

## POLICY

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**Approving Authority:** Board of Governors

**Responsible Executive:** President

### Title: **Sexual Violence and Misconduct Prevention and Response Policy**

*If you are reading this Policy and need support or assistance, please go to [www.unbc.ca/sexual-violence](http://www.unbc.ca/sexual-violence) for a list of UNBC support contacts and local community resources.*

#### **PURPOSE**

*This document sets out the University of Northern British Columbia's Policy and Response Procedures for allegations of Sexual Violence or Misconduct.*

*The Policy and Response Procedures will help ensure that those who choose to Disclose or Report an incident of Sexual Violence or Misconduct have the opportunity to be heard and to have their rights and needs respected. The Policy and Response Procedures are intended to protect and support the rights of Survivors/persons affected by Sexual Violence or Misconduct and hold persons accountable who have been proven to have committed an act of Sexual Violence or Misconduct.*

*UNBC is committed to educating the University Community on this Policy and Response Procedures.*

*The Policy and Response Procedures will be strengthened by a Prevention and Response Plan that will help ensure a swift, coordinated, consistent, fair, and transparent response to Disclosures and Reports of allegations of Sexual Violence and Misconduct.*

## **POLICY**

### **1. POLICY STATEMENT**

The University of Northern British Columbia (UNBC) is committed to providing a safe and positive work and learning environment where Members of the University Community feel safe to work, teach, live, learn, and express themselves in a space free from all forms of Sexual Violence and Misconduct. UNBC recognizes that all persons have an inherent right to exercise control over their own bodies and to engage only in consensual sexual activity.

UNBC does not tolerate behavior that contributes to a hostile, inequitable and/or unsafe learning, teaching, living, and working environment. UNBC expects that all Members of the University Community will abide by the provisions of the *Criminal Code of Canada* and all of the laws of Canada, and of the Province of British Columbia, including those regarding Sexual Violence and Misconduct.

UNBC recognizes that Sexual Violence and Misconduct can occur between individuals regardless of sexual orientation, gender and gender identity or relationship status. It is also recognized that individuals who have experienced Sexual Violence and Misconduct may experience physical, emotional, academic or other difficulties.

As such, all incidents of Sexual Violence or Sexual Misconduct that are reported, as per the definition of “Report” provided below, will be investigated to the best of the University’s ability, and in a manner that ensures due process and natural justice.

UNBC will strive to create an environment in which making a Report of Sexual Violence and Misconduct is as safe and as comfortable as possible. While making a Report of Sexual Violence or Misconduct may be difficult for an individual, the University aims to foster an environment in which no one feels uncomfortable or unsafe about making a Report in good faith about Sexual Violence or Misconduct that they have experienced or witnessed.

*The Board delegates authority to the President to enact Procedures to give effect to this Policy.*

## **2. DEFINITIONS**

**Accommodations** – academic and non-academic interventions intended to support individuals who have experienced Sexual Violence or Misconduct.

**Complainant** – a person who makes a Report alleging a violation of this Policy.

**Confidentiality** – the ethical duty of a person not to affirmatively disclose information related to the representation of a person.

**Consent** – active, direct, voluntary, unimpaired, and conscious choice and agreement between adults to engage in sexual activity. The use of drugs or alcohol does not provide any relief from these required elements of consent. If any person involved in sexual activity is under the influence of drugs or alcohol, consent is not valid. Any impaired judgment that leads an individual to think or believe there was agreed upon consent is not an excuse. Further explanation regarding consent is found in the following points:

- I. Consent cannot be obtained if an individual abuses a position of trust, power, or authority.
- II. Consent is never assumed or implied.
- III. Consent can never be obtained through coercion or threats.

- IV. Consent cannot be given if the persons involved are impaired by alcohol or drugs, are unconscious, or incapable of consenting to the activity.
- V. Consent is not silence or the absence of the word “No.”
- VI. Consent must be given at the outset and at all stages of physical contact or sexual activity.
- VII. The person involved expresses, by words or conduct, a lack of agreement to engage in the activity.
- VIII. An individual, having initially consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the sexual activity.
- IX. The *Canadian Criminal Code* age of consent is 16 years of age. A child under the age of 12 is never able to give consent.

**Disclosure** – a person chooses to share information with another person about an instance of Sexual Violence or Misconduct. A Disclosure does not initiate an investigation unless a Report is made or any of the following conditions exist:

- I. An individual is deemed to be at imminent risk of self-harm.
- II. An individual is deemed to be at imminent risk of harming others.
- III. Reporting is required by Law.

**Incapacitated** – a person who does not have the capacity to give consent due to that person being impaired by alcohol or drugs, asleep or unconscious, experiencing a traumatic response, or being otherwise incapacitated.

**Members of the University Community include the following:**

- I. Students
- II. Student Societies (NUGSS and NBCGSS)
- III. Staff
- IV. Academic Services (Postdoctoral Fellows, Research Associates, Research Managers)
- V. Faculty
- VI. Volunteers
- VII. Administrators
- VIII. Members of the Board of Governors or of the Senate
- IX. Visitors of the University
- X. Contractors to the University
- XI. Employees of organizations representing University employees when on University property
- XII. Affiliates

**Report** –making a formal Report to the police or to a Member of the University Community of an allegation of Sexual Violence and/or Misconduct with the intention of initiating an investigation process.

**Respondent** – a person who is alleged to have violated this Policy.

**Response and Support Team** – a small team of highly trained Members of the University Community who have been selected based on their experience. The Response and Support team will respond to Reports of violations of this Policy. This team would not necessarily be involved if the Survivor/person affected by Sexual Violence or Misconduct is only Disclosing.

**Retaliation** – an adverse action or threatened action taken or made through any means, including through social or other electronic media, against a person who is seeking redress or who is otherwise engaged in a process under this Policy, or who is associated with such a person.

Retaliation includes threatening, intimidating, or harassing conduct that could discourage a person from seeking support or other services, Disclosing or Reporting Sexual Violence and Misconduct, participating in an investigation, or otherwise engaging with this Policy.

**Sexual Misconduct** – includes sexual assault; sexual exploitation; sexual harassment; stalking; coercion; indecent exposure; voyeurism; the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video; the attempt to commit an act of Sexual Misconduct; or the threat to commit an act of Sexual Misconduct.

**Sexual Violence** - includes any form of unwanted sexual contact or activity performed on a person with any object or body part without consent, or by force. Any sexual activity that is without consent is sexual assault and includes sexual contact such as nonconsensual kissing, grabbing, caressing, fondling, and oral, anal, or vaginal penetration.

**Student** – as per the *University Act of BC*, a student is a person presently enrolled in a UNBC credit or non-credit course or program or who is designated by a resolution of the Senate as a student.

**Survivor/person affected by Sexual Violence or Misconduct** – Survivors, witnesses, family and friends of survivors, those who have experienced Sexual Violence or Misconduct, and those who have received Disclosures. The University recognizes that some people impacted by Sexual Violence or Misconduct may not identify with the term Survivor, and have the right to determine how they will be referred to.

**Trauma Informed** – an organizational structure and systems approach that involves understanding, recognizing, and responding to the effects of all types of trauma. Trauma-informed practice does not require the specific disclosure of trauma; rather, it is a systems-wide lens focusing on safe practices and collaborative relationships to assist with healing from adverse life events.

### **3. UNBC IS COMMITTED TO**

a. Treating individuals who Disclose and Report Sexual Violence or Misconduct, with compassion, dignity, and respect, and acknowledging there is no single approach to handling Sexual Violence and Misconduct. This means that Survivors/persons affected by Sexual Violence and Misconduct need to be supported in sometimes different manners, and require different services, resources, and supports at different stages in their recovery.

- b. Providing Survivors/persons affected by Sexual Violence and Misconduct with timely safety planning assistance.
- c. Providing Survivors/persons affected by Sexual Violence and Misconduct with non-judgmental and empathic support.
- d. Providing Survivors/persons affected by Sexual Violence and Misconduct with academic and work accommodations as appropriate.
- e. Providing Survivors/persons affected by Sexual Violence and Misconduct with information to help them decide whether, and to whom, they wish to Report an incident of Sexual Violence or Misconduct, and whether to pursue criminal or non-criminal reporting options.
- f. Allowing Survivors/persons affected by Sexual Violence and Misconduct to be the final decision-makers about their own best interests.
- g. Ensuring that on-campus (internal) investigation processes are available for those Survivors/persons affected by Sexual Violence and Misconduct who choose not to make a Report to the police.
- h. Engaging in appropriate procedures for the investigation and adjudication of an alleged Sexual Violence and Misconduct which respect University Policies, procedures, and employee agreements in a fair manner and with due process that ensures natural justice.
- i. Coordinating a Response and Support Team that is responsible for responding to Reports of Sexual Violence and Misconduct on campus.
- j. Supporting a safe environment where Members of the University Community can work, teach, live, learn, and express themselves in a space free from all forms of Sexual Violence and Misconduct.
- k. Coordinating education and training programs pertaining to preventing and responding to incidents of Sexual Violence and Misconduct for the Members of the University Community.
- l. Education and training that will ensure the following:
  - i. A proactive and sustained prevention focus on consent and respect.
  - ii. That intersectional barriers, power relationships, and other relevant factors are taken into account.
  - iii. The dissemination of common definitions, principles, and shared values across the University Community.
  - iv. That a regular review and assessment of education and training needs is conducted.

- m. Encouraging the UNBC community to be knowledgeable about how to receive and respond to a Disclosure and how and where to refer a survivor for additional supports or to make a report.
- n. Endeavour to train members of units and offices most likely to receive Sexual Violence or Misconduct Disclosures or Reports.
- o. Working towards providing a trauma-informed approach to Disclosure and Reports for all Members of the University Community.
- p. Implementing harm reduction education in relation to alcohol and other substance use.
- q. Providing information to the University Community about Sexual Violence and Misconduct on any of UNBC's campuses, through the appropriate and allowable collection of data.
- r. Ensuring appropriate steps are taken during and following an investigation to ensure the continued safety of the Respondent and Complainant involved in an investigation.

#### **4. PROHIBITED CONDUCT**

- a. All acts of Sexual Violence and Misconduct are prohibited under the Sexual Violence and Misconduct Policy and Response Procedures.
- b. Retaliation of any kind is prohibited, including through social or other electronic media. Any Member of the University Community found to have engaged in retaliation, or threatened or attempted retaliation, may be sanctioned under this Policy or other University Policies.
- c. Breaching the confidentiality of a Disclosure or Report from a Survivor/person affected by Sexual Violence and Misconduct is prohibited.

#### **5. SCOPE AND JURISDICTION**

- a. This Policy and the Response Procedures apply to all Members of the University Community.
- b. All Members of the University Community impacted by Sexual Violence and Misconduct may access support under this Policy. However, the University only has jurisdiction to investigate reports of actions, interactions, and behaviours that are alleged to have occurred in any of the following situations:
  - I. On any property that is controlled by the University and used for University purposes.
  - II. When the respondent is, or was, in a position of power or influence over the persons impacted by Sexual Violence and Misconduct.
  - III. At an event or during an activity sponsored or under the auspices of the University, including but not limited to the following:
    - i. Athletic events
    - ii. Field schools
    - iii. Distance and online courses

- iv. Co-op, internships and practicum placements
- v. Academic or professional conferences
- vi. Volunteer activities
- vii. Academic or research field work

c. If an incident does not meet the above criteria, the University may still take actions to mitigate the impact of the incident on the learning, living, or working environment.

## **6. SAFETY - THE OBLIGATION TO INVESTIGATE AND TO NOTIFY POLICE**

UNBC has an obligation to Members of the University Community to make all reasonable efforts to protect them from harm. As such, UNBC has the right and the obligation to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the consent of the Survivor/person affected by Sexual Violence and Misconduct. Confidentiality cannot be assured if any of the following conditions exist:

- I. An individual is deemed to be at imminent risk of self-harm.
- II. An individual is deemed to be at imminent risk of harming others.
- III. Reporting is required by Law.

## **7. INTERPRETATION AND RELATED POLICIES AND PROCEDURES**

This Policy and these Procedures are to be read and interpreted in conjunction with the relevant provisions of related Policies and Procedures in effect at UNBC, including, but not limited to the following:

- I. Student Conduct Statement of Principles (Undergraduate and Graduate Regulations and Policies)
- II. Harassment and Discrimination Policy
- III. Respect in the Workplace Policy
- IV. Standards of Conduct (Employee Policy)
- V. Emergency Response to Inappropriate, Disruptive or Threatening Behavior

To the extent that any of these Policies conflict with the provisions and subject matter in this Policy, this Policy shall prevail.

Notwithstanding the above, should any of the provisions of this Policy or of the Response Procedures under this Policy intersect or conflict with complaint or discipline procedures in any bargained employee agreement, it is the intention that the provisions of the bargained agreement will be followed with respect to the rights and involvement in the matter of the member of the bargaining unit.

# SEXUAL VIOLENCE AND MISCONDUCT - RESPONSE PROCEDURES

## 1. Disclaimer

An investigation under the Sexual Violence and Misconduct Policy and under these Procedures will neither replace nor impede a criminal investigation of Sexual Violence or Misconduct. All persons have the right to pursue legal avenues whether or not they choose to proceed under the Policy. All persons also have the right to forgo criminal and University reporting avenues in opting to choose confidential Disclosure to a counselor or other support person. Criminal processes and findings in respect of the alleged Sexual Violence and Misconduct do not limit or prohibit the ability of UNBC to act under the Policy and its associated processes as well as other Policies and Procedures of the non-academic disciplinary system.

## 2. Statement on Concurrent Process

The University may proceed with an investigation into a Report of Sexual Violence or Misconduct while the incident is also being investigated by the police. The investigation process under the Sexual Violence and Misconduct Policy may occur simultaneously to, prior to, or following any criminal, employment, or other proceeding. The University may suspend its investigation pending the outcome of another process, or based on a participant's health or ability to participate.

## 3. Scope

*If an individual is unsure as to whether an incident is within the scope of the Policy, that individual is encouraged to contact the Response and Support Team.*

a. The University may accept Disclosures or Reports from individuals who are not Members of the University Community if the person who is alleged to have violated the Sexual Violence and Misconduct Policy (respondent) is a Member of the University Community, or if the incident occurred on University property or in connection with a University activity.

b. The University does not have jurisdiction to investigate allegations against a person who is not a member of the University Community or who is not currently affiliated with the University. However, under certain circumstances, the University can revoke visitors' access to University property.

c. The Sexual Violence and Misconduct Policy and Response Procedures are separate from any criminal or civil proceedings. The University is responsible for determining whether a University Community Member has violated the Policy, and is not responsible for determining violations of



criminal or civil law. University processes under the Policy or associated procedures may be suspended when criminal proceedings are underway; the University will continue to provide support to Members of the University Community as described in the Policy and Response Procedures.

#### **4. Disclosures and Reports**

The University encourages, but does not require, Survivors/persons affected by Sexual Violence or Misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure physical safety, obtain medical care and/or emotional support, or to preserve evidence. Full information on accessing immediate assistance and external and internal resources is available at [www.unbc.ca/sexual-violence](http://www.unbc.ca/sexual-violence).

#### **5. Choice of Process**

a. Survivors/persons affected by Sexual Violence or Misconduct are entitled to choose the process that is best for them. Members of the Response and Support Team are available to assist Survivors/persons affected by Sexual Violence or Misconduct in understanding their options.

b. Survivors/persons affected by Sexual Violence or Misconduct may choose to proceed with any, all, or none of the following:

- i. Disclose their experience to a Member of the University Community.
- ii. Make a Report to the University.
- iii. Report to the University through a Third Party or Anonymously.
- iv. File a grievance under the applicable collective agreement.
- v. Make a Report to the police.
- vi. Make a human rights complaint with the BC Human Rights Tribunal and/or file a civil suit.

c. The University will make a mechanism available online to Survivors/persons affected by Sexual Violence or Misconduct to anonymously Disclose their experiences to the University, so that the University has a record of what happened but not the identity of the person making the Disclosure. The University response to an anonymous disclosure may be limited if the University cannot follow up with the person making the Disclosure.

d. The University recognizes that Survivors/persons affected by Sexual Violence or Misconduct may not be ready to Disclose or Report immediately after an incident. There is no time limit to an individual disclosing or reporting their experiences and accessing support under the Policy. University support systems will be designed to be flexible and open to a diversity of experiences

and needs. However, the University may not have jurisdiction to investigate an incident if persons involved are no longer affiliated with the University, or the lapse of time makes it impossible to investigate.

## 6. Disclosures

a. Individuals may disclose for a variety of reasons, including the need to access support. Individuals who Disclose will be taken seriously. A Disclosure is not a Report and will not initiate an investigation.

b. A Member of the University Community may be required to share information disclosed if any of the following circumstances apply:

- I. An individual is deemed to be at imminent risk of self-harm.
- II. An individual is deemed to be at imminent risk of harming others.
- III. If disclosure is otherwise required by law.

Unless one of the exceptions listed above applies, Members of the University Community who receive a Disclosure must obtain the written consent of the person who disclosed to them before sharing any information about the person who disclosed. In the above instances, the minimum amount of information needed to meet legal or other obligations will be disclosed. Any University Community Members who are unsure about their responsibility to Disclose should seek advice from the Response and Support Team. Members of the University Community who receive a Disclosure should ensure that the individual Disclosing to them is aware of the Policy and Response Procedures in order to assist and support the needs of the Survivors/persons affected by Sexual Violence or Misconduct.

d. Members of the University Community who receive a Disclosure may contact a member of the Response and Support Team, or the appropriate person in their unit, for advice and personal support.

## 7. Reports

a. Members of the University Community who wish to make a Sexual Violence or Misconduct Report should contact the Response and Support Team at [www.unbc.ca/sexual-violence](http://www.unbc.ca/sexual-violence). A report may be made at any time.

b. Members of the Response and Support Team may make a Report on their own initiative when required to comply with the University's legal obligations listed under **Disclosures 6b**.

c. The University will promptly respond to Reports of Sexual Violence or Misconduct made under this or any other University Policy. All University investigations and adjudicative processes will follow principles of fairness and natural justice, and will protect the rights of the complainant, the respondent, and the witnesses involved. Investigators will apply the **balance of probabilities standard of proof** (i.e. whether the information shows that it is more likely than not that a violation of Policy has occurred).

d. Individuals have the right to involve a support person of their choice, such as a union representative in any meetings or processes related to a report of Sexual Violence or Misconduct.

e. If, after reviewing a Report of Sexual Violence and Misconduct, the University decides not to investigate, this should not be seen as a judgment against any person or a denial that the incident occurred. There are many reasons why the University may not investigate. In all cases, the University will support the complainant even if the University does not investigate the complainant's Report.

f. Complainants have the right to withdraw a Report at any stage in the process. However, there are circumstances when the University will be compelled to proceed without a complainant's involvement, such as those listed in ***Disclosures 6b***.

g. Complainants have the right to choose how they participate in the investigation, including the right not to participate; however, if the complainant decides to not participate, the University's investigation may be limited. Complainants may choose to be kept informed about the investigation whether or not they participate.

h. Formal University Reporting options include the following:

- I. Making a Report under the Sexual Violence and Misconduct Policy.
- II. Making an informal or formal complaint of Sexual Harassment under the Discrimination and Harassment Policies.
- III. For faculty and staff - reporting the incident to their supervisor.
- IV. For unionized faculty and staff - filing a grievance through their union.

i. The University recognizes that being involved in an investigation process can be difficult. The University is committed to treating all individuals involved in a manner that is respectful, trauma-informed, and procedurally fair.

j. All participants have the right to the following:

- i. To have the complaint process explained to them.
- ii. To ask questions about the process.
- iii. To receive information about available supports and accountability options.
- iv. To communicate their own experiences.

## **8. Anonymous/Third-Party Reports**

a. Information received anonymously or through a third party will be retained for the limited purposes of assessing whether the University should take action, and for compiling statistics. Personal information contained in anonymous or third-party Reports that are not subject to an investigation will not be retained for longer than necessary to accomplish the above purposes.

b. Reports may be made anonymously or through third parties. Please note the following:

- I. Where sufficient information exists, the Response and Support Team may decide to proceed with an investigation. In such cases, the Survivors/persons affected by Sexual Violence or Misconduct have the right to not participate in the investigation. The University will act in a Survivor-centred manner. The University may be unable to investigate an anonymous or third-party Report due to a lack of information from the Survivor/person affected by Sexual Violence or Misconduct.
- II. If the University does not investigate, a record of the anonymous or third-party Report will be retained and access will be restricted to the appropriate Response and Support Team member(s).
- III. The Response and Support Team will consider whether any other steps can and should be taken, which may include increased Campus Security presence at certain times or in certain places, or, in appropriate cases, contacting the third party who submitted a third-party Report to find out if the Survivors/persons affected by Sexual Violence or Misconduct would consider submitting a Report or participating in an investigation.

## **9. Interim Measures**

a. Where the University receives information that requires it to act to protect the health and safety of the Members of the University Community, or University property, the University may impose interim measures before an investigation is concluded.

b. Interim measures seek to protect the safety of all parties involved and to protect the integrity of the ongoing investigation or disciplinary process. The need for interim measures,

and which measures are imposed, will be determined on a case-by-case basis taking into account the nature of the allegations and the circumstances of each situation.

c. Any decision to impose interim measures will be made without prejudice to the rights of both parties, and will not be construed as being against the complainant or respondent. Interim measures will remain in effect for as long as is reasonably required pending the outcome of an investigation. Individuals affected by interim measures may request, in writing, a review of such measures.

## **10. Response and Support Team**

The University will form an on-campus Response and Support Team to review risks, coordinate supports and services, conduct investigations, and consider recommendations for interim measures. The Response and Support Team will include appropriate individuals depending on the nature of the Report.

## **11. Confidentiality and Privacy**

a. Confidentiality is an important part of fostering an environment in which individuals feel safe Disclosing or Reporting incidents of Sexual Violence and Misconduct. UNBC respects the privacy of all Members of the University Community, and will honour requests for confidentiality to the extent possible.

b. The information and records created 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* (FIPPA), and the University Protection of Privacy Policy (GV0235). Information and records will be treated as highly confidential, in compliance with FIPPA, with applicable University policies, and with the relevant collective agreement if applicable.

c. University faculty and staff who receive a Disclosure or a Report of Sexual Violence or Misconduct, or who are involved in addressing or investigating a Report, must do the following:

- I. Make every reasonable effort to protect personal information and maintain confidentiality.
- II. 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.
- III. Use the information about individuals only for the purposes of, or those consistent with, addressing the situation, investigating, or taking disciplinary action.

- IV. Limit use of information about individuals to those within the University who need to know to perform their duties.
- V. Disclose personal information in all other circumstances only as permitted under FIPPA.

d. The University may use or disclose personal information, including when any of the following conditions exist:

- I. The use or disclosure is authorized in writing by the affected individual.
- II. The University determines compelling circumstances exist that affect the health and safety of any Member of the University Community as authorized by the University.
- III. A law or University Policy authorizes or requires its use or disclosure; for example, an incident involving a minor, occupational health and safety legislation, and human rights legislation.
- IV. The University prepares or obtains legal advice for the University.
- V. The University complies with a subpoena, warrant, or order issued by a court, person, or body in Canada with jurisdiction to compel the production of information.
- VI. The University uses or discloses the information for the purpose for which the information was obtained or compiled or for a use or disclosure consistent with that purpose (for example, where it is necessary to fulfill its duty of procedural fairness or where necessary for the conduct of the investigation).
- VII. A faculty or staff member needs the information to perform their employment duties.
- VIII. The disclosure is to a law enforcement agency in Canada to assist in a specific investigation.

e. Should the University be compelled to disclose confidential information, Survivors/persons affected by Sexual Violence or Misconduct will be informed to the extent permitted or compatible with the purpose of the demand for information, and can choose to be supported at every step.

f. Should the University be compelled to disclose confidential information, respondents may be informed to the extent permitted or compatible with the purpose of the demand for information, and can choose to be supported.

g. Information may be used among University faculty and staff only if they have demonstrated a need to know the information, to respond to a Report, to implement this Policy, or to take corrective action resulting from these processes.

h. The University may disclose information in order to ensure that reporting processes are fairly conducted, in accordance with the following principles:

- I. The respondent has the right to know the identity of the person who made the report, and the material details of the allegations being made.
- II. The complainant has the right to know the outcome of the investigation, but not the details of any disciplinary actions that may have been taken against the respondent unless disclosing that information is necessary for health or safety reasons or because it affects the Survivor/person affected by Sexual Violence or Misconduct.
- III. Other persons normally do not have the right to know any confidential information except to the extent required to give effect to this Policy or where it is necessary for health or safety reasons.

i. Witnesses must keep in confidence any information that they learn solely as a result of the Reporting or investigation process.

j. Where interim measures impose restrictions on the respondent's movement or activities, if for health or safety reasons, or where restrictions otherwise affect the complainant or others (e.g. witnesses), the University will inform them of the relevant restrictions.

## **12. Public Statements**

a. Survivors/persons affected by Sexual Violence or Misconduct are free to tell the story of their own experiences.

b. Individuals are advised that should they choose to make public statements about the investigation (including on social or other electronic media), they may be putting themselves at risk of civil lawsuits by those who believe they have been defamed or have had their privacy rights violated. Individuals should exercise care and judgment when deciding to make public statements, and should seek legal or other advice if unsure.

d. Any public statements made by the University about a Disclosure or Report, including campus safety bulletins and statements to the media, will be trauma-informed, Survivor-centred, and will not disclose the personal information of the Survivors/persons affected by Sexual Violence or Misconduct. The University reserves the right to correct misleading or inaccurate public information.

## **13. Annual Report**

The President will provide information to the Board of Governors each year on the implementation of the Policy.

#### **14. Policy Review**

The University will continue to monitor best practices and research, and will review and update the Policy whenever it is reasonable to do so. The University is committed to reviewing the Policy at least once every three years and/or when directed to do so by the Minister of Advanced Education.

#### **15. Relevant Legislation**

- a. Sexual Violence and Misconduct Policy Act, SBC 2016, c 23;
- b. Freedom of Information and Protection of Privacy Act, RSBC 1996, c 165;
- c. Human Rights Code, RSBC 1996, c 210;
- d. Workers Compensation Act, RSBC 1996, c492.

*This Policy and these Procedures were developed in consultation with UNBC students and the broader UNBC Community, and through the work of the UNBC Steering Committee on Sexual Violence. UNBC acknowledges that the Procedures were developed by drawing, in part, on the work done by many members of British Columbia's post-secondary institutions, and more specifically, members of the Research Universities' Council of British Columbia.*