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PREVENTION, EDUCATION AND RESPONSE TO SEXUALIZED VIOLENCE

Approval Authority	President
Responsible Executive	Vice President, Students and Enrolment Management
Related Policies/ Legislation	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), BC Human Rights Code, BC Freedom of Information and Protection of Privacy Legislation Bill 23, Sexualized violence and Misconduct Policy Act, Faculty and Staff Association (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.

The University recognizes that sexualized violence is a systemic social and campus issue that can affect anyone at the University, but disproportionately effects individuals with intersectional identities such as female, those living with a disability, those who identify as a member of a visible minority group, members of the LGBTQIA+ community, and those that are socio-economically marginalized. Intersectionality is the study of intersections between different forms of oppression or discrimination. As humans, we all carry a series of identities that make our individual experiences or oppression unique. Identities interact on multiple and simultaneous levels, and it is this interaction that contributes to social inequality and discrimination. UFV also recognizes that the University is a unique environment, in which power imbalances are inherent and systemic. These factors, along with an individual's personal history, affect individual experiences of sexual misconduct, the ability to access supports, and choices with regards to recourse. UFV will take this into account when carrying out its responsibilities under this policy.

The University recognizes its responsibility to increase awareness of sexualized violence, make efforts to prevent its occurrence within the University community, receive disclosures, support survivors and those impacted by sexualized violence, respond to reports of sexualized



In this policy, the following definitions apply:

### **Sexualized violence:**

The term sexualized violence is considered/used 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) Academic mobbing;
- i) The attempt to commit an act listed in sections (a) to (h);
- j) The threat to commit an act listed in sections (a) to (h);
- k) An act listed in sections (a) to (j) that is committed through electronic devices or other means.

### **Confidentiality:**

Privacy and confidentiality are essential for creating an environment where those who have experienced sexual violence feel safe in disclosing their experience and seeking support. The privacy and confidentiality of those involved in a disclosure of sexual violence will be protected except in cases where there is a likely risk of harm to self or others, or when reporting or action is authorized or required by law.

Whether in the context of a disclosure or a complaint, all parties will be informed of the limits of privacy and confidentiality. In cases where confidentiality cannot be maintained, those affected will be informed and supported throughout the process. In such cases, only necessary information will be disclosed and only to those who need to know. 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.

Incidents of sexualized violence reported or disclosed under this policy will be reported annually to the President of the University. This report will be anonymized and provided in an aggregate manner so no individual participants may be identifiable.

### **Procedural Fairness**

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.



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. 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.

### Consent:

Consent is the active, voluntary agreement to engage, and to continue to engage in the sexual activity in question which is affirmed through words or actively expressed through conduct.

Consent obtained through the abuse of a position of trust, power, or authority, or through fraud, coercion, or due to fear of consequences, violence, or retaliation, is not voluntary consent. Consent cannot be implied, which means it must be affirmatively given and cannot be assumed by an individual's silence or inaction.

The initiator of sexual activity is responsible for obtaining consent for that sexual activity. Consent can be withdrawn by any party at any time during the sexual activity through words or actions, and if consent is withdrawn, the activity must stop.

Consenting to one kind of sexual activity does not mean that consent is given for another





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In appropriate circumstances, where other evidence exists and where proceeding with an investigation based on anonymous or third-party allegations would not violate procedural fairness, the Executive Director, Student Affairs, may exercise discretion to proceed with an investigation. In such cases, the individual who experienced the alleged sexual misconduct has the right to refuse to participate in the investigation.

Before proceeding with an investigation based on anonymous or third-party allegations, the Executive Director, Student Affairs, will notify the individual identified as having experienced the alleged sexual misconduct of the allegations and will make support and options for response available to the individual.

If UFV is unable to proceed with an investigation based on anonymous or third-party allegations, the allegations will be retained by the office of the Executive Director, Student Affairs. These allegations will be kept strictly confidential, and access to them will be limited to the Executive Director, Student Affairs, and the Vice President, Students.





The university commits to supporting members of the UFV community by:

- a) 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 or other accommodations;
- b) Providing support to those who disclose that they have experienced sexualized violence or are accused of sexualized violence, and those who witness sexualized violence. UFV will also protect the above individuals' rights to dignity and respect throughout the process of disclosure and institutional response;
- c) Taking a trauma-informed approach to sexualized violence, recognizing that victims and survivors may be traumatised by their experiences and that the University's approach needs to be grounded in an understanding that peoples' experiences will be affected by many factors such as their sex, ancestry, race, ethnicity, language, ability, faith, age, socioeconomic status, sexual orientation, gender identity, citizenship status and other invisible identities;
- d) Take appropriate action to address sexualized violence threats or risks to the safety of others. This may include taking appropriate measures to prohibit visitors and others from campus that pose a threat to the safety of others;
- e) Providing coordination and communication among the various departments who are involved in the response to sexualized violence on campus;
- f) Providing information to the University community about our sexualized violence policy and protocols;
- g) Providing education designed to prevent sexual violence. Completion of this training will be required for all new students within their first semester on campus, and will be required for staff and faculty on an annual basis;
- h) Providing appropriate education and training to the University community about responding to the disclosure of sexualized violence;
- i) Encourage members of the University community to 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;
- j) Encourage persons in a position of authority, including persons directing the activities of others, to take immediate action to respond to or to prevent sexualized violence from occurring.

## **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.

**Making a Disclosure, report, or Complaint:**



UFV will not bring student disciplinary charges related to policy or regulation violations against students who are witnesses or victims of sexual misconduct or other violence. UFV will not report such conduct and/or report students who are receiving assistance as a result of a report as described above.

The amnesty afforded by this rule applies only to UFV policy related to violations that occur at or near the incident of sexual misconduct or other violence upon which a complaint is based.

#### **Multiple Proceedings:**

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 ensure the integrity of a potential external investigation.

The University will follow any external orders issued by the courts and will attempt to provide reasonable academic accommodations to individuals whose access to education is restricted by such orders.

The University maintains the right to utilize interim measures where it feels appropriate to ensure the safety of the learning environment and of the University community. The complainant will be informed of any interim measures that have direct impact on their safety or well-being. The University will make a reasonable effort to inform the survivor/victim of its intentions in relation to university processes.

#### **Unsubstantiated Complaints:**

If a person makes a sexualized violence disclosure, or files a complaint under the Safe Student Learning Community Policy (204) or other applicable policies that is not supported by the available or supplied information, the complaint may not be able to proceed under policy but may be reinitiated if further information becomes available. The University commits to provide trauma informed accommodations to the complainant and supports will still be made available to anyone reporting or disclosing sexual violence.

### **RESPONSE AND RESOURCE INFORMATION**

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

For students, this policy is supported by information contained in the Safe Student

For employees, the policy is aligned to the Discrimination, Bullying and Harassment Prevention Policy (18). The University's Faculty and Staff Association (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