



Policy 236 Review Committee

Tuesday, June 08, 2021

1:00pm – 2:00pm

Virtual via Zoom

Attendees: Bryanna Anderson, Kyle Baillie, Rebekah Bracket, Jas Braich, Martha Dow, Shawn Johnston, Stephen Gaspar, Nikiel Lal, Greg Mather, Amanda Morrison, Carol Suhr, Rebecca Wassef, Christine Zapisocki.

Regrets: Kara Bertram, Anna Cook, Rajdeep Dhaliwal, Emily Eglsaer, Sarah Kopan, Jessica Levesque, Lisa Moy, Maureen Murphy, Betty Peters, Mary Saudelli, Zoe Strazza, Tamzen Trowell, Chantel Watt.

Minutes

The meeting began with an announcement of a new member to the committee, Nikiel Lal, who is the new president of the Student Union Society (SUS). Nikiel has already been updated on the committee's work thus far. Welcome, Nikiel!

Next, a territory acknowledgment was delivered filled with gratitude and reflection as well as a reflection of the news regarding the current sexual assault charges laid against three UBC students.

The floor was opened to the committee to see if there were any items that wished to be shared. It was reflected upon how incidents relevant in the current news today are due to systemic issues and reiterates the importance of creating positive policies. Also, it was mentioned that survivors can get support regardless of the gaps in the criminal justice systems through policy and education with hopes that there will be a positive impact especially for survivors.

It was decided that the committee would start working on the "Policy" section from where it left off last meeting which was at the "Rights and Responsibilities of Student and Employees" section of the draft proposal.

Rights and Responsibilities of Students and Employees:

It was discussed about moving the confidentiality section to the front, after definitions to make victim survivors comfortable coming forward. No one was opposed to this change and thought this could be changed easily should the committee decide to do so.

There is a legal obligation to keep the first two paragraphs of the confidentiality section as it is even though the section was seen to be less comforting for its audience.

The details of when information can or cannot be shared should be put into the policy section of confidentiality. Some of the reasons information is shared is due to administrative fairness principles as some information needs to be shared with the respondent among other reasons. An explanation of how and when this information is revealed should be entered in this section and it was suggested to use UBC's policy (section 5.4) as a guide for what is and is not disclosed.

It was suggested to move the note referring to the aggregate level of reporting to the end of the confidentiality section.

Reports, Complaints and Disclosures (formerly complaints and disclosures):

The title was changed to add "Reports" as UFV uses this term on the website and in its language.

To help differentiate between reports, disclosures, and complaints, it was suggested to review SFU's policy <https://www.sfu.ca/content/dam/sfu/sexual-violence/GP%2044%20Review%20Process/GP%2044%20Simplified%20Summary.pdf>

It was discovered that complaints and disclosures are two separate reporting sections (one for complaints, the other for disclosure) so this would need to be reflected in the definitions section. What was a "Report" in the definitions section was made "Disclosure" and the "Complaints" definition was changed to "Report/Complaints" to be in line with UFV's terminology and reporting systems.

Right to Withdraw a Complaint:

It was discussed using a more trauma informed approach in the "Right to Withdraw a Complaint" section. This would state that individuals are not obligated to make disclosures a report/complaint and would still have access to supports.

The committee discussed if the university can or cannot withdraw a complaint and it was mentioned that it cannot undo allegations from a Human Rights perspective. If UFV receives information that employees have committed wrong doing, even if dropped, the university has a responsibility to look into the matter in due diligence. This is the same possibly from a student perspective (example Athletics) as there may be a legal obligation under duty of care to take action. Person(s) coming forward may not always be made to participate unless legally obligated.

Some committee members agreed that “Right to Withdrawal a Complaint” section should be reworded in such a way that the university is seen as the one with responsibility in order to alleviate the weight of responsibility from the victim/survivor. It was also suggested that language of the university’s responsibility could be added to the preamble of the policy or in the “UFV is committed to” section there was already some mention of university responsibility. No rewording was discussed.

It was also brought for the that an individual that comes forward does not need to make a complaint and that wording to this effect could be put in this section. No wording was suggested.

Also to go into this section is a statement on the issue of agency and supporting victim/survivor choice. Again, no wording was suggested.

A statement pertaining to the systemic nature and the university’s perpetuation of power imbalances was decided to go in the “Purpose” section of the policy as it was thought to be important to be part of the informed approach.

Protection from Reprisals, Retaliation or Threats

The following sentence:

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

Was changed to:

*“It is **prohibited** by this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:”*

Amnesty to Reporting

The following sentence was changed to include the portion relating to university policy:

*“Victims of sexualized violence may be reluctant to come forward for various reasons, which may include a fear that they may be disciplined under **other university policies or regulations** such as those around alcohol or drug use.”*

It was also discussed that this section could be reworded to include the idea that alcohol and or drug use is a common factor in sexual violence. This rewording could also frame the subject in a positive light, dispel myths of sexual violence relating to drugs and alcohol and perhaps include amnesty for reporting in other misconduct allegations such as rules in Residence. It was theorized that some fears of reporting could be linked to academic grades, gross number of people in residence, and letting a stranger into residence or on campus. The committee questioned what other circumstances or rules broke may impede students from reporting and

how these suggestions could be generalized while being slightly specific. The committee decided to table this concern for a later time.

Multiple Proceedings

In this section, the committee discussed that if there is a criminal process occurring at the same time, UFV has the right to pause its proceedings until the criminal process completes. As such, the section below was changed with the addition of the words in bold below:

“If criminal, civil, or administrative proceedings are commenced in respect of allegations of Sexual Violence and Misconduct, the University reserves the right to proceed with, **put into abeyance, pause,** or suspend its own processes. **This is to insure the integrity of a potential external investigation.**”

The committee identified the need to name reasons why or why not there could be a pause (suspension) and to add how interim measures may be the same as police proceedings. The sentence above referring to the integrity of the potential external investigation explains the reason why the university may place a pause (suspension) to its proceedings and could perhaps be elaborated upon. It was also suggested to add a section speaking to interim measures and supports to be employed here.

Adjournment

Due to time constraints the committee decided to start next meeting at the beginning of the “Unsubstantiated Complaints” section where it last left off.

*****The next meeting is June 29, 2021 at 1pm via Zoom*****