

PREVENTION, EDUCATION AND RESPONSE TO SEXUALIZED VIOLENCE

SCOPE

This policy applies to all students and all employees

A person's sexual reputation or history of sexual activity cannot be submitted as evidence to prove that it was likely that Consent had been given.

There is an inherent risk that Consent is not voluntary whenever there is a relationship of trust or authority in which there is an imbalance, or perceived imbalance of power. Where there is an allegation of Sexualized Violence in these relationships the nature of the relationship will be a significant factor in determining whether there was Consent. UFV recognizes that certain relationships between Students and other members of the UFV Community are relationships of heightened trust and vulnerability. Sexual or intimate relationships between individuals in the following categories of member of the UFV Community where there is a supervisory role or where an individual has influence over a student or employee's current or future academic activities, working conditions, or career advancement are potential violations to this policy:

- x faculty, teaching staff members or emeriti, and students;
- x staff and students;
- x administrators and students;
- x coaching staff members and Student athletes;
- x Employee and Employee where a power differential exists; and
- x Student and Student where a power differential exists.

Accommodation: Accommodation is the process or action by which reasonable arrangements are made to support the academic, employment, health, well-being, and safety needs of a member of the UFV Community impacted by Sexualized Violence or a Complaint of Sexualized Violence. Examples of accommodations include, but are not limited to:

- x course withdrawals;
- x extensions for course work;
- x change of course section;
- x workplace accommodations;
- x counselling supports;
- x referrals to medical care; and
- x any Interim Measures to ensure safety and empowerment of the survivor.

Appropriate Administrator: This policy is broadly administered by two individuals, the Executive Director, Student Affairs (EDSA) and the Associate Vice President, Human Resources (AVP HR), and is dependent upon the identity of the Respondent. The EDSA shall administer any cases where the Respondent is a student, and the AVP HR shall administer any cases where the Respondent is an employee. In a situation where the Respondent holds multiple identities (student-employees or employee-students), their primary identity shall dictate the appropriate administrator.

Complaint: A written report or statement alleging Sexualized Violence made under this policy.

Complainant: An Employee or Student who files a Complaint under this policy. In a situation where UFV has evidence of any conduct that violates this policy and no Complaint is received from a Complainant, or where an investigation is required by law, UFV may act as the

Complainant to initiate an investigation and/or take disciplinary actions.

Disclosure: The communication to an employee of an experience of Sexualized Violence for the purposes of seeking support or accommodations. Disclosure does not result in a Complaint being

Student: A person is currently enrolled in or is accepted for enrollment in at least one University course, credit or non-credit, or who was enrolled in at least one credit or non-credit course within one year of the date of the alleged conduct.

Third Party Reporting: Third party reporting occurs when someone other than the victim/survivor reports Sexualized Violence to the University. It allows victims who do not want to report the incident directly to ensure the University receives a report about the incident.

Threat Assessment Team: A University group tasked with leading all investigations related to abusive, threatening, or violent behavior with the purpose of recommending case management

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- x on University Property;
- x on University owned or operated computers, telephones, software, and computer networks;
- x off-campus in connection with a course, activity or event offered and/or organized by the University, including but not limited to Co-op or work placements, study abroad, field study, athletic competition;
- x off-

which may include temporary Interim Measures.

The University maintains the right to utilize Interim Measures where it is appropriate to ensure the safety of the learning environment and of the University community. The Complainant is informed of any Interim Measures that have direct impact on their safety or wellbeing. The University will make a reasonable effort to inform the Complainant of its intentions in relation to University processes.

DISCLOSURES

Disclosure by a Student: If a Disclosure is made by a Student to a member of the UFV Community, that member is encouraged to contact the Student Support Office for support and information on how best to respond to the Disclosure and to support the individual making the Disclosure.

Subject to the above sections, records of Disclosures made will be kept strictly confidential, and access to those records will be limited to the Appropriate Administrator and their designates, unless UFV is ordered to produce the records in a court proceeding or otherwise required by law

COMPLAINTS

Any Student or Employee who experiences Sexualized Violence can make a Complaint under this policy. Complaints are submitted to the UFV Office of Safety and Security reporting portal <https://www.ufv.ca/safety-and-security/security/> where they will be addressed in accordance with the procedures to this policy.

An individual can submit a report to the UFV Office of Safety and Security portal and pursue other processes external to UFV against the individual alleged to have committed Sexualized Violence. These external processes may include reesS

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, and ensure that their right to dignity and respect is protected throughout the process of the Disclosure, Complaint and the institutional response;
 - (c) taking a trauma-informed approach to Sexualized Violence, recognizing that victims and survivors may be traumatized 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 identities as protected under the **BC Human Rights Code**
 - (d) taking appropriate action to address threats of Sexualized Violence 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) ensuring coordination and communication among the various departments who are involved in the response to Sexualized Violence on campus;
 - (f) providing information to the UFV Community about our Sexualized Violence policy and protocols;
 - (g) providing education designed to prevent Sexual Violence. This training will be provided to all new Students and Employees, within their first semester on campus, and re-training will be required for Employees every three years;
 - (h) providing appropriate education and training to the UFV Community about responding to the Disclosure of Sexualized Violence;
 - (i) ensuring members of the UFV 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; and
 - (j) 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.
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RIGHTS AND RESPONSIBILITIES OF STUDENTS, EMPLOYEES, AND THE UNIVERSITY

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.

Right to Withdraw a Complaint:

The University honours a Complainant's agency and supports victim/survivor choice. This

means that Complainants are supported in making a decision that is best for their wellbeing when it comes to choosing whether to make a Disclosure or a Complaint. A Complainant has the right to withdraw a Complaint at any stage of the process. However, in certain circumstances where the University has a duty to act to comply with its obligations under applicable policies and/or its legal obligations, the Complainant will be informed at the earliest possible time of this duty, and all potential implications of this action. All efforts are made to ensure that participants are treated with respect, empathy, confidentiality to the degree it is possible in this circumstance. If the reporting individual has any questions or concerns about this, they should consult with the appropriate office prior to sharing any information.

Protection from Reprisals, Retaliation or Threats:

It is prohibited by this policy for anyone to retaliate, or threaten to retaliate against a Complainant or other individual for:

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Data Reporting:

Incidents of Sexualized Violence reported under this policy will be reported annually to the President and the Board of Governors of the University. This report will be anonymized and provided in an aggregate manner so no individual participants will be identifiable.

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.

The procedures to investigate reports under this policy are dependent on the identity of the Respondent.

For reports where the Respondent is a Student, this policy is supported by information contained in the Safe Student Community website found at <https://www.ufv.ca/safe-student-community/>

A complaint of Sexual Violence against a Student will follow the process outlined in the Sexual Violence Complaint Procedures document (to be developed).

The Safe Student Community webpage:

- x Provides information on Student rights and responsibilities and behavioural expectations set by UFV.
- x Identifies behaviours that may be subject to intervention or discipline.
- x Provides links to relevant policies.
- x Illustrates the process to report allegations of disruptive behaviours

British Columbia Ombudsperson. (2023) What is Fairness?
<https://bcombudsperson.ca/fairness-education-resources/what-is-fairness/>. Accessed
September 22, 2023.

Runyan, A. S. (2018). What is intersectionality and why is it important? *Academe*104(6), 10-14.