EXECUTIVE SUMMARY

This policy commits SFU to establish a Sexual Violence and Misconduct Support and Prevention Office through which to provide trauma-informed support for members of the university community affected by sexual violence and misconduct and coordinated and comprehensive education and training about sexual violence and misconduct for all members of the university community. This policy also requires the University to establish fair processes for managing and investigating reports about such conduct and establishes a framework for doing so.

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1.0 PREAMBLE

1.1 Simon Fraser University (“the University”) values and promotes the health, safety and well-being of individuals and the community. The University does not tolerate sexual violence and misconduct. With this policy, the University commits to:

1.1.1 Recognize the diversity of the University Community and understand that each person will be affected differently by Sexual Violence and Misconduct, based on the intersection of multiple identities such as: sex; sexual orientation; gender identity and expression; Indigenous, racial or ethnic background; migration status; language; ability; faith; age; socio-economic status and previous experiences of trauma, including but not limited to generational and historical trauma; and that acts of Sexual Violence and Misconduct may also be acts of sexism, racism, ableism, homophobia, and/or transphobia;

1.1.2 Recognize the significant impact that broader social attitudes and beliefs about sex, sexuality, and gender identity and expression that normalize Sexual Violence and Misconduct, commonly referred to as rape culture, have on all of us.

1.1.3 Provide education for members of the University Community about healthy and consensual sexual practices and relationships;

1.1.4 Provide safe, accessible, and timely confidential assistance and support, referrals, and information to members of the University Community who are affected by Sexual Violence and Misconduct;

1.1.5 Provide reasonable and appropriate accommodation for members of the University Community who are affected by Sexual Violence and Misconduct;

1.1.6 Provide education and awareness programs and training designed to reduce and prevent Sexual Violence and Misconduct, and training on responding to Disclosures, for all members of the University Community. The University will strongly encourage all members to participate;

1.1.7 Consistently and effectively communicate the services, resources, and options available for members of the University Community affected by Sexual Violence and Misconduct;

1.1.8 Investigate reported incidents of Sexual Violence and Misconduct where appropriate;

1.1.9 Adhere to the principles of procedural fairness and natural justice, as outlined in section 9 of this policy, when investigating Reports of Sexual Violence and Misconduct and when taking steps to establish consequences or impose discipline;

1.1.10 Systematically collect data concerning incidents of Sexual Violence and Misconduct; and
1.1.11 Report regularly to the University Community about the outcomes of this policy and its associated procedures.

2.0 PURPOSE

2.1 The purpose of this policy is to affirm the University’s commitment to maintaining and enhancing a safe and healthy campus for all members of the University Community and to state the University’s commitment to addressing Sexual Violence and Misconduct by making available:

2.1.1 coordinated and comprehensive training and education for reducing, preventing, and responding to Sexual Violence and Misconduct for members of the University Community;

2.1.2 coordinated and comprehensive trauma-informed support for members of the University Community affected by Sexual Violence and Misconduct; and

2.1.3 clear and fair processes for managing and investigating Reports of Sexual Violence and Misconduct and, where appropriate, for establishing consequences and discipline.

2.2 This policy must be read, interpreted, and applied within the context of these overarching purposes.

3.0 SCOPE and JURISDICTION

Prohibited Conduct

3.1 Acts of Sexual Violence and Misconduct are prohibited.

3.2 Retaliation of any kind, direct or indirect, against a Survivor who Discloses or Reports Sexual Violence and Misconduct, against a Respondent, or against anyone who participates in a University process addressing allegations of Sexual Violence and Misconduct is prohibited.

Jurisdiction of the Policy

3.3 This policy applies to all members of the University Community.

3.4 Any member of the University Community who Discloses or Reports that they have been affected by Sexual Violence and Misconduct can access confidential assistance and support, referrals and information from the Sexual Violence Support and Prevention Office and request accommodation, regardless of the time or place at which the Sexual Violence and Misconduct occurred, or the parties involved.

3.5 For the purposes of internal investigations, consequences and discipline, this policy applies only to Sexual Violence and Misconduct by a member of the University Community against another
member of the University Community that is Reported to the Sexual Violence Support and Prevention Office and that is alleged to have occurred:

3.5.1 on any property that is controlled by the University and used for University purposes; or

3.5.2 at or during an in-person or virtual meeting, event, or activity that is sponsored by or under the auspices of the University, or in furtherance of University business; or

3.5.3 Online, using the University’s Information and Communications Technology; or

3.5.4 When the Respondent was in a position of power or influence over the Survivor’s academic or employment status at the time of the reported incident.

3.6 This policy also applies to and prohibits Sexual Violence and Misconduct by a person who is not a member of the University Community, against a person who is a member of the University Community, which occurs on any property that is controlled by the University and used for University purposes. In such cases the University will, within the limits of its legal right to do so, endeavor to restrict that person’s access to, or remove that person from, University property.

3.7 In cases involving behaviour that may fall within the definition of “sexual harassment” in the University’s Human Rights Policy (GP 18), the Survivor may choose to proceed under that policy as set out in section 8.5.1 below. The Sexual Violence Support and Prevention Office will explain this option to a Survivor who makes a Report.

3.8 This policy is not intended to discourage or prevent a member of the University Community from exercising any other rights they may have, including the right to file a complaint with the British Columbia Human Rights Tribunal or the right to pursue a criminal or civil remedy.

4.0 DEFINITIONS

4.1 See Appendix A for the definitions of words used in this policy and in its associated procedures.

5.0 SEXUAL VIOLENCE SUPPORT AND PREVENTION OFFICE

5.1 The University will establish a Sexual Violence Support and Prevention Office as a centre utilizing current best practices in education, training and support for Sexual Violence and Misconduct, for all members of the University Community.

5.2 The Sexual Violence Support and Prevention Office will:

5.2.1 provide safe, timely, ongoing, and confidential assistance and support, referrals, and information to a member of the University Community who has been affected by Sexual Violence and Misconduct;

5.2.2 inform that person about the resources available to them;
5.2.3 receive and facilitate that person’s request for reasonable and appropriate academic, workplace or other accommodation;

5.2.4 inform Survivors about the resources available to them, including their options for reporting Sexual Violence and Misconduct and assist them to make informed decisions;

5.2.5 inform Respondents about the resources available to them and assist them to make informed decisions;

5.2.6 work closely with off-campus services as well as on-campus service units including Health & Counselling and Campus Security to ensure timely and coordinated assistance, support, and referrals for members of the University Community affected by Sexual Violence and Misconduct and to reduce the repetition of Disclosures and Reports by a Survivor;

5.2.7 provide timely and confidential assistance and support, referrals, and information to members of the University Community who have received Disclosures;

5.2.8 maintain a comprehensive, integrated communication strategy, which will include a central web resource with detailed information about:

   a. the supports and resources available to Survivors, Respondents, and other members of the University Community;

   b. options for reporting an incident of Sexual Violence and Misconduct under section 8 of this policy, including processes that are external to the University and processes that are internal; and

   c. related matters.

5.2.9 oversee, develop, and coordinate the delivery of the training, education and awareness initiatives mandated by this policy;

5.2.10 systematically collect data and maintain annual statistics, without identifying information, on the number of Disclosed and Reported incidents of Sexual Violence and Misconduct under this policy for the purposes of community education and for reporting to the University Community;

5.2.11 participate in the periodic evaluations of this policy and its related initiatives;

5.2.12 conduct periodic surveys of the University Community related to Sexual Violence and Misconduct; and

5.2.13 establish an advisory panel to act as a resource for the Sexual Violence Support and Prevention Office, composed of experts from the University Community who have
knowledge and experience in reducing, preventing, and responding to Sexual Violence and Misconduct.

5.3 The Sexual Violence Support and Prevention Office (“Office”) will facilitate Reporting an incident of Sexual Violence and Misconduct pursuant to section 8 of this policy when requested by a Survivor, and it will provide the Survivor with confidential and ongoing support, but the Office will not be an advocate for any member of the University Community, nor will it have a role in investigations or disciplinary actions.

6.0 AWARENESS, EDUCATION AND TRAINING

6.1 In cooperation with relevant partners, the Sexual Violence Support and Prevention Office will oversee, develop, and coordinate a proactive and sustained education plan for the University Community that may include a combination of campaigns, on-line and in-person training sessions, workshops, print and on-line resources, programs, and other events on a range of topics related to:

6.1.1 reducing, preventing, and responding to Sexual Violence and Misconduct; and

6.1.2 providing support for members of the University Community affected by Sexual Violence and Misconduct.

6.2 The Sexual Violence Support and Prevention Office will facilitate the inclusion of educational materials related to Sexual Violence and Misconduct in student and employee orientation and will be available to consult with individual faculty members, departments, and faculties in the development of course materials and program curriculum.

6.3 The Sexual Violence Support and Prevention Office will strongly encourage all members of the University Community to participate in the education and training, and to be knowledgeable about and to contribute to the reduction and prevention of Sexual Violence and Misconduct.

7.0 DISCLOSING SEXUAL VIOLENCE AND MISCONDUCT

7.1 A member of the University Community who has experienced Sexual Violence and Misconduct may choose to disclose the experience by confiding in the Sexual Violence Support and Prevention Office or a member of the University Community. This is a Disclosure. A Disclosure is not the same as a Report under section 8 of this policy. A Disclosure normally does not initiate an investigation or other process. To initiate a formal reporting process, a Survivor must Report an incident of Sexual Violence and Misconduct to the Sexual Violence Support and Prevention Office pursuant to section 8 of this policy.

7.2 All members of the University Community are strongly encouraged to be knowledgeable about how to appropriately receive and respond to a Disclosure. Members of the University Community who receive a Disclosure may choose to contact the Sexual Violence Support and Prevention Office for information, advice, and personal support.
7.3 A member of the University Community who receives a Disclosure should treat the Survivor with compassion, dignity, and respect. They should ensure that the Survivor is aware of this policy and inform the Survivor that the Sexual Violence Support and Prevention Office is available to provide the Survivor with confidential and ongoing assistance and support, referrals, and information.

7.4 A member of the University Community who Discloses or Reports to the Sexual Violence Support and Prevention Office that they have experienced Sexual Violence and Misconduct can expect to:

7.4.1 be treated with compassion, dignity, and respect;
7.4.2 obtain timely assistance to create a safety plan;
7.4.3 learn about on- and off-campus services and resources;
7.4.4 obtain reasonable and appropriate academic, workplace or other accommodation tailored on a case by case basis;
7.4.5 learn about the options and procedures for initiating internal and external processes to address an incident of Sexual Violence and Misconduct, as outlined in section 8 of this policy, and the limits to confidentiality associated with each option;
7.4.6 receive timely, ongoing, and confidential support, regardless of whether the member chooses to make a Report under section 8 of this policy, and regardless of the outcome of that Report;
7.4.7 be provided with information to allow them to make autonomous and informed decisions about which services they believe will be the most beneficial; and
7.4.8 be provided with information to allow them to make autonomous and informed decisions about which of the options outlined in section 8 to pursue, if any.

7.5 A Survivor who Discloses to the Sexual Violence Support and Prevention Office that they have experienced Sexual Violence and Misconduct is entitled to decide whether to:

7.5.1 access available on- and off-campus services and to choose the services they feel will be the most beneficial;
7.5.2 contact the relevant law enforcement agency and pursue criminal proceedings;
7.5.3 file a complaint with the British Columbia Human Rights Tribunal, where the matter falls within its jurisdiction;
7.5.4 initiate other legal proceedings;
7.5.5 file a complaint of sexual harassment under the University’s Human Rights Policy (GP 18); or

7.5.6 convert their Disclosure into a Report pursuant to section 8.5.2 of this policy, with the intention of initiating an internal process as outlined in that section.

7.5.7 A member of the University Community who requests academic, workplace, or other accommodation due to an incident of Sexual Violence and Misconduct should contact the Sexual Violence Support and Prevention Office. The Office will receive and facilitate the request where reasonable and appropriate.

8.0 REPORTING SEXUAL VIOLENCE AND MISCONDUCT TO THE UNIVERSITY

8.1 A Survivor who has experienced Sexual Violence and Misconduct by another member of the University Community may choose to Report the Sexual Violence and Misconduct to the Sexual Violence Support and Prevention Office with the intention of initiating a process under section 8.5 of this policy. A Report is not the same as a Disclosure under section 7. A Disclosure normally does not initiate an investigation or other process.

8.2 A Survivor may make a Report to the Sexual Violence Support and Prevention Office alone or with assistance of a support person of their choice.

8.3 The Sexual Violence Support and Prevention Office will inform the Survivor about their options, as outlined in sections 8.4 and 8.5 of this policy and will assist them to understand those options.

8.4 A Survivor may choose one or more of the following options to initiate an external process:

8.4.1 to contact the relevant law enforcement agency and pursue criminal proceedings;

8.4.2 to file a complaint with the British Columbia Human Rights Tribunal where the matter falls within its jurisdiction;

8.4.3 to initiate other legal proceedings.

8.5 A Survivor who makes a Report may choose one of the following options to initiate an internal process:

8.5.1 to file a complaint under the University’s Human Rights policy (GP 18) in cases involving behaviour that may fall within the definition of sexual harassment in that policy.

a. The Sexual Violence Support and Prevention Office or the Human Rights Office can assist the survivor in determining which office would be the most appropriate office to receive a Report. If one office determines that the reported behaviour does not fall within the scope of the policy that would not preclude the Survivor from providing a
Report to the other office. However, an incident fully investigated under one policy will not be investigated under the other policy.

8.5.2 to initiate, as a Complainant, one of the following processes through the Sexual Violence Support and Prevention Office:

a. if the Respondent is a student, the Sexual Violence Support and Prevention Office will direct the matter to the Office of Student Support, Rights and Responsibilities pursuant to the Student Conduct Policy (S 10.05) for investigation and further steps;

b. if the Respondent is an employee of the University covered by a collective agreement, the Sexual Violence Support and Prevention Office will direct the matter to the employee’s supervisor and Human Resources, or to the appropriate Dean or University Archivist and Faculty Relations for investigation and further steps;

c. if the Respondent is a member of the University Community but neither a student nor an employee covered by a collective agreement, the Sexual Violence Support and Prevention Office will direct the matter to the person who employs or otherwise supervises the Respondent, so that it can be dealt with in accordance with the purpose, spirit, and intent of this policy.

8.6 Nothing in this policy prevents interim measures being imposed on a Respondent pursuant to a University policy or collective agreement.

8.7 The University reserves the right to initiate an internal investigation and/or to inform the relevant law enforcement agency without the consent of the Survivor if it has a reasonable belief that the safety of one or more persons may be at risk. Circumstances where the University may proceed without a Complainant include:

8.7.1 Where there is risk to the safety of the University Community.

8.7.2 Where required by law, such as under the Occupational Health and Safety Regulation and the Child, Family and Community Service Act.

In these circumstances the University will provide support throughout the process for individuals impacted by Sexual Violence and Misconduct.

9.0 PROCEDURAL FAIRNESS

9.1 The University shall deal with all Reports of Sexual Violence and Misconduct in a fair, unbiased, and timely manner and in accordance with relevant collective agreements and other applicable University policies.

9.2 An impartial and appropriately qualified person shall investigate Reports of Sexual Violence and Misconduct.
9.3 Investigations must comply with all relevant provisions in an applicable collective agreement or policy, including notice requirements, timelines, and other process issues.

9.4 A Complainant and a Respondent shall each be advised of the procedures that will be followed.

9.5 A Respondent shall be advised of the allegation and shall be given an opportunity to respond.

10.0 CONSEQUENCES AND OUTCOMES

10.1 A Respondent who is found to have committed an act of Sexual Violence and Misconduct will be held accountable by the University and may be subject to consequences which may include disciplinary action up to and including suspension or termination, pursuant to the Student Conduct Policy (S 10.05) for students, or the applicable collective agreement, employment contract or relevant policy for employees.

10.2 The University will provide a Complainant who initiates a process under section 8.5.2 with the outcome of the Report that was made.

11.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

11.1 The legal and other University Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

11.1.1 *University Act*, R.S.B.C. 1996, c. 468


11.1.4 Student Conduct Policy (S 10.05)

11.1.5 Human Rights (GP 18)

11.1.6 Bullying and Harassment Policy (GP-47)

11.1.7 Response to Violence and Threatening Behaviour (GP 25)

11.1.8 Fair Use of Information and Communications Technology (GP 24)

11.1.9 Conflict of Interest (GP 37)

11.1.10 SFU’s Information Policies (I 10)

11.1.11 Residence and Housing Handbook and Residence licence agreement
11.1.12 Employee collective agreements and relevant human resources policies.

12.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

12.1 The information and records made and received to administer this policy are subject to the access to information and protection of privacy provisions of British Columbia’s *Freedom of Information and Protection of Privacy Act* and the University’s Information Policy series.

12.2 To the extent possible, the information and records will be treated in a confidential manner, in compliance with the Act and with applicable University’s policies, including the Student Conduct Policy (S 10.05) and its related procedures, and with the relevant collective agreement.

12.3 A University employee who receives a Disclosure or a Report or who is involved in addressing or investigating it must:

12.3.1 make every reasonable effort to protect personal information and maintain confidentiality;

12.3.2 collect the minimum information about individuals that relates directly to and is necessary to respond to a Disclosure or Report, which is considered to be supplied in confidence;

12.3.3 use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking action;

12.3.4 limit disclosure of information about individuals to those within the University who need to know to perform their duties; and

12.3.5 disclose personal information in all other circumstances only as permitted under the *Freedom of Information and Protection of Privacy Act*.

12.4 The University may disclose personal information where appropriate, including where:

12.4.1 it determines compelling circumstances exist that affect any person’s health or safety;

12.4.2 a law authorizes or requires its disclosure;

12.4.3 it is needed to prepare or obtain legal advice for the University;

12.4.4 it complies with a subpoena, a warrant or an order issued by a court, person, or body in Canada with jurisdiction to compel the production of information;

12.4.5 it uses the information for the purpose for which it was obtained or compiled or for a use consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness);
12.4.6 an employee needs the information to perform their employment duties; or
12.4.7 it is to a law enforcement agency in Canada to assist in a specific investigation.

13.0 MULTIPLE PROCEEDINGS

13.1 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, defer or suspend its own processes. The University will make a reasonable effort to inform the Survivor of its intentions in relation to university processes.

14.0 RETENTION AND DISPOSAL OF RECORDS

14.1 Information and records made and received to administer this policy are evidence of the University’s actions to respond to Sexual Violence and Misconduct education, reduction and prevention, support, and investigation. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

15.0 POLICY MONITORING, EVALUATING, REVIEW, AND REPORTING

15.1 The Sexual Violence Support and Prevention Office will undertake a systematic approach to monitoring and evaluating this policy and its associated procedures and practices to ensure that they are responsive to evolving needs and the evolving environment. This includes but is not limited to:

15.1.1 Reporting annually through the President to the Board of Governors on the implementation of this policy;
15.1.2 Periodic reviews of the University’s training and educational initiatives related to Sexual Violence and Misconduct; and
15.1.3 Reviewing this policy at least once every three years, in consultation with students and other members of the University Community.

16.0 POLICY AUTHORITY

16.1 This policy is administered under the authority of the Vice-President, Academic and Provost.
17.0 INTERPRETATION

17.1 Questions of interpretation and application of this policy or its procedures shall be referred to the Vice-President, Academic and Provost and the General Counsel and University Secretary, who will jointly make a decision, which will be final.

18.0 PROCEDURES AND OTHER ASSOCIATED DOCUMENTS

18.1 Appendix A contains the definitions applicable to this policy and its procedures.