

## PREVENTION, EDUCATION AND RESPONSE TO SEXUALIZED VIOLENCE

<b>Approval Authority</b>	President
<b>Responsible Executive</b>	Vice President, Students and Enrolment Management
<b>Related Policies / Legislation</b>	Board Policy direction Student Services, Student Activities and Associations (BPD-230) Board Policy on Harassment, Sexualized Violence, Discrimination and Physical or Emotional Abuse, Prevention and Resolution (BRP-201) Discrimination, Bullying and Harassment Prevention Policy (18) Safe Student Learning Community Policy (204) (formally Non-Academic Conduct Policy) Student Residence Code of Conduct (73) BC Human Rights Code BC Freedom of Information and Protection of Privacy legislation Bill 23 Sexualized violence and Misconduct Policy Act Faculty and Staff (FSA) UFV Collective Agreement

### PURPOSE

All students and employees at the University of the Fraser Valley (UFV or the University) have the right to work and learn in an environment that is free from any form of sexualized violence. This document sets out our policy and response protocol to sexualized violence and ensures that those who experience sexualized violence are supported and their rights respected. UFV also supports those accused of sexualized violence and those who may have witnessed it.

### SCOPE

This policy applies to all students and all employees at UFV, on all UFV campuses, and at all UFV off-campus activities.

### DEFINITIONS

In this policy, the following definitions apply:

**Sexualized violence:** The term sexualized violence is considered in a broad sense, and can include any unwanted act, physical, written and/or verbal, or psychological, carried out through sexual means or by targeting sexuality. It recognizes that there are many different forms of sexualized violence, and that gender exists along a continuum and people of all genders may experience sexualized violence. The term sexualized violence in this Policy may include:

- (a) Sexual assault;
- (b) Sexual exploitation;
- (c) Sexual harassment;
- (d) Promoting sexualized violence;
- (e) Stalking;

- (f) Indecent exposure;
- (g) Voyeurism;
- (h) The attempt to commit an act listing in sections (a) to (g);
- (i) The threat to commit an act listed in sections (a) to (g);
- (j) An act listed in sections (a) to (i) that is done through electronic devices or other means.

**Victim/Survivor:** Some who have experienced sexualized violence may choose to identify as a survivor. Individuals might be more familiar with the term “victim.” The term survivor is used where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced sexualized violence to determine how they wish to identify as a victim or survivor, and the University will honour that decision.

**Student:** An individual who has applied to enroll or is enrolled at UFV in a credit or non-credit course(s), program, or UFV activity.

**Employee:** Any member of the university community engaged in university-related business, as defined in Policy 18.

**Reports:** A report of sexualized violence can be made for the sole purpose of seeking support and services. A report does not necessarily result in formal investigative action.

**Complaints/Disclosure:** A complaint is made under the applicable University policy and is made for the purposes of the University taking formal action to secure the learning and working environment including setting out any appropriate accommodations.

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## **POLICY**

Sexualized violence is unacceptable and will not be tolerated. UFV is committed to preventing sexualized violence and creating a safer space for all students and all employees. The University strives to be a safe and positive space where students and employees are able to learn, work, express themselves, and live in an environment free from sexualized violence.

Students and employees who have experienced sexualized violence are encouraged to come forward to report.

It is UFV’s intention to ensure all students and employees are supported in making a report and/or a complaint about sexualized violence that they have experienced or witnessed (both first and third party) for the purposes of accessing services and/or ensuring their own safety.

UFV recognizes that sexualized violence can occur regardless of sex, gender identity or expression, sexual orientation, or marital status as articulated in the British Columbia Human Rights Code. UFV also recognizes that individuals who have experienced sexualized violence may experience emotional, academic or other difficulties that may require support and/or accommodation.

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## **RESPONSIBILITY FOR PREVENTION, AWARENESS AND RESPONSE**

UFV is committed to:

- assisting those who have experienced sexualized violence by empowering individuals to access detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate

academic and other accommodation;

- ensuring support to those who disclose that they have experienced sexualized violence or are accused of sexualized violence, and those who witness sexualized violence, and that their right to dignity and respect is protected throughout the process of disclosure and institutional response;
- developing and delivering programming that addresses harmful attitudes and behaviours (e.g., adhering to myths of sexualized violence) that reinforce that the person who experienced sexualized violence is somehow to blame for what happened;
- treating individuals who disclose sexualized violence with compassion recognizing that they are the final decision-makers about their own best interests;
- engaging in appropriate procedures for assessing the ongoing risk towards safety or the disruption of the learning and working environment which are in accordance with the collective agreement, University policies, standards, and that ensure fairness and due process;
- ensuring coordination and communication among the various departments who are involved in the response to sexualized violence on campus;
- removing institutional barriers that may negatively impact a person's willingness to report or to seek support;
- providing information to the University community about our sexualized violence policy and protocols;
- providing appropriate education and training to the University community about responding to the disclosure of sexualized violence;
- monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices;
- ensuring members of the University community immediately report sexualized violence incidents they witness or have knowledge of, or where they have reason to believe that sexualized violence has occurred or may occur;
- ensuring that persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexualized violence from occurring;
- ensuring all support and proceedings are culturally sensitive to the needs of those involved.

## RIGHTS AND RESPONSIBILITIES OF STUDENTS AND EMPLOYEES

Students and employees are their own best advocates; a reasonable measure of self-reliance, information-gathering, communication with University staff, faculty and administrators is an important aspect of academic and employment success.

### Complaints/Disclosure

For students, a complaint of sexualized violence can be filed on-line under the Safe Student Learning Community Policy (<https://www.ufv.ca/safe-student-community/>) by any member of the University community. Students can also file a complaint to any faculty or staff member of the UFV community who will then follow policy in referring that complaint forward.

For complaints of sexual violence involving an employee, either as the party making the complaint or the party alleged to have committed sexualized violence, the complaint can be filed under the Discrimination, Bullying and Harassment Prevention Policy (18).

The University will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction will be applied against a person or group without their knowledge where there is an alleged breach of policy. Respondents will be given reasonable notice, with full detail of the allegations and provided with an opportunity to answer to the allegations made against them.

#### Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any stage of the process. However, the University may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy or other applicable policies and/or its legal obligations.

#### Protection from Reprisals, Retaliation or Threats

It is contrary to University policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- having pursued rights under this Policy or other applicable policies or the British Columbia Human Rights Code;
- having participated or co-operated in an investigation under this Policy or other applicable policies or the British Columbia Human Rights Code; or
- having been associated with someone who has pursued rights under this Policy or other applicable policies or the British Columbia Human Rights Code.

#### Unsubstantiated, or Frivolous, Vexatious, or Bad Faith Complaints

If a person, in good faith, discloses or files a complaint under the Safe Student Learning Community Policy or other applicable policies that is not supported by evidence, that complaint will be dismissed.

Disclosures or complaints that are found to be frivolous, vexatious or bad faith complaints, including, but not limited to, complaints made to purposely annoy, embarrass or harm the respondent, may result in sanctions against the complainant.

#### CONFIDENTIALITY

The University is concerned with protecting the privacy and confidentiality of all students and employees while requiring sufficient information to reasonably evaluate and respond to the student's or employee's request for support. All personal information disclosed to others shall be in accordance with the Freedom of Information and Protection of Privacy Act.

Confidentiality is particularly important to those who have disclosed sexualized violence. The confidentiality of all persons involved in a report of sexualized violence must be strictly observed, and the University does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another;

- there are reasonable grounds to believe that others in the University or wider community may be at risk of harm; and/or
- disclosure is required by law.

Note: Data at an aggregate level will be reported on for both reports and complaints.

#### Information that can be released to those involved in a complaint of sexualized violence

In such circumstances, information would only be shared as necessary to prevent harm, and the name of the complainant would not be released to the public.

Where the University becomes aware of an allegation of sexualized violence by a member of the University community against another member of the University community, the University may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the University's legal obligation and/or its policies to investigate such allegations to ensure the safety of the learning environment. In such cases, certain University administrators will be informed about the reported incident on a "need to know" and confidential basis, but information of the identities of the persons involved may not necessarily be released.

#### PREVENTION, EDUCATION AND RESPONSE INFORMATION

The University is committed to providing a safe environment that is respectful of the rights, responsibilities, well-being, and dignity of all of its members.

For students this Policy is supported by information contained in the Safe Student Community website found at <https://www.ufv.ca/safe-student-community/>

This website:

- Provides information on student rights and responsibilities and behavioural expectations set by UFV.
- Identifies behaviours that may be subject to intervention or discipline.
- Provides links to relevant policies.
- Illustrates the process to report allegations of disruptive behaviours.
- Provides a mechanism to report such behaviours.
- Provides contact information to a variety of student services that may be helpful.

For employees, the Policy is aligned to the Discrimination, Harassment and Bullying Policy (18). More information can be found on the HRCRO's website at <https://www.ufv.ca/hrcro.html>.

The University FSA Collective Agreement and other University policies also set out the University's commitment to creating a civil and safe environment.

#### REVIEW

UFV is committed to reviewing this Policy every three (3) years to maintain currency and relevance. Under the direction of the VP, Students and Enrolment Management, a committee will be formed, with representative members to include students, faculty, administrators and staff, to review this policy.