

## **FIC Sexual Violence and Misconduct Policy –October 13<sup>th</sup>, 2022**

**Policy Number: SP004**

**Policy Ratification:**

**Last Revision: October 13<sup>th</sup>, 2022**

**Responsibility: College Director and Principal, FIC**

### **1. Preamble**

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

- 1.1.1 Recognize the diversity of the College 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 College 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 all members of the College Community who are affected by Sexual Violence and Misconduct;
- 1.1.5 Provide reasonable and appropriate accommodation (academic or other) for members of the College 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 Academic Team. The College will strongly encourage all College Community members to participate in education and awareness initiatives;
- 1.1.7 Consistently and effectively communicate the services, resources, and options available for members of the College 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, 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 College Community and when appropriate the wider Simon Fraser University (“The University”) Community about the outcomes of this policy and its associated procedures.

## **2. Purpose**

2.1 The purpose of this policy is to affirm the College’s commitment to maintaining and enhancing a safe and healthy campus for all members of the College Community and to state the College’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 College Community which include proactive measures to help build a culture of consent;
- 2.1.2 coordinated and comprehensive support for members of the College Community affected by Sexual Violence and Misconduct that is Survivor-centered and trauma-informed; 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. Scope and Jurisdiction**

### **Prohibited Conduct**

- 3.1 Acts of Sexual Violence and Misconduct are prohibited and will not be tolerated.
- 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 College process addressing allegations of Sexual Violence and Misconduct is prohibited and will not be tolerated.

### **Jurisdiction of the Policy**

- 3.3 This policy applies to all members of the College Community.
- 3.4 Any member of the College Community who Discloses or Reports that they have been affected by Sexual Violence and Misconduct can access confidential assistance and support, safety-planning, and information from the FIC Team (in consultation with the University’s

Sexual Violence Support and Prevention Office where appropriate/requested) and request accommodation (academic or other), regardless of the time or place when and where 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 College Community against another member of the College Community that is Reported to the FIC Team and that is alleged to have occurred:

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

3.5.2 on any property that is controlled by the University and used for University purposes (as FIC students have access to University supports and services).

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

3.5.4 online, using the College's Information and Communications Technology; or

3.5.5 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 Incidents of Sexual Violence or Misconduct which result in an investigation and where the respondent is a Student will be investigated, managed, and where appropriate assigned disciplinary outcomes through FIC's Student Code of Conduct Policy (SP003).

3.7 Incidents of Sexual Violence or Misconduct which result in an investigation and where the respondent is a College employee or instructor will be investigated, and managed through FIC's Student Non- Academic Grievance Policy (SP002) and where appropriate assigned disciplinary action/outcomes in-line with their Employment Contract.

3.8 All Survivors or Respondents who are members of the College Community in any capacity can reach out for support and access to referrals and resources.

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

3.9 This policy is not intended to discourage or prevent a member of the College 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. Definitions:

- **FIC Team:** refers to all staff members who work within FIC. This is the larger team responsible for the oversight of this policy and carrying out the procedures outlined in this policy.
- **Adjudication:** The process of making an official decision after a report or disclosure of sexual violence or misconduct is made.
- **Complainant:** When a report or complaint is made under this policy for initiating an investigation/adjudication, the person filing the complaint is referred to as the complainant.
- **Consent:** The active, ongoing, informed, and voluntary agreement to engage in physical contact or sexual activity. Consent cannot be given by someone who is incapacitated (such as by drugs or alcohol), unconscious, or otherwise unable to understand and voluntarily given consent. For a more detailed explanation of consent and relevant resources, please consult SFU's [Consent Matters](#) campaign.
- **Disclosure:** When someone chooses to inform an FIC community member about an incident where they were subjected to sexual violence or misconduct. This is not the same as a report which is intended to initiate a formal process or investigation.
- **FIC or College Community:** Students, Student groups, FIC employees, instructors, contractors, appointees, volunteers, alumni and invited guests.
- **Procedural Fairness:** Provides all parties involved with a fair process in resolving disputes. The concept requires transparency, equal communication, and fairness.
- **Rape Culture:** A culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual violence or misconduct by normalizing or trivializing sexual violence and by blaming survivors for their own abuse.
- **Report:** When a Survivor chooses to inform a member of the FIC Team of an incident of Sexual Violence or Misconduct with the intention of imitating a formal investigation or process. This is not the same as disclosure, which does not initiate a formal process or investigation.
- **Respondent:** When a report or complaint is made under this policy for initiating an investigation/adjudication, the person whom the complaint is made against is referred to as the respondent.
- **Safety Planning:** Safety Planning: Is a term used to define resources provided to a Survivor or Respondent following disclosure of an incident of Sexual Violence or Misconduct. It includes personalized safety measures, supports and referrals based on what the Survivor/Respondent needs in a particular situation. Safety planning is about brainstorming ways to ensure present and ongoing safety that may also help reduce the risk of future harm. It can include planning around physical, mental, and emotional health needs, planning on how to respond to any future crises, considering reporting

options, and making decisions about your next steps to support your healing and well-being.

- **Sexual Violence or Misconduct:** Sexual Violence and Misconduct 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.
- **Sexual Harassment:** A course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks, actions that promote gender-based violence, or behaviours or communications based on gender – where the person responsible for the remarks, actions, behaviours, or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may consist of unwanted attention of a sexually oriented nature such as personal questions about one's sex life, persistent requests for a "date", or unwelcome remarks about someone's hair, body shape, etc. Sexual harassment may also consist of unwelcome remarks based on gender which are not of a sexual nature, but which are demeaning such as derogatory gender-based jokes or comments.
- **Student:** anyone who is currently enrolled at the College or has been enrolled for one or more of the last three terms and/or is eligible to continue in a program of study at FIC. This also includes incoming students with letters of acceptance intended to start at FIC in the next term or two.
- **Student groups:** Student organizations including student leadership programs and other college-sanctioned programming.
- **Survivor:** means a member of the College Community who identifies as someone who has experienced Sexual Violence and Misconduct. The College 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 FIC Team.
- **The College or FIC:** means Fraser International College and all associated physical locations and spaces.
- **The University or SFU:** means Simon Fraser University and all associated physical locations and spaces.

## **5. Policy and Procedures**

### **5.1 – Education and Overall Support**

5.1.1 Fraser International College is a diverse community and every effort to address issues of Sexual Violence and Misconduct needs to be grounded in an understanding that each person's experience will be affected by many factors including but not limited to sex, ancestry, race, ethnicity, language, ability, faith, age, socioeconomic status, sexual orientation, gender expression and gender identity. Our overall approach to Sexual Violence and Misconduct education and support is survivor-centered and trauma-informed.

5.1.2 FIC will work with community partners on and off campus to develop an annual education strategy that includes social media and in-person educational campaigns, curricular content, training sessions, workshops, print and online resources, programs, and events on a breadth of topics related to Sexual Violence and Misconduct on campus.

5.1.3 FIC Leadership will strongly encourage all members of the College Community to participate in education and training opportunities and to be knowledgeable about and to contribute to the reduction and prevention of Sexual Violence and Misconduct within our community.

5.1.4 The College Community will work to promote a consent culture on campus and acknowledge that acts of Sexual Violence and Misconduct can also be acts of systematic oppression, including but not limited to sexism, racism, colonialism, ableism, homophobia, and/or transphobia. Sexual Violence and Misconduct impact people of all genders.

5.1.5 All members of the College Community including students, employees and instructors should expect to receive safe, timely, ongoing, and confidential assistance and support, referrals, and information if affected by Sexual Violence and Misconduct. This support is further outlined in the following procedures.

5.1.6 The FIC Team will work closely with off-campus services as well as on-campus service units at SFU including Health & Counselling, the Sexual Violence Support and Prevention Office and Campus Security to ensure timely and coordinated assistance, support, and referrals for members of the College Community affected by Sexual Violence and Misconduct and to reduce the repetition of Disclosures and Reports by a Survivor.

### **5.2 – Disclosing Sexual Violence and Misconduct**

5.21 A member of the College Community who has experienced Sexual Violence and Misconduct may choose to disclose the experience by confiding in any member of the FIC Team. A Disclosure is not the same as a Report under 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 (see section 5.3 of this policy).

5.22 All staff who are members of the College Community are strongly encouraged to be knowledgeable about how to appropriately receive and respond to a Disclosure. All members of the FIC Team in student-facing roles will complete mandatory training with regards to receiving and responding to Disclosures. Members of the College Community who receive a Disclosure may choose to contact the FIC College Director or Associate Director, Students and the Sexual Violence Support and Prevention Office at SFU for information, advice, and personal support.

5.23 Any staff member of the College 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 of options for further support within the College and University (specifically supporting timely access to the FIC Wellness Team and/or SFU Sexual Violence Support and Prevention Office).

5.24 A member of the College Community who Discloses to a College staff member that they have experienced Sexual Violence and Misconduct can expect to:

5.24.1 be treated with compassion, dignity, and respect;

5.24.2 obtain timely assistance to create a safety plan;

5.24.3 learn about on- and off-campus services and resources for further support;

5.24.4 learn about the options and procedures for initiating processes to address an incident of Sexual Violence and Misconduct, and the limits to confidentiality associated with each option;

5.24.5 receive timely, ongoing, and confidential support, regardless of whether the member chooses to make a Report, and regardless of the outcome of that Report;

5.24.6 be provided with information to allow them to make autonomous and informed decisions about which on and off campus support services they believe will be the most beneficial and which options if any to pursue.

5.24.7 be provided the opportunity to be connected directly to a counsellor on the Wellness Team or the Associate Director, Students (or appropriate delegate) should they wish to access reasonable and appropriate academic accommodations in relation to their disclosure, or if they wish to convert their Disclosure into a Report or consider the pursuit of legal or criminal proceedings.

### **5.3– Reporting Sexual Violence and Misconduct to the College**

5.3.1 A Survivor who has experienced Sexual Violence and Misconduct by another member of the College Community may choose to Report the Sexual Violence and Misconduct by

contacting the Associate Director, Students (or appropriate designate) or Associate Director, Academic (or appropriate designate) and can reach out by email or ask any member of the FIC Team for help contacting one of the above individuals. A Report is not the same as a Disclosure, as it is intended to initiate a formal investigation or other process.

5.3.2 A Survivor may make a Report alone or with the assistance of a support person of their choice and will be asked for input around how they wish to make the report and what location is most comfortable for them to do so.

5.3.3 The employee supporting the Survivor with their report will inform the Survivor about their options with both internal and external reporting processes, and referral/support options and will assist them to understand those options and their choices.

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

- to contact the relevant law enforcement agency and pursue criminal proceedings
- to file a complaint with the British Columbia Human Rights Tribunal where the matter falls within its jurisdiction
- to initiate other legal proceedings.

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

- to file a complaint/initiate an investigation under the College's Student Code of Non-Academic Conduct Policy (SP003) in cases whereby the respondent is a College Student. Please see SP003.1 for details on how the investigation process will be carried out and SP003 for potential consequences and outcomes under this policy.
- to file a complaint/initiate an investigation under the College's Student Non-Academic Grievance Policy (SP002) in cases whereby the respondent is a College Employee or Instructor. Please see SP002.1 for details on how the investigation process will be carried out and SP002 for potential consequences and outcomes under this policy.
- Please note that an incident fully investigated under one internal policy will not be investigated under the other policy.
- Nothing in this policy prevents interim measures being imposed on a Respondent pursuant to a College policy.

#### **5.4 – Right to Support During the Investigation Process (External or Internal)**

Complainants and Respondents will be offered and connected to a support person from the College throughout all investigation and decision-making processes (and have options for connections and referrals into supports at the University and externally as well). Complainants and Respondents also have the right to identify a personal support person or representative of



their choosing to accompany them to any meetings or proceedings related to the handling of their case. Support persons may include a friend, family member, employee union representative, legal representative, colleague, etc.

### **5.5 – Confidentiality and College-Initiated Reports:**

Ensuring confidentiality is a key principle in creating an environment and culture where survivors feel safe to disclose and seek supports and accommodation (academic or other). The College is committed to ensuring such an environment and culture exists. As such, all members of the College community who receive a disclosure of Sexual Violence and Misconduct or who are involved in addressing or investigating it, must keep the matter confidential, except in accordance with the terms of this policy, in order to protect the rights of those involved, prevent an unjustified invasion of their personal privacy, and preserve the integrity of the investigation.

Notwithstanding the above, there are unique circumstances where a staff member may be required to disclose information within or outside the College in order to address safety risks or to satisfy a legal reporting requirement. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or meet such requirements, will be disclosed. These additional circumstances include:

- 5.5.1 Where there is an identified safety risk to individuals involved in the processes identified in this policy or the safety of the College Community.
- 5.5.2 Where required by law, such as under the Occupational Health and Safety Regulation and the Child, Family and Community Service Act.
- 5.5.3 These above circumstances represent exceptions, not the rule, and are necessary to ensure the College is meeting its legal obligations. If one of these situations applies to an individual, they will be fully informed and supported through every step of the process.

### **5.6– Procedural Fairness**

- 5.6.1 The College shall deal with all Reports of Sexual Violence and Misconduct in a fair, unbiased, and timely manner and in accordance with all relevant policies and contracts outlined in this policy.
- 5.6.2 An impartial and appropriately senior staff person with specialized training in investigations shall investigate Reports of Sexual Violence and Misconduct for cases where internal investigations are pursued.
- 5.6.3 Investigations must comply with all relevant provisions in an applicable contract or policy, including notice requirements, timelines, and other process issues.
- 5.6.4 A Survivor and a Respondent shall each be advised of the procedures that will be followed.
- 5.6.5 A Respondent shall be advised of the allegation and shall be given an opportunity to respond.

## **5.7 – Consequences and Outcomes**

5.7.1 A Respondent who is found to have committed an act of Sexual Violence and Misconduct will be held accountable by the College and may be subject to consequences which may include disciplinary action up to and including suspension or termination pursuant to the Student Code of Non-Academic Conduct Policy (SP003) for students, or the Student Non- Academic Grievance Policy (SP002) and/or employment contract for College employees/instructors. The College retains the right to recommend additional sanctions and outcomes where appropriate to other University stakeholders.

5.7.2 The College will provide a Complainant who initiates an internal reporting process the outcome of the investigation once concluded.

## **5.8 – Multiple Proceedings**

5.8.1 If criminal, civil, or administrative proceedings are commenced in respect of allegations of Sexual Violence and Misconduct, the College reserves the right to proceed with, defer, or suspend its own processes. The College will make a reasonable effort to inform the Survivor of its intentions in relation to College processes.

5.8.2 Disciplinary action and sanctions may be applied under multiple policies within a joint investigation. In cases of joint investigations (internal and external) every effort will be made to ensure processes are carried out and disciplinary sanctions/outcomes applied without compromising appropriate procedural fairness for all parties.

## **6. Statistics, Reporting, and Records**

6.1 The College will systematically collect and maintain statistics, without identifying information, about the reporting, supports, services, and accommodations provided to students, in addition to information about programs and initiatives for students relating to Sexual Violence. These statistics will be collected and utilized for the purposes of community education within the College Community.

6.2 Information and records made and received to administer this policy are evidence of the College'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 the College's regular records retention schedule.

## **7. Policy Monitoring and Review**

7.1 This policy will be reviewed every two years including consultation with members of the College Community and University stakeholders.

## **8. Policy Authority**

8.1 This policy is administered under the authority of the College Director and Principal.