



SIMON FRASER UNIVERSITY  
ENGAGING THE WORLD

**TO:** Senate

**FROM:** Joy Johnson  
Chair – Senate Committee on Agenda and Rules (SCAR)

**DATE:** June 28, 2024

**SUBJECT:** Changes to Policy GP 44 – Sexualized Violence Policy

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SCAR has reviewed S.24-99 (Changes to Policy GP 44 – Sexualized Violence Policy) and is forwarding it to Senate for information.

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**MEMORANDUM**

**ATTENTION** SCAR **DATE** June 20, 2024  
**FROM** Dr. Dilson Etcheverry Rassier, Provost and **PAGES** 02  
Vice-President, Academic  
**RE:** Changes to Policy GP 44 – Sexualized Violence Policy

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BC post-secondary institutions are required by the [Sexual Violence and Misconduct Policy Act](#) (2016) to review their sexualized violence policies every 3 years. This is the second review of [SFU's Sexual Violence and Misconduct Prevention, Education and Support Policy, GP 44](#). To ensure SFU's continued alignment with provincial legislation the review of this policy began in Summer 2023 term and is set to conclude in Spring 2024 after two rounds of community consultations and robust engagement with key university community members, departments, offices, unions and associations.

**Rationale for change:**

The key revisions align with the best practices that emerged through a literature review and through a two-phased university consultation process.

1. Key revisions to GP 44's Policy include:
  - a. Modernized the title of and language used in the policy by replacing "sexual violence and misconduct" with "sexualized violence".
  - b. Added a new section under s.3.6 to include a time limit from the last instance of sexualized violence experienced for the intake of a Report once an individual is no longer a member of the University Community. This aligns with timelines set out in the *BC Human Rights Code*.
  - c. Provided more information in s.8.5.2 to bring clarity to the Reporting process.
2. Key revisions to GP 44's Appendix A (definitions) include:
  - a. Updated s.2.15's definition of "University Community" to include "or agreement". This change allows us to include FIC students in the policy so that a Report can be received.
  - b. Updated s.2.2 by substituting the term "accommodation" with "concession" to better align with SFU's Accessibility for Students with Disabilities Policy (GP 26).
  - c. Updated s.2.3.2's definition of "Consent" to include "or who is incapacitated by alcohol or drugs". This is a response to student feedback and provides more clarity.
3. The development of GP 44's Procedures:
  - a. This first draft was developed to align, where appropriate, with the Procedures attached to the Human Rights Policy (GP 18) and the Bullying and Harassment Policy (GP 47).
  - b. Included s.6.0 which allows the SVSPO to intake "anonymous allegations" to support ongoing educational efforts and support the University in determining if there is evidence of significant risk to health and safety.
  - c. Included examples of "interim measures" (s.10.3), "informal resolutions" (s.11.0), and "disciplinary sanctions" (s.13.2).

These policy changes have been reviewed by the Executive Team, the Office of the General Counsel, Faculty Relations, Human Resources/Labour Relations, the Office of Student Support, Rights and Responsibilities, SFUFA, CUPE, the Equity Office, the Human Rights Office, the Bullying and Harassment Central Hub, GSS, along with numerous student groups, individual students, staff, and faculty members through two rounds of community consultations.

**Attachments:**

- 2024 Amendments – Policy (GP 44)
- 2024 Amendments - Appendix A (GP 44)
- 2024 Amendments - Sexualized Violence Procedures (GP 44)

## EXECUTIVE TEAM MEETING – CONSULTATION / INFORMATION BRIEFING NOTE

<b>SUBJECT</b>	SFU’s Sexual Violence and Misconduct Prevention, Education and Support Policy (GP44) Review
<b>DATE</b>	May 22, 2024
<b>EXEC TEAM SPONSOR</b>	Dr. Dilson Etcheverry Rassier
<b>UNIT/DEPARTMENT</b>	Provost and Vice-President, Academic
<b>PREPARED BY</b>	Dr. CJ Rowe
<b>RESOURCE PEOPLE TO ATTEND MEETING:</b>	Dr. CJ Rowe, Director, Sexual Violence Support & Prevention Office
<b>TO BE SHARED WITH DEANS AFTER ET MEETING?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### TOPIC

For approval from SFU’s Executive Team on the proposed edits to SFU’s Sexual Violence and Misconduct Prevention, Education and Support Policy (GP 44), Appendix A, and Procedures.

### BACKGROUND

BC post-secondary institutions are required by the [Sexual Violence and Misconduct Policy Act](#) (2016) to review their sexualized violence policies every 3 years. This is the second review of [SFU’s Sexual Violence and Misconduct Prevention, Education and Support Policy, GP 44](#). To ensure SFU’s continued alignment with provincial legislation the review of this policy began in Summer 2023 term and is set to conclude in Spring 2024 after two rounds of community consultations and robust engagement with key university community members, departments, offices, unions and associations.

### CONSIDERATIONS

1. Key revisions to GP 44’s Policy include:
  - a. Modernized the title of and language used in the policy by replacing “sexual violence and misconduct” with “sexualized violence”.
  - b. Added a new section under s.3.6 to include a time limit from the last instance of sexualized violence experienced for the intake of a Report once an individual is no longer a member of the University Community. This aligns with timelines set out in the *BC Human Rights Code*.
  - c. Provided more information in s.8.5.2 to bring clarity to the Reporting process.
2. Key revisions to GP 44’s Appendix A (definitions) include:
  - a. Updated s.2.15’s definition of “University Community” to include “or agreement”. This change allows us to include FIC students in the policy so that a Report can be received.
  - b. Updated s.2.2 by substituting the term “accommodation” with “concession” to better align with SFU’s Accessibility for Students with Disabilities Policy (GP 26).
  - c. Updated s.2.3.2’s definition of “Consent” to include “or who is incapacitated by alcohol or drugs”. This is a response to student feedback and provides more clarity.
3. The development of GP 44’s Procedures:

- a. This first draft was developed to align, where appropriate, with the Procedures attached to the Human Rights Policy (GP 18) and the Bullying and Harassment Policy (GP 47).
- b. Included s.6.0 which allows the SVSPO to intake “anonymous allegations” to support ongoing educational efforts and support the University in determining if there is evidence of significant risk to health and safety.
- c. Included examples of “interim measures” (s.10.3), “informal resolutions” (s.11.0), and “disciplinary sanctions” (s.13.2).

## **RISKS**

1. A number of key recommendations from the first and second rounds of the community consultations were not adopted. These key recommendations included: a) adopting a “prohibited relationships” clause that would disallow relationships where there is a power imbalance, b) explicitly allowing for transparent communications with all parties about outcomes of investigations and sanctions, and c) mandatory anti-sexualized violence training for all SFU community members. All of these recommendations will be addressed in the final report titled “Moving Forward: GP 44 Response and Future Pathways” and through educational initiatives.
2. Failure to engage in the policy review will result in SFU breaching its duties and obligations outlined in the *Sexual Violence and Misconduct Policy Act*, S.B.C. 2016 and will result in SFU falling behind other public post-secondary institutions. This is a reputational risk.
3. To date SFU has not developed procedures attached to our Sexual Violence Policy, GP 44. The draft procedures shared will close this gap.

## **CHANGE MANAGEMENT STRATEGY**

This policy consultation has been designed in a way that allows key stakeholders and the broader university community with multiple opportunities to provide feedback gathered through multiple mechanisms (in-person conversations, workshops, and an online survey) to allow university community members many points of contact throughout this 8-month process.

## **NEXT STEPS**

1. June - July 2024: The proposed revisions to GP 44 documents will be provided to the Senate Committee on Agenda and Rules (SCAR) for information.
2. September 2024: The final proposed revisions to all GP 44 documents will go to the Board of Governors for approval.

## **ATTACHMENTS**

- 2024 Amendments – Policy (GP 44)
- 2024 Amendments - Appendix A (GP 44)
- 2024 Amendments - Sexualized Violence Procedures (GP 44)

# SEXUALIZED VIOLENCE

<b>Date</b> February 29, 2024	<b>Number</b> GP-44
<b>Date of Last Review/Revision</b> May 20, 2021	<b>Mandated Review</b> May 20, 2024

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**Policy Authority:** Vice-President, Academic and Provost

Associated Procedure: Sexualized Violence Procedures

## EXECUTIVE SUMMARY

This policy commits SFU to establish a Sexual Violence Support and Prevention Office through which to provide trauma-informed support for members of the university community affected by sexualized violence and coordinated and comprehensive education and training about sexualized violence 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 sexualized violence. With this policy, the University commits to:

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1.1.1 Recognize the diversity of the University Community and understand that each person will be affected differently by Sexualized Violence, 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 Sexualized Violence, may also be acts of sexism, racism, ableism, homophobia, and/or transphobia;

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

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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 Sexualized Violence;

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1.1.5 Provide reasonable and appropriate concessions, for members of the University Community who are affected by Sexualized Violence;

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

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

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1.1.8 Investigate reported incidents of Sexualized Violence, where appropriate;

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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 Sexualized Violence, and when taking steps to establish consequences or impose discipline;

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1.1.10 Systematically collect data concerning incidents of Sexualized Violence; and

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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 Sexualized Violence by making available:

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

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

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

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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 Sexualized Violence are prohibited.

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

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### 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 Sexualized Violence, 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 Sexualized Violence occurred, or the parties involved.

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3.5 For the purposes of internal investigations, consequences and discipline, this policy applies only to Sexualized Violence 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:

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- 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 The University may accept Disclosures and Reports from former University Community members if: the Complainant and Respondent were both members of the University Community at the time the incident occurred; the Respondent is a member of the University Community at the time that the Disclosure or Report is made; the Report takes place within one year of the alleged incident of Sexualized Violence or the last alleged incident of Sexualized Violence where recurrent Sexualized Violence is alleged to have occurred; and the incident occurred in the scope and jurisdiction outlined in s.3.5.

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3.7 This policy also applies to and prohibits Sexualized Violence 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.

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3.8 In cases involving behaviour that falls within the definition of “sexual harassment” in the University’s Human Rights Policy (GP 18) and the University’s Bullying and Harassment Policy (GP 47), 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.

3.9 This policy is not intended to discourage or prevent a member of the University Community from exercising any other rights they may have, including, but not limited to, 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 Sexualized Violence, for all members of the University Community.

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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 Sexualized Violence;
- 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 concessions;
- 5.2.4 inform Survivors about the resources available to them, including their options for reporting Sexualized Violence, 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 Public Safety, to ensure timely and coordinated assistance, support, and referrals for members of the University Community affected by Sexualized Violence, 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 Sexualized Violence, 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 Sexualized Violence, 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;

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

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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 Sexualized Violence.

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5.3 The Sexual Violence Support and Prevention Office (“Office”) will facilitate Reporting an incident of Sexualized Violence 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.

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## 6.0 AWARENESS, EDUCATION AND TRAINING

6.1 The Sexual Violence Support and Prevention Office will work in cooperation with relevant partners including, but not limited to, student organizations and unions, Student Affairs staff, academic departments, Human Resources, Faculty Relations, Athletics, the Human Rights Office, the Bullying and Harassment Central Hub, Campus Public Safety to oversee, develop, and coordinate a proactive and sustained education plan for the University Community that includes 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:

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6.1.1 reducing, preventing, and responding to Sexualized Violence; and

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6.1.2 providing support for members of the University Community affected by Sexualized Violence.

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6.2 The Sexual Violence Support and Prevention Office will facilitate the inclusion of educational materials related to Sexualized Violence 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.

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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 Sexualized Violence.

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## 7.0 DISCLOSING SEXUALIZED VIOLENCE

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7.1 A member of the University Community who has experienced Sexualized Violence 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

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other process. To initiate a formal reporting process, a Survivor must Report an incident of Sexualized Violence to the Sexual Violence Support and Prevention Office pursuant to section 8 of this policy.

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7.2 All members of the University Community are strongly encouraged to be knowledgeable about how to appropriately receive and respond to a Disclosure. [The Sexual Violence Support and Prevention Office provides education and training on 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 Sexualized Violence can expect to:

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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 [concessions](#) tailored on a case by case basis;

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7.4.5 learn about the options and procedures for initiating internal and external processes to address an incident of Sexualized Violence, as outlined in section 8 of this policy, and the limits to confidentiality associated with each option;

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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 Sexualized Violence is entitled to decide whether to:

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- 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 the University's Bullying and Harassment Policy (GP 47); 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 concessions, due to an incident of Sexualized Violence, should contact the Sexual Violence Support and Prevention Office. The Office will receive and facilitate the request where reasonable and appropriate.

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## 8.0 REPORTING SEXUALIZED VIOLENCE TO THE UNIVERSITY

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- 8.1 A Survivor who has experienced Sexualized Violence by another member of the University Community may choose to Report the Sexualized Violence 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 the 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:

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8.5.1 to file a complaint under the University's Human Rights Policy (GP 18) or the University's Bullying and Harassment Policy (GP 47) in cases involving behaviour that may fall within the definition of sexual harassment in that policy.

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a. The Sexual Violence Support and Prevention Office, the Human Rights Office or the Bullying and Harassment Central Hub 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 one of the other offices. However, an incident fully investigated under one policy will not be investigated under the other policies.

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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 further steps;

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b. if the Respondent is an employee of the University and is a member of the APSA, CUPE, Poly Party, and TSSU employee groups, the Sexual Violence Support and Prevention Office will direct the matter to Human Resources/Labour Relations for further steps;

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c. if the Respondent is an employee of the University and is a member of SFUFA, the Sexual Violence Support and Prevention Office will direct the matter to Faculty Relations for further steps;

d. if the Respondent is an employee of the University and is excluded or senior administration, including Deans and Associate Deans, but excluding the University's Executive, the Sexual Violence Support and Prevention Office will direct the matter to Human Resources/Labour Relations for further steps;

e. if the Respondent is an employee of the University and is a member of the University's Executive, or is a member of the University Community whose affiliation with the University does not fall within sections 8.5.2.a to 8.5.2.d the Sexual Violence Support and Prevention Office will direct the matter to the Office of the General Counsel for further steps.

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

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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 Sexualized Violence.

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## 9.0 PROCEDURAL FAIRNESS

- 9.1 The University shall deal with all Reports of Sexualized Violence 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 and trained person shall investigate Reports of Sexualized Violence.
- 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.
- 9.6 Procedural fairness apply to both the Complainant and the Respondent.

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## 10.0 CONSEQUENCES AND OUTCOMES

- 10.1 A Respondent who is found to have committed an act of Sexualized Violence 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.

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## 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

11.1.2 *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165

11.1.3 *Sexual Violence and Misconduct Policy Act*, S.B.C. 2016, c. 23

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 and Conflict of Commitment Policy (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.

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## 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 Sexualized Violence, 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.

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### 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 Sexualized Violence, 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.

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## 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 Sexualized Violence; and
- 15.1.3 Reviewing this policy at least once every three years, in consultation with students and other members of the University Community.

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## 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, including but not limited to matters relating to the scope and jurisdiction of this policy or its procedures, shall be referred to the Vice-President, Academic and Provost and the Office of the General Counsel, who will jointly make a decision, which will be final.

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## 18.0 PROCEDURES AND OTHER ASSOCIATED DOCUMENTS

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

18.2 Appendix B contains the Guidelines for Investigations by External Investigators.

18.3 The procedures for this policy are: Sexualized Violence Procedures.

# APPENDIX A - DEFINITIONS - SEXUALIZED VIOLENCE

<b>Date</b>	<b>Number</b>
<u>February 29, 2024</u>	GP-44
<b>Date of Last Review/Revision</b>	<b>Mandated Review</b>
April 20, 2021	April 20, 2024

**Deleted:** AND MISCONDUCT PREVENTION, EDUCATION AND SUPPORT...

**Deleted:** March 30, 2017

Policy Authority: Vice-President, Academic and Provost

Parent Policy: Sexualized Violence (GP-44)

**Deleted:** and Misconduct

**Deleted:** Prevention, Education and Support

## 1.0 PURPOSE

1.1 The definitions in this Appendix define the words used in the Sexualized Violence policy and its procedures.

**Deleted:** and Misconduct Prevention, Education and Support

## 2.0 DEFINITIONS

2.1 **Complainant** means a Survivor who makes a Report and initiates an internal process through the Sexual Violence Support and Prevention Office pursuant to section 8.5.2 of the policy.

2.2 **Concessions** means the provision by the University of reasonable and appropriate academic, workplace or other measures that:

2.2.1 are provided to a member of the University Community affected by Sexualized Violence;

2.2.2 are designed to meet that person's needs resulting from an incident of Sexualized Violence; and

2.2.3 do not infringe on the rights of others.

Examples of academic concession in teaching or evaluation procedures may include changing a tutorial section, project group or supervisor, providing an extension on an assignment, deferring an exam, authorizing withdrawal from a class without penalty or allowing continuing studies from home. An example of other concessions may include changing residence rooms.

2.3 **Consent** means clear, ongoing, and voluntary agreement to engage in sexual activities. Consent is informed, freely given, and actively communicated as demonstrated by words or conduct objectively assessed. For clarity, Consent:

- 2.3.1 is a freely given “yes”;
- 2.3.2 cannot be given by someone who is incapacitated, including for example a person who is asleep or unconscious ~~or who is incapacitated by alcohol or drugs;~~
- 2.3.3 can never be obtained through threats, coercion, or other pressure tactics;
- 2.3.4 can be revoked at any time, regardless of whether other sexual activities or agreements have taken place;
- 2.3.5 cannot be obtained if someone abuses a position of trust, power, or authority over another person; and
- 2.3.6 cannot be assumed from previous consent to the same or similar activities.

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2.4 **Constituency Organization** means the Administrative and Professional Staff Association (APSA), Canadian Union of Public Employees (CUPE 3338), Poly Party, Simon Fraser Student Society (SFSS), Graduate Student Society (GSS), Simon Fraser University Faculty Association (SFUFA), and the Teaching Support Staff Union (TSSU).

2.5 **Disclosure** occurs when a Survivor tells the Sexual Violence Support and Prevention Office or a member of the University Community that they have experienced Sexualized Violence. This is not the same as a Report under section 8 of the policy which is intended to initiate a process.

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2.6 **Report** means a Survivor telling the Sexual Violence Support and Prevention Office about an incident of Sexualized Violence with the intention of initiating a process. This is not the same as a Disclosure, under section 7 of the policy, which does not initiate a formal reporting process. A Survivor who makes a Report and initiates an internal process through the Sexual Violence Support and Prevention Office will be referred to in that process as the Complainant.

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2.7 **Respondent** means a member or members of the University Community against whom a Report has been made pursuant to this policy.

2.8 **Responsible Office** means the University administrative office designated in section 8.5.2 of the Sexualized Violence Policy, responsible for overseeing and managing the University’s response to Reports and for providing advice and support to Supervisors. The Responsible Office is determined by the Respondent’s affiliation to the University within the context of the incident(s) described in the Report. The Responsible Office is:

- 2.8.1 Faculty Relations, for Reports about members of the SFUFA bargaining unit;
- 2.8.2 Human Resources/Labour Relations, for Reports about employees who are members of the APSA, CUPE, Poly Party, and TSSU employee groups;
- 2.8.3 Human Resources/Labour Relations, for Reports about excluded employees and members of the senior administration, including Deans and Associate Deans, but excluding the University’s Executive;
- 2.8.4 Office of Student Support, Rights, and Responsibilities, for Reports about Students;
- 2.8.5 Office of the General Counsel, for Reports about members of the University’s Executive, or about members of the University Community whose affiliation with the University does not fall within sections 2.8.1 to 2.8.4.

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- 2.9 **Retaliation** means an adverse action or threatened action, direct or indirect, taken or made through any means, against a person who invoked this policy or its procedures in good faith, or against a person who participated or cooperated in good faith in a University process addressing a Report. Retaliation is prohibited conduct.
- 2.10 **Sexualized Violence** is an umbrella term that encompasses a broad range of behaviour. It means a sexual act or an act targeting a person's sexuality, gender identity or gender expression that is committed, threatened, or attempted against a person without the person's Consent. Such behaviour may or may not involve physical contact. It includes but is not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, stealthing, and the distribution of sexually explicit photographs or videos of a person without their Consent.
- 2.11 **Student** includes any of the following: an undergraduate who is enrolled at the University for one or more of the last three terms and is eligible to continue in a program of study; a graduate student who is enrolled at the University in the current term and is eligible to continue; a graduate student who is on leave and eligible to enrol at the University when the leave ends; a visiting or exchange or special audit student who has been formally admitted to the University for the purposes of taking courses or to take part in an approved research term; a graduate student who is enrolled in courses at the University as a qualifying student; or a person enrolled at the University in a non-credit program or course.
- 2.12 **Supervisor** means the person designated by the University under this policy and responsible for, among other things, determining whether the policy was violated and whether disciplinary sanctions will be imposed.
- 2.13 **Survivor** means a member of the University Community who identifies as someone who has experienced Sexualized Violence. The University recognizes that an individual may not wish to use the term Survivor and will therefore respect an individual's preferred term, such as Complainant, Victim, or Discloser, in its interactions with that person. A Survivor can access confidential assistance and support, referrals, and information from the Sexual Violence Support and Prevention Office and can request accommodation as defined in the policy, regardless of where or when the Sexualized Violence occurred, or the parties involved.
- 2.14 **University (or SFU)** means Simon Fraser University.
- 2.15 **University Community** means all students and employees of the University and all people who have a status at the University mandated by legislation, other University policies, or agreement including research assistants, post-doctoral fellows, members of Senate and the Board of Governors, volunteers, visiting and emeritus faculty, and visiting researchers.

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# SEXUALIZED VIOLENCE PROCEDURES

**Date**  
February 29, 2024

**Number**  
GP 44

**Date of Last  
Review/Revision**  
TBA

**Mandated  
Review**  
TBA

Policy Authority: Vice-President, Academic and Provost

Parent Policy: Sexualized Violence (GP 44)

## 1.0 PURPOSE

1.1 These procedures establish the processes that will be followed to respond, informally or formally, to a Report of Sexualized Violence made under the Sexualized Violence Policy (GP 44).

## 2.0 DEFINITIONS

2.1 See Appendix A to the Sexualized Violence Policy (GP 44) for definitions of words used in the policy and in these procedures.

## 3.0 GENERAL PRINCIPLES

3.1 The University will respond to a Report in an objective, fair, and timely manner. Individuals exercising their authority and discretion under these procedures will do so in conformity with the principles of procedural fairness and in accordance with relevant collective agreements or other applicable University policy or procedure, including notice requirements, timelines, and other related process issues.

3.2 The University will take steps, as needed, to address the safety and well-being of the Complainant.

3.3 A Complainant or Respondent may be accompanied by a support person and/or a representative of their Constituency Organization throughout the process under these procedures.

3.4 In responding to a Report, and when appropriate, efforts at problem-solving and informal resolution will be made first.

3.5 In all cases, efforts will be made to mitigate the impact of a substantiated Report, such as mandating corrective action(s), implementing actions to reduce the opportunity for recurrence, and taking steps to restore a respectful working and learning environment.

#### **4.0 IMMINENT RISK - CONTACT POLICE AND CAMPUS PUBLIC SAFETY**

4.1 Any member of the University Community who believes they are being impacted by Sexualized Violence and who have concerns about active or imminent acts or threats of violence, or concerns about safety, security, or emergency, should immediately contact the police and inform Campus Public Safety.

#### **5.0 HOW TO REPORT SEXUALIZED VIOLENCE**

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

5.2 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.

5.3 Reporting Sexualized Violence to the University will follow the details outlined in section 8.0 of the policy.

#### **6.0 ANONYMOUS ALLIGATIONS OF SEXUALIZED VIOLENCE**

6.1 The University's ability to act upon an anonymous allegation of Sexualized Violence is very limited. The University will consider anonymous allegations to determine whether there is evidence of a significant risk to the health or safety of members of the University Community; to identify the need for education and training in impacted areas, and; to identify behavioural patterns and organizational culture issues that require addressing from unit or departmental leadership.

#### **7.0 UNIVERSITY'S PROCESS FOR RESPONDING TO A REPORT ABOUT A STUDENT'S CONDUCT**

7.1 Where the Report is about a Respondent who is a Student, the Student Conduct Policy (S 10.05) will apply and the Office of Student Support, Rights and Responsibilities will respond to the Report in accordance with the processes and procedures under the Student Conduct Policy (S 10.05).

7.2 If it is determined that Sexualized Violence has occurred, the Respondent will be held accountable and any corrective measures or disciplinary sanctions will be imposed pursuant to the Student Conduct Policy (S 10.05).

#### **8.0 UNIVERSITY'S PROCESS FOR RESPONDING TO A REPORT ABOUT OTHERS**

8.1 Where a Report is about the conduct of a person who is not a Student and not a University employee, the Responsible Office will respond to it in a manner that is generally analogous with the following procedures.

## **9.0 UNIVERSITY'S PROCESS FOR RESPONDING TO A REPORT ABOUT AN EMPLOYEE'S CONDUCT**

9.1 Where the Report is about the conduct of an employee of the University, the Responsible Office will respond to the Report in accordance with any relevant collective agreement or other applicable University policy or procedure, including notice requirements, timelines, and other related process issues.

9.2 Where the Report is about an employee of the University, the Responsible Office will:

9.2.1 acknowledge receipt of the Report;

9.2.2 assess the risk to the Complainant, the Respondent, or other members of the University Community, with reference to the Response to Violence and Threatening Behaviour Policy (GP 25);

9.2.3 access the Report, to determine whether the alleged conduct appears to meet the definition of Sexualized Violence;

9.2.4 inform the office responsible for the Complainant (based on the Complainant's affiliation with the University) that a Report has been received and will consult or involve that office in addressing the matter, as appropriate; and

9.2.5 directly, or through the office responsible for the Complainant:

a inform the Complainant of their right to be accompanied by a support person and to have a member of the Constituency Organization present throughout all processes in these procedures; and

b meet with the Complainant about the Report.

9.2.6 determine the Respondent's Supervisor and inform the Respondent's Supervisor that a Report has been received;

9.2.7 provide advice, guidance, and support to the Respondent's Supervisor in addressing the Report.

9.2.8 directly, or through the Respondent's Supervisor:

a inform the Respondent that a Report has been received;

b inform the Respondent's Constituency Organization of the Report when required by a collective agreement;

c inform the Respondent of their right to be accompanied by a support person and to have a member of their Constituency Organization present throughout all processes in these procedures; and



d meet with the Respondent about the Report.

## **10.0 INTERIM MEASURES**

- 10.1 It may be necessary to take interim measures to mitigate risk or to mitigate the impact of the Respondent's alleged conduct while a Report is being considered, resolved, investigated, or determined. Such measures will be precautionary and are expressly non-disciplinary.
- 10.2 The Responsible Office may impose interim measures on the Respondent. Interim measures will be reassessed on a weekly basis.
- 10.3 Interim measures may include, but are not limited to, the following examples:
- 10.3.1 the exclusion of individual from all or any part of the University campuses;
  - 10.3.2 limiting proximity or contact to specific individuals;
  - 10.3.3 limiting participation in University activities;
  - 10.3.4 limiting the use of the University's information and communication technology; or
  - 10.3.5 requiring a person to meet regularly with designated members of the University Community.

## **11.0 INFORMAL RESOLUTION OF A REPORT**

- 11.1 When appropriate, directly or through the Respondent's Supervisor, the Responsible Office will work collaboratively with the Complainant, the Respondent, and as relevant, their respective managers or Supervisors, Constituency Organizations, or others, to determine an informal resolution to the Report.
- 11.2 An informal resolution process does not result in a determination of whether the policy has been breached. Taking into account the safety, comfort, and well-being of the Complainant, the focus of an informal resolution process is to find an acceptable resolution of the Report. Examples of internal University processes for informal resolution are:
- 11.2.1 an apology;
  - 11.2.2 an educational conversation with the Respondent;
  - 11.2.3 the Complainant communicating to the Respondent that the Respondent's behaviour is unacceptable;
  - 11.2.4 a facilitated conversation between the Complainant and the Respondent; or
  - 11.2.5 mediation.
- 11.3 If no resolution is reached through informal resolution process, or where such processes are not appropriate, the Responsible Office may initiate an investigation.

## **12.0 INVESTIGATION OF A REPORT**

- 12.1 The Responsible Office will determine whether and how to investigate the Report, including whether to investigate it internally or whether the investigation will be undertaken by an external investigator. The Responsible Office will communicate its decision to both the Complainant and the Respondent in writing, with reasons.
- 12.2 Where more than one Report has been made about a Respondent, the Responsible Office may decide that the Report will be investigated together.
- 12.3 All investigations of an employee of the University under these procedures must:
- 12.3.1 be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances;
  - 12.3.2 be objective, and be fair and impartial to both the Complainant and the Respondent when evaluating the allegations;
  - 12.3.3 comply with all relevant provisions in any applicable collective agreement or policy, including notice, timelines, and other process requirements;
  - 12.3.4 be sensitive to the interests of all parties involved and maintain confidentiality to the extent possible under the circumstances; and
  - 12.3.5 be focused on finding facts and evidence, which includes interviewing the Complainant, the Respondent, witnesses, and such other persons as the investigator determines might have relevant information, as well as obtaining and reviewing any documents that the investigator considers may contain relevant information.
- 12.4 Upon the conclusion of an investigation, the investigator will prepare a written report (“Investigator’s Report”) in a manner that facilitates compliance with the access to information and protection of privacy provisions of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”).
- 12.5 The investigator will submit the Investigator’s Report to the Responsible Office for the Respondent.
- 12.6 The Responsible Office will provide the Investigator’s Report to both the Complainant and the Respondent (redacted as required for FIPPA compliance).
- 12.7 Where an external investigator conducts the investigation, the Guidelines in Appendix C will apply.

## **13.0 DECISION AND CORRECTIVE MEASURES**

- 13.1 When the Respondent is an employee of the University:
- 13.1.1 The Responsible Office will provide the Investigator’s Report to the Respondent’s Supervisor.
  - 13.1.2 The Respondent’s Supervisor will read and consider the Investigator’s Report.

- 13.1.3 If the Investigator has not been directed to do so, the Respondent's Supervisor will determine whether the Policy has been violated and if so, whether disciplinary measures will be imposed.
  - 13.1.4 The Respondent's Supervisor will determine the appropriate corrective measures or disciplinary sanctions applicable to the Respondent.
  - 13.1.5 Where the Respondent is covered by a collective agreement or other relevant employment policy, any discipline will be determined and imposed consistent with the terms of that agreement or policy.
- 13.2 Examples of disciplinary sanctions include but are not limited to:
- 13.2.1 Letter of apology;
  - 13.2.2 Mandated education or counselling;
  - 13.2.3 Restriction on contact;
  - 13.2.4 Restriction related to accessing buildings or parts of the University or certain activities;
  - 13.2.5 Relocation in or eviction from University owned and/or operated housing;
  - 13.2.6 Suspension from the University for a defined period or permanently;
  - 13.2.7 Change of work assignment; or,
  - 13.2.8 Suspension from work for a set time with or without pay.

#### **14.0 RESTORATIVE MEASURES**

- 14.1 In all cases where it is determined that a violation of the Sexualized Violence Policy (GP 44) has occurred, the University will make efforts to mitigate the impact of the incident(s) by taking actions and implementing measures to reduce the opportunity to recurrence and to restore a respectful working and learning environment.

#### **15.0 RETALIATION**

- 15.1 Retaliation is unacceptable and prohibited conduct that will be taken seriously by the University and may result in discipline. An allegation about Retaliation can be made at any time.
- 15.2 A Student who has concern about Retaliation may choose to contact the Sexual Violence Support and Prevention Office, the Office of Student Support, Rights and Responsibilities, the Ombudsperson, or their Constituency Organization for information, guidance, and support. Depending on the nature of the Retaliation. A Student may choose to report the Retaliation to the University by making a Report under the Sexualized Violence Policy (GP 44), the Bullying and Harassment Policy (GP 47), the Human Rights Policy (GP 18), the Student Conduct Policy (S 10.05) which will be referred to the appropriate Responsible Office for action.

- 15.3 A University employee who has a concern about Retaliation may choose to Disclose to their immediate manager or supervisor, or to the Sexual Violence Support and Prevention Office, or to their Constituency Organization, for information, guidance, and support. Depending upon the nature of the Retaliation, the employee may choose to report to the University by making a Report under the Report under the Sexualized Violence Policy (GP 44), the Bullying and Harassment Policy (GP 47), the Human Rights Policy (GP 18), the Student Conduct Policy (S 10.05) which will be referred to the appropriate Responsible Office for action.
- 15.4 Where a Report involving an allegation of Retaliation is received, the Responsible Office (as determined by the Respondent's affiliation with the University) will normally respond to and manage it in the same way the Responsible Office responds to and manages other Reports made under these procedures.
- 15.5 The University reserves the right to address an allegation of Retaliation under any University policy, process, or collective agreement, or by any external process that the University deems relevant and appropriate to the circumstances.

## **16.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS**

- 16.1 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:

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

16.1.2 *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165

16.1.3 *Sexual Violence and Misconduct Policy Act*, S.B.C. 2016, c. 23

16.1.4 Student Conduct Policy (S 10.05)

16.1.5 Human Rights (GP 18)

16.1.6 Bullying and Harassment Policy (GP 47)

16.1.7 Response to Violence and Threatening Behaviour (GP 25)

16.1.8 Fair Use of Information and Communication Technology (GP 24)

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16.1.10 SFU's Information Policies (I 10)

16.1.11 Residence and Housing Handbook and Residence licence agreement

16.1.12 Collective agreements and human resources employment policies