities in both academic and non-academic units, as well as instructors, academic supervisors, and other University employees authorized by the University to supervise a University Activity.

**“Interim Measures”** means any temporary restrictions or conditions on an individual’s ability to participate in a University Activity, to enter upon or to carry out activities upon University premises, or to exercise University privileges under University policy or collective agreements (see Response to At-Risk Behaviour Policy).

**“Intersectional”** means the ways in which an individual’s experiences are shaped by the interaction of different social positions (for example, sex, sexual identity, gender identity or expression, Indigeneity, racial or ethnic background, ability, faith, socioeconomic status, caste, migration status, and age). These interactions are rooted in interconnecting systems and structures of power that produce both privilege and oppression determined by colonialism, racism, antisemitism, islamophobia, homophobia, ableism, patriarchy, transphobia, queer antagonism, trans antagonism, bi antagonism, and/or any other form of discrimination.

**“Person Alleged to Have Caused Harm”** means a person who is the subject of a Disclosure. If a Report is filed about this person with EQHR, the Person Alleged to Have Caused Harm will be referred to as the Respondent.

**“Personal Information”** means recorded information about an identifiable individual other than contact information.

**“Policy”** means the Sexualized Violence Prevention and Response Policy.

**“Respondent”** means a Person Alleged to Have Caused Harm about whom a Report is filed with EQHR alleging they have violated the Policy.

**“Report”** means a report form alleging Sexualized Violence that has been completed and filed with EQHR with the intention of initiating an investigation.

**“Retaliation”** means any adverse action or threatened action taken or made through any means, including through social or other electronic media, against someone because they:

- (a) seek support or may seek support under the Policy;

- (b) make or may make a Disclosure or a Report to EQHR;
- (c) request or may request a Voluntary Process;
- (d) participate or may participate in an investigation or process under the Policy; or
- (e) have otherwise engaged with the Policy.

Retaliation includes but is not limited to intimidation, adverse employment actions (e.g. termination, demotion, or suspension) and adverse academic actions (e.g. withholding opportunities, removing academic credit or authorship).

**“Sexualized Violence”** means, for the purposes of this policy, 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. Sexualized Violence is a continuum of behaviour that may take place through any form or means of communication (e.g., online, social media, verbal, written, visual) or physical contact. Sexualized Violence can occur between individuals regardless of sexual orientation, gender, gender expression and gender identity. Sexualized Violence can occur between those currently or previously in an intimate relationship, those in a nonintimate relationship (e.g., acquaintances, friends and coworkers) and between strangers. Forms of Sexualized Violence include but are not limited to:

- (a) inappropriate sexualized comments;
- (b) sexual assault;
- (c) sexual exploitation;
- (d) sexual harassment;
- (e) stalking;
- (f) Stealthing;
- (g) indecent exposure;
- (h) voyeurism; and
- (i) the distribution of a sexually explicit image, photograph or video of a person or their likeness to one or more persons without the Consent of the person in the photograph or video.

**“Stealthing”** means the act of intentionally removing or damaging a condom or other protective device (such as a dental dam, or sponge) during sexual activity without the Consent of the partner.

**“Student”** means:

- (a) an individual 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, 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.

**“Survivor”** means an individual who has experienced Sexualized Violence. The University recognizes that some people may not identify with this terminology and have the right to determine how they will be referred to. If this individual files a Report with EQHR, the Survivor will be referred to as the Complainant.

**“Third Party”** means, for the purposes of making a Third-Party Statement under the Policy, an individual other than the Survivor and other than the Person Alleged to Have Caused Harm. A Third Party can be a witness, a friend, a colleague, a person to whom the Sexualized Violence was disclosed, or any other individual.

**“Third-Party Statement”** means a statement by a Third Party which shares information with EQHR on behalf of, and with the consent of, the Survivor (see section 17).

**“Those Impacted by Sexualized Violence”** means Survivors and those who have experienced Sexualized Violence, witnesses, those who have received Disclosures, and the Person Alleged to Have Caused Harm.

**“Trauma-Informed”** means acknowledging the pervasiveness and differential impacts of trauma and the importance of providing support in a way that centres care, transparency, and empowerment to help avoid further traumatization.

**“University”** means the University of Victoria.

**“University Activity”** means any activity that is directly connected to the operations of the University at any location, or any activity where a University Community member is formally representing the University. A University Activity includes but is not limited to:

- (a) in-person and online courses;
- (b) athletic events;
- (c) artistic performances;
- (d) placements (including co-op and practica);
- (e) meetings to further University business;
- (f) academic or professional conferences; and

- (g) academic or research field work.

**“University Community Members”** means:

- (a) Students and continuing studies students;
- (b) faculty, librarians, and staff members;
- (c) anyone holding a University appointment;
- (d) post-doctoral fellows;
- (e) all individuals employed under contracts with University faculty members as the employer and who provide research or administrative services directly supporting faculty members’ research activities (including grant-funded employees);
- (f) visiting researchers;
- (g) anyone contractually required by the University to abide by University policies;
- (h) anyone volunteering with a University program or activity;
- (i) members of the Board of Governors and Senate; or
- (j) anyone who ordinarily resides in University Residence or Housing.

**“Voluntary Process”** means a process facilitated by EQHR and agreed to by the Survivor, the Person Alleged to Have Caused Harm, and the University. A Voluntary Process does not seek to determine whether the Policy has been violated.

## FOUNDATIONAL STATEMENTS

### 1. Purpose

- 1.1 The purpose of the Sexualized Violence Prevention and Response Policy is to set out the University’s expectations and framework to prevent and respond to Sexualized Violence.
- 1.2 Sexualized Violence is unacceptable and prohibited conduct at the University of Victoria.
- 1.3 Through the implementation of the Policy, the University works to instill and cultivate institutional, collective, and individual responsibility to create an environment and culture in which Consent and respect are foundational principles and practices at the University.
- 1.4 Sexualized Violence between intimate partners that is within the scope of this Policy shall be dealt with under this policy. Given the breadth of behaviours that might be involved when violence occurs between intimate partners, someone’s experience might include behaviours that are covered by multiple University policies. Where more than one policy is relevant, the University will coordinate across policies. The University is committed to providing integrated

processes and supports. University Community Members should contact EQHR for help navigating their options.

- 1.5 The Policy works to uphold the University’s responsibilities under British Columbia’s Sexual Violence and Misconduct Policy Act, the British Columbia Human Rights Code, the British Columbia Declaration on the Rights of Indigenous Peoples Act, and the British Columbia Workers Compensation Act as they pertain to Sexualized Violence.

## 2. Principles of the Policy

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

- 2.1 The Policy applies to all University Community Members regardless of an individual’s position within the University structures, hierarchies, and power relations.
- 2.2 The University recognizes that Sexualized Violence is a significant and systemic social and campus issue that can affect anyone at the University.
- 2.3 Some individuals or groups experience Sexualized Violence at higher rates. Efforts to address Sexualized Violence should be grounded in an Intersectional understanding that each individual’s experience, and the relationship between those who are subject to the Policy, will be affected by those factors that confer both privilege and oppression including but not limited to their sex; gender identity or expression; sexual identity; family status; Indigenous, racial, or ethnic background; language; ability; faith; age; migration status; socioeconomic status; academic standing; as well as their position within University structures, hierarchies, and power relations.
- 2.4 Sexualized Violence can be an abuse of power and does not exist or operate in isolation. Acts of Sexualized 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.
- 2.5 Sexualized Violence is a human rights violation and accordingly the principles and approaches to address Sexualized Violence must be linked to the University’s broader anti-oppression and human rights initiatives on campus.
- 2.6 Excellence in teaching, learning, research, scholarship, service, and operations at the University can only be achieved when all University learning, living, and working environments are free from Sexualized Violence.
- 2.7 Whether or not concerning conduct meets the threshold for the definition of Sexualized Violence in the Policy, conduct that is disrespectful or harmful can nevertheless negatively affect participation in the University’s learning, living, and/or working environments.
- 2.8 University Community Members will engage with the University and the Policy from their unique situation or position. Because of hierarchies and power dynamics at the University,



individuals may have increased responsibilities. Understanding how power is held is key to preventing and responding to Sexualized Violence.

- 2.9 Being survivor-centred means prioritizing the safety and choices of Survivors. Survivors should be treated with dignity and respect rather than blame, hostility, or suspicion and their rights, interests and agency should be respected by allowing them to make decisions about whether to file a Report and the extent of their participation.

## EXPECTATIONS AND COMMITMENTS

### 3. Commitment to Those Covered by the Policy and its Procedures

- 3.1 The University recognizes the serious impacts of Sexualized Violence and is committed to providing Trauma-Informed support to all University Community Members, regardless of who they are or where and when the Sexualized Violence occurred.
- 3.2 The University will work through Policy processes to address harm caused by Sexualized Violence, where possible. The University commits to taking on this work using a Trauma-Informed approach that acknowledges that any participant in a process under the Policy may have past or present experience with Sexualized Violence.
- 3.3 The immediate and longer-term needs of Survivors are unique. The University recognizes that Survivors may not find all the support and repair they need by engaging with the Policy and its associated procedures. The University commits to:
- (a) recognizing the specific barriers and power relationships that impact individuals' decisions to make a Disclosure while identifying strategies that mitigate and consider such barriers and power inequities;
  - (b) providing available University supports based on the unique needs of the University Community Member;
  - (c) offering relevant and supportive referrals to University and non-University services; and
  - (d) providing information on process options in an accessible manner.
- 3.4 A Survivor has the right to determine if and when they choose to make a Disclosure about their experience and will not be required or pressured to make a Report to the University. If the University is required to take action without a Report (see section 15), the University will make reasonable efforts to inform the Survivor.
- 3.5 The University is committed to providing access to information and referrals to support for Those Impacted by Sexualized Violence. They may seek information and/or support, as appropriate from EQHR, Faculty Relations, Human Resources, Student Affairs, Occupational Health, Safety and Environment, and/or Campus Security (see Appendix A – Unit Roles and Responsibilities). Support may also be available from alternative sources such as the Office of the Ombudsperson or union representatives.

- 3.6 EQHR, in coordination with other offices, will seek to support the on-campus safety and wellbeing of Those Impacted by Sexualized Violence. This may include developing safety plans, referrals to services and supports, assistance in obtaining academic or non-academic supports, and helping such individuals navigate any subsequent process in which the individual chooses to participate (see Appendix B – Support Procedures).
- 3.7 The University is committed to transparency and accountability with respect to the implementation of this policy and its related procedures.
- 3.8 All University investigations and processes under the Policy and its associated procedures will respect the rights of the Survivor or Complainant, the Person Alleged to Have Caused Harm or Respondent, and witnesses (see Appendix F – Statement on Process Participant Rights). University investigations will follow principles of procedural fairness and natural justice, including the right to be heard and to be judged fairly and impartially.
- 3.9 The University is committed to hold accountable those that are found, through an investigation, to have violated the Policy.
- 3.10 The University is committed to learn broadly and systemically from Consultations and Reports that are brought forward under the procedures of the Policy and establish changes necessary to help prevent similar experiences.

#### 4. Commitment to Awareness and Education

- 4.1 The University is committed to addressing and preventing Sexualized Violence by implementing and actively promoting awareness, education, and training programs in multiple formats and tailored to multiple audiences (see Appendix H – Sexualized Violence Education Framework).
- 4.2 The overall goal of the University's education and training for Sexualized Violence prevention is to support groups and individuals in creating and maintaining learning, living, and/or working environments at the University based on the principles and practices of Consent and respect.
- 4.3 The University acknowledges that effective education on Sexualized Violence not only provides individuals with opportunities to expand their understandings of Sexualized Violence but also enables them to prevent behaviours that may cause harm to others.
- 4.4 The University may require awareness and education programs for University Community Members.

## SCOPE

#### 5. Prohibited Conduct

- 5.1 All acts of Sexualized Violence and Retaliation are prohibited under this policy.

## 6. Jurisdiction of the Policy

- 6.1 This policy and its associated procedures apply to all University Community Members.
- 6.2 All University Community Members may request information and referrals to support under this policy, regardless of when or where the Sexualized Violence occurred, and who was involved.
- 6.3 EQHR may accept requests for Voluntary Processes where the allegations of Sexualized Violence are against a University Community Member and allegations are related to a University Activity or have an impact on the University's learning, living, or working environments. A Report is not required to request a Voluntary Process.

## 7. Considerations When Accepting Reports and Initiating Investigations

- 7.1 EQHR may accept Reports of Sexualized Violence where the allegations are against a University Community Member.
- 7.2 The University will not accept Reports against an individual who is not a University Community Member. However, when allegations are brought forward against a visitor (e.g. visiting alumni, non-University employed contractors, or members of the general public), the University may look into the matter and, where appropriate, Campus Security can revoke visitors' access to University property. EQHR can also assist University Community Members in reporting to another reporting body (e.g. police or employer).
- 7.3 The factors considered in the University's decisions to accept a Report or initiate an investigation include but are not limited to:
  - (a) ability to impose outcomes. The University can only impose disciplinary and/or corrective action on a University Community Member's ability to exercise University privileges, participate in University Activities, and access University property.
  - (b) ability to investigate. The University is only able to make decisions and judgements on activities arising out of University Activities. This includes contacting and supporting investigation participants, assessing contextual factors, and achieving timely process.
- 7.4 The University's jurisdiction to investigate Reports of Sexualized Violence is set out in section E6 of Appendix E –Procedures for Investigating a Report.
- 7.5 Sexualized Violence can be ongoing and extend beyond University Activities. The limits to the University's jurisdiction described above and in the associated procedures should not discourage a Survivor from exploring available options under the Policy through a Consultation with EQHR.

## 8. Employees of the University Covered by a Collective Agreement

- 8.1 The Policy and its associated procedures are designed to complement and not conflict with the University's collective agreements. Where there is a conflict between the Policy or its procedures and a University collective agreement, the terms of the collective agreement will be followed. University Community Members may seek information from EQHR if they are unclear which policy or provision applies to a given situation.

## 9. Impact of Concurrent Criminal, Civil or Other Proceedings

- 9.1 The Policy and its associated procedures are separate from any human rights, criminal, or civil proceedings. The University is responsible for determining whether a University Community Member has violated the Policy when a Report has been filed. The University is not responsible for determining violations of human rights, criminal, or civil law.
- 9.2 A process under the Policy or its associated procedures may occur simultaneously with, prior to, or following any human rights, criminal, civil, or other proceeding. The University may suspend an investigation into a Report while the allegations, or aspects thereof, are also being investigated by the police or other statutory investigative authorities.
- 9.3 If a process under the Policy or its associated procedures is suspended as per section 9.2, the University will continue to provide support and apply Interim Measures where appropriate as described in the Policy and its associated procedures.

## DISCLOSURES

### 10. Choosing to Disclose

- 10.1 A Disclosure is not a Report and will not necessarily initiate a process under the Policy.
- 10.2 University Community Members may make a Disclosure to any other University Community Member. Individuals may disclose for a variety of reasons, including when seeking support or information about the Policy.
- 10.3 A University employee who receives a Disclosure may need to share it with others to properly perform their employment duties. In such cases, the University employee should first seek consent from the Survivor. An employee may have additional legal requirements to share a Disclosure (see section 24).

## POLICY PROCESSES

### 11. Process Options

- 11.1 A Survivor who believes there has been a violation of the Policy has various process options available to them under the Policy.
- 11.2 The available options are laid out in section 11.3 with more details in the associated procedures. For more information about which process options are available in any given circumstance, a Survivor should seek information through a Consultation with EQHR.
- 11.3 There are generally three main process options after making a Disclosure to EQHR:
  - (a) requesting no further action beyond keeping a record (see section 13);
  - (b) requesting a Voluntary Process (see Appendix C – Voluntary Process Procedures); or

- (c) completing and filing a Report (see Appendix D – Procedures for Filing a Report).
- 11.4 At any time after a process has been initiated, a Survivor or a Person Alleged to Have Caused Harm may request a different process option and/or request to EQHR that a process be paused.
- 11.5 EQHR will accept Anonymous Allegations or Third-Party Statements. However, the University's ability to act on or investigate Anonymous Allegations or Third-Party Statements will be limited if the information it receives is incomplete and the University is unable to follow up with the Survivor (see section 17).
- 11.6 University Community Members who have experienced unwelcome comments or conduct are encouraged, although not obliged, to make it known that the behaviour is unwelcome. In situations where it is believed that addressing the comment or conduct directly could lead to an escalation or to safety risks, this approach is not recommended. In the latter circumstance, University Community Members may:
  - (a) inform an Individual With Supervisory Responsibilities and ask for support; and/or
  - (b) seek a Consultation from EQHR.

## 12. Consultation With EQHR

- 12.1 University Community Members who have concerns related to Sexualized Violence have access to EQHR to learn more about the process options under the Policy. This Consultation will be held in confidence unless EQHR is obliged to act under section 24 of the Policy. At a Consultation, confidentiality and limits on confidentiality will be explained.
- 12.2 A Consultation does not necessarily lead to a process being initiated, but it is a required step for those who want to initiate a process under the Policy and associated procedures.
- 12.3 Consultations, in some cases, are a way for EQHR to assist individuals in identifying a relevant process that may be outside of the Policy; however, EQHR does not provide legal advice. These additional relevant processes might include:
  - (a) a grievance through their union;
  - (b) a report of a crime directly to the police;
  - (c) a human rights complaint to the BC Human Rights Tribunal;
  - (d) a claim or complaint to WorkSafeBC; and/or
  - (e) a civil suit.

## 13. Records of Disclosures

- 13.1 If a Disclosure is made to Campus Security, the Office of Student Life, Residence Services, Faculty Relations, Human Resources or EQHR, it will be kept on record for the purposes of:

- (a) identifying patterns in allegations, such as repeated behaviours by a Person Alleged to Have Caused Harm; and
  - (b) collecting demographic data and tracking trends related to Sexualized Violence for annual reporting (see section 25).
- 13.2 Campus Security, the Office of Student Life, Residence Services, Faculty Relations and Human Resources will create a record of any Disclosure they receive and forward it to EQHR for confidential retention.
- 13.3 During a Consultation when an individual requests no further action beyond keeping a record, the record is kept confidential to EQHR in accordance with section 24.
- 13.4 When information is shared by EQHR for the purposes of annual reporting, data will be shared in a way that does not identify the individual but allows for institutional and/or unit level learning and adjustment.

#### 14. Timing of Disclosures and Reports to EQHR

- 14.1 The University recognizes that a Survivor may not be ready to make a Disclosure or Report immediately after an incident occurs.
- 14.2 There is no time limit to an individual making a Disclosure or filing a Report concerning a Survivor's experiences or accessing information and support under the Policy.
- 14.3 Where there is a significant lapse of time, or the Policy or practice is no longer in place, the University's ability to address a Report may be limited due to evidentiary and procedural challenges. This may affect the University's decision to investigate or conduct a review. Any delay, or a decision not to investigate or conduct a review, in and of itself will not be considered an indication that the incident did not occur. In such cases, EQHR can also assist University Community Members in reporting to another reporting body (e.g. police).

#### 15. University-Initiated Processes

- 15.1 The University may, through a Response Coordination Team (see section 20), initiate an investigation under the Policy or other relevant procedures (e.g. University policy or collective agreement). The Response Coordination Team will include, at a minimum, EQHR and the Administrative Authority of the Respondent.
- 15.2 To initiate an investigation as per section 15.1, there must be no Survivor willing or able to file a Report, and one of the following conditions must be satisfied:
  - (a) there is a significant risk to the health or safety of one or more University Community Members;
  - (b) an investigation is in the best interests of the University; or

(c) an investigation is required by law or by other University policies or collective agreement.

15.3 In determining 15.2, the University will take into consideration whether there is a pattern of allegations as recorded by EQHR.

15.4 When the University initiates an investigation as per 15.1, the Survivor may choose whether or not to participate in the investigation.

## 16. Interim Measures

16.1 The University may apply Interim Measures where the University believes it must act to protect University Community Members' health or safety or University property.

16.2 University Community Members may request Interim Measures for safety reasons.

16.3 The University may apply Interim Measures to maintain the integrity of an investigation.

16.4 Interim Measures will be applied, by the Administrative Authority, in accordance with any applicable collective agreement or University policy, such as *Response to At-Risk Behaviour* (SS9125).

16.5 Processes for and examples of Interim Measures are outlined in Appendix D – Procedures for Filing a Report.

## 17. Anonymous Allegations and Third-Party Statements

17.1 EQHR will accept Anonymous Allegations or Third-Party Statements for the purposes of:

- (a) determining whether there is evidence of a safety concern for the University and/or any University Community Member;
- (b) identifying whether it is appropriate for the University to take action; and
- (c) pattern identification, data collection, and annual reporting.

17.2 The University's ability to act on or investigate Anonymous Allegations or Third-Party Statements is limited if the information it receives is incomplete and University is unable to follow up with the Survivor.

17.3 EQHR will consider the Anonymous Allegations or Third-Party Statements and determine whether any steps can and should be taken. EQHR may choose to engage a Response Coordination Team (see section 20) to make that determination.

17.4 Where sufficient information exists, the University may decide to take action, including to proceed with an investigation. In such cases, the Survivor has the right to choose not to participate in the investigation.

- 17.5 If the University does not investigate, a record of the Anonymous Allegation or Third-Party Statement will be retained by EQHR under restricted access.

## 18. [Amnesty](#)

- 18.1 The University recognizes that some Survivors may be reluctant to make a Disclosure or Report if they fear disciplinary action for their use of alcohol or other substance use. The University seeks to remove barriers to making a Disclosure and/or Report about incidents of Sexualized Violence. Hence, the University will not subject any individual who makes a Disclosure or Report or witnesses Sexualized Violence to disciplinary action for their personal use of alcohol or substance use occurring at or near the time of the incident(s).

## 19. [Retaliation](#)

- 19.1 Retaliation is prohibited conduct and will be taken seriously. Retaliation will be addressed by the University either:
- (a) as an additional allegation in an ongoing investigation under the Policy; or
  - (b) as a separate matter under applicable University policies, processes, or collective agreements, by the supervisor with oversight for the University Community Member alleged to have engaged in Retaliation.
- 19.2 Allegations of Retaliation can be made before, during, or after a process under the Policy. Allegations of Retaliation should be brought forward to EQHR, who will inform the appropriate Individual With Supervisory Responsibilities for consideration under applicable University policies, processes, or collective agreements.

## 20. [Response Coordination Team](#)

- 20.1 When matters related to the Policy lead to the formation of a Response Coordination Team (RCT), the RCT will, as appropriate:
- (a) determine the level of risk;
  - (b) coordinate support and services;
  - (c) consider recommendations for Interim Measures;
  - (d) consider alternative or additional policies or processes;
  - (e) provide advice to EQHR on whether a Voluntary Process is appropriate; and
  - (f) provide advice to EQHR under sections 15 and 17.
- 20.2 The RCT will include individuals based on the nature of the concern or Report. Usually an RCT will include a delegate of the Administrative Authority and where appropriate representatives of



units that have responsibility related to the Policy (for a list of units, see Appendix A – Unit Roles and Responsibilities).

## POLICY RELATED RESPONSIBILITIES

### 21. Responsibilities of University Community Members

- 21.1 It is the responsibility of all University Community Members to strive to create an environment free of Sexualized Violence in their areas of responsibility and in their interactions with others. To do this, they are responsible for building their awareness and understanding of what constitutes Sexualized Violence and the rights and responsibilities within the Policy.
- 21.2 University Community Members are expected to practise Consent and respect for the dignity and diversity of all community members, uphold the Policy principles, and refuse to engage in or condone behaviour contrary to the Policy.
- 21.3 University Community Members are encouraged, when contacted by EQHR, to participate in processes under the Policy. The University acknowledges that some University Community Members may not participate in processes under the Policy for health and/or safety reasons.
- 21.4 University Community Members are encouraged to act in a non-judgemental, empathetic, and supportive manner if they receive a Disclosure related to the Policy. University Community Members shall act in accordance with the confidentiality provisions set out in section 24. Anyone who receives a Disclosure can seek advice from EQHR and should refer the Survivor to EQHR for coordinated information and referrals to support.
- 21.5 University employees who receive a Disclosure should inform the Survivor of the Policy and of the option to seek further information from EQHR.
- 21.6 Responsibilities tied to the Policy may shift based on context. This means Members of the University Community have additional responsibilities when they are acting in their roles as Individuals With Supervisory Responsibilities and/or Administrative Authorities (as per section 22 and 23). For example, Students have responsibilities as University Community Members but may additionally have responsibilities as Individuals With Supervisory Responsibilities when supervising a classroom as a teaching assistant.

### 22. Additional Responsibilities of Individuals With Supervisory Responsibilities

- 22.1 Individuals With Supervisory Responsibilities have the primary responsibility to maintain learning, living, and working environments free from Sexualized Violence by initiating positive measures and taking prompt remedial action should Sexualized Violence occur. This includes, but is not limited to:
  - (a) advancing the purpose and principles of the Policy;
  - (b) educating themselves on the definitions, process options, and responsibilities under the Policy;

- (c) informing employees under their supervision of the Policy and encouraging them to participate in available education on Sexualized Violence;
  - (d) familiarize themselves with related policies and documents;
  - (e) for deans and associate deans, informing Students within their faculty of the Policy and encouraging them to participate in available education on Sexualized Violence;
  - (f) acquiring the skills to receive Disclosures of Sexualized Violence and make appropriate referrals. This should include accessing training offered under Appendix H –Sexualized Violence Education Framework;
  - (g) responding to Disclosures and/or incidents of Sexualized Violence that occur in the unit, classroom, or other learning, living, or working environment under their supervision in a timely and confidential manner and keeping appropriate documentation of action taken; and
  - (h) taking the initiative to seek appropriate advice and guidance, as appropriate to carry out their responsibilities with respect to preventing and responding to Sexualized Violence. EQHR, Faculty Relations, or Human Resources are the primary sources of such advice and guidance.
- 22.2 Individuals With Supervisory Responsibilities can not carry out an investigation under the Policy or make a determination of whether there has been a breach of the Policy without the support of a unit that has responsibility related to the Policy (for a list of units, see Appendix A – Unit Roles and Responsibilities).
- 22.3 Individuals With Supervisory Responsibilities related to a working environment have additional obligations under the Workers Compensation Act and Occupational Health and Safety Regulation. They are responsible for taking reasonable steps to address allegations or incidents related to workplace conduct and Sexualized Violence brought forward involving employees under their supervision.
- 22.4 Individuals With Supervisory Responsibilities are expected to participate in any procedures initiated under the Policy and procedures. A decision to not participate may require EQHR to inform their direct supervisor.
23. **Additional Responsibilities of Administrative Authorities**
- 23.1 Administrative Authorities have the primary responsibility for initiating positive proactive measures and taking prompt remedial action in response to Reports, including making changes needed to maintain learning, living, and working environments free from Sexualized Violence. When the Respondent is a University Employee, the Administrative Authority should first consult with Human Resources and/or Faculty Relations. This includes, but is not limited to:
- (a) determining appropriate Interim Measures and implementing in accordance with any applicable collective agreement or University policy;

- (b) implementing the recommendations provided by EQHR connected to the outcome of a Report;
- (c) where a violation of the Policy or other breach of a duty is found, engaging in appropriate remediation or discipline processes;
- (d) where no violation of the Policy is found, assess the findings of facts in the investigation report to determine whether there are any requirements for further action and/or whether the findings of fact should be assessed through another policy or process;
- (e) assess the findings of facts made by the investigator, with the support of EQHR where requested, and determine whether there are appropriate opportunities for unit or group-level learning and change. This could include, but is not limited to:
  - i. education for a unit or subgroup of a unit;
  - ii. changes to policy or practice; and/or
  - iii. working with EQHR to make recommendations to a unit.

## 24. Confidentiality and Privacy

- 24.1 Section 24 is expanded on in Appendix G - Statement on Confidentiality and Privacy.
- 24.2 Confidentiality is an important part of fostering an environment where individuals feel safe disclosing incidents of Sexualized Violence and seeking support. All University Community Members who receive a Disclosure are expected to respect the privacy of those involved and seek consent prior to sharing related information.
- 24.3 All University employees, including board members and volunteers, must comply with British Columbia's [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#). FIPPA regulates the collection, use, disclosure, storage, and retention of Personal Information.
- 24.4 FIPPA does not apply to University Community Members, such as Students, who are not board members, volunteers, or employees of the University.
- 24.5 All University Community Members must comply with the University's commitments to keep Personal Information received by the University confidential subject to limitations outlined in Appendix G –Statement on Confidentiality and Privacy.
- 24.6 The information and records created and received to administer the Policy are subject to the access to information and protection of privacy provisions of FIPPA, and the University's Protection of Privacy Policy ([GV0235](#)) and Records Management Policy ([IM7700](#)). The information and records will be treated as highly confidential, in compliance with FIPPA, with applicable University policies, and with the applicable collective agreement.
- 24.7 FIPPA restricts the circumstances in which University employees, including board members and volunteers, use and disclose Personal Information collected pursuant to the Policy. FIPPA

authorizes University employees, including board members and volunteers, to disclose Personal Information for the following purposes, among others:

- (a) for the purpose of implementing the Sexualized Violence Prevention and Response Policy;
- (b) where there are compelling circumstances affecting anyone's health or safety; and
- (c) disclosure is otherwise required by law.

24.8 When Personal Information is disclosed as per 24.7, the minimum amount of information needed to meet legal or other obligations should be shared with others, and reasonable efforts should be made to involve the Survivor in decision-making and to mitigate any associated risks. Any University officer or employee, including board members and volunteers, who is unsure about their responsibility to share a Disclosure should seek advice from the EQHR.

24.9 In some circumstances, University Community Members, other than officers or employees, who receive a Disclosure are required to share the Disclosure with others. These circumstances include:

- (a) where there are compelling circumstances affecting anyone's health or safety; and
- (b) disclosure is otherwise required by another University policy or collective agreement, or by law.

24.10 In the circumstances described in 24.9, the minimum amount of information needed to meet legal or other obligations should be shared with others, and reasonable efforts should 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 share a Disclosure should seek advice from the EQHR.

## GENERAL

### 25. Annual Report

25.1 While maintaining confidentiality where required by the Policy, EQHR shall submit an annual report to the President of the University. This report will be publicly available online and will contain:

- (a) available statistics on Disclosures and Reports to EQHR (including available demographic details);
- (b) observed trends related to Sexualized Violence at the University; and
- (c) recommendations based on trends.

## 26. Review of Policy

- 26.1 The University will continue to monitor best practices and research related to Sexualized Violence and will review and update this policy and its associated procedures whenever it is reasonable to do so.
- 26.2 In any event, the University will review this Policy at least once every three years, and when directed to do so by the provincial government. This should include consultation with Students, staff, faculty, and librarians.

## 27. Retention and Disposal of Records

- 27.1 Information and records must be retained and disposed of in accordance with the records retention schedule in the Directory of Records.

## 28. Authorities and Officers

- 28.1 The following is a list of authorities and officers for the Policy:
- (a) Approving Authority: Board of Governors
  - (b) Designated Executive Officer: President
  - (c) Procedural Authority: President
  - (d) Procedural Officer: University Secretary

## 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 2019, c 1\*](#)

## RELATED POLICIES AND DOCUMENTS

[Acceptable Use of Electronic Information Resources \(IM7200\)](#)  
[Conflict of Interest in Student-Faculty Relationships \(AC1200\)](#)  
[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 \(AC1300\)](#)  
[Response to At-Risk Behaviour \(SS9125\)](#)  
[Employee Collective Agreements](#)  
[Residence Community Living Standards](#)  
[Residence Contracts](#)  
[Family Housing Agreement](#)