

Response to Sexual Violence and Misconduct

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Objectives

This procedure applies directly to Policy 7103, Sexual Violence and Misconduct.

This procedure provides information on internal and external procedures available to members of the BCIT Community who may be directly or indirectly affected by Sexual Violence and Misconduct.

The objectives of this procedure are to:

- provide information, direction and support to members of the BCIT Community who may experience, witness or receive Disclosures of Sexual Violence and Misconduct;
- communicate the procedure to follow when Informed of an act of Sexual Violence and Misconduct; and
- describe BCIT’s response to Complaints of Sexual Violence and Misconduct, recognizing the principles of procedural fairness.

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Who This Procedure Applies To

This Procedure applies to all BCIT Students, employees, contractors, volunteers, and visitors (“BCIT Community”).

Commitment to Persons Who Have Experienced Sexual Violence and Misconduct

Sexual Violence and Misconduct can have serious negative impacts on an individual's physical, mental, emotional, and spiritual health and wellness. BCIT recognizes the possible traumatic effects of Sexual Violence and Misconduct, and encourages the efforts of individuals to seek support.

BCIT is committed to ensuring all BCIT community members affected by SVMC receive support, and have their concerns taken seriously and handled efficiently in a timely manner. Members can expect to have their workplace and academic needs accommodated on a case by case basis and that it is their choice to formally report to police. BCIT will provide detailed information about on and off campus support resources available.

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Anyone who has experienced Sexual Violence and Misconduct is encouraged to consider the following steps immediately.

1. Seek help:
 - a. Go to a safe place such as a shelter or a trusted friend's house and/or call 911.
 - b. If you are on a BCIT campus contact BCIT's Safety, Security and Emergency Management Department (SSEM). SSEM is available 24 hours a day, 7 days a week, and can provide assistance.
2. Consider seeking medical attention from BCIT Student Health Services, a physician, or a local hospital as soon as possible. The following hospital locations have specialized staff trained to provide Complainant centered and confidential care. Treatment is offered free of charge and a Care Card/BC Services Card is not required. Hospital treatment can be received regardless of intent to file a police report.
 - a. **Vancouver General Hospital Emergency Department Sexual Assault Service** at 604-875-2881.
 - b. **Surrey Memorial Hospital Emergency Department** at 604-581-2211.
 - c. **Abbotsford Regional Hospital Emergency Department** at 604-851-4700.
3. Consider options for reporting (see below "Informing BCIT and filing Complaints of sexual violence and misconduct.).

Responding to Disclosures

A person who has experienced Sexual Violence and Misconduct may choose to Disclose this information to anyone. The response to a disclosure can play a critical role in how the Complainant seeks support and resources. If a BCIT Community member receives a Disclosure, a supportive response includes:

1. listening without judgment;
2. communicating that Sexual Violence and Misconduct is not the fault of the person who has experienced it;
3. helping the individual to identify and/or access available on- or-off campus services, including emergency medical care and counseling, and the resources as set out in Appendix 1;

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4. respecting the individual's right to choose the services they feel are most appropriate, and to decide whether to report to the police;
5. recognizing that disclosing can be traumatic, and an individual's ability to recall the events may be limited;
6. respecting the individual's choice about how much they Disclose about their experience;
7. making every effort to respect confidentiality and anonymity; and
8. referring to the individual in a manner that is consistent with how they wish to identify themselves, for example "survivor" or "victim."

If a student seeks support (such as counselling, medical attention, access to housing, financial, safer walk) or academic accommodation (such as extensions, missing class, changing groups, changing sets, or other changes to expectations), the employee should work with Sexual Violence and Misconduct Response Team to ensure the student receives all necessary academic and other accommodations, maintaining confidentiality, to the extent possible.

If a BCIT employee receives a Disclosure, is Informed, or witnesses an act of Sexual Violence and Misconduct involving another member of the BCIT Community, they will usually have an obligation to Inform the Sexual Violence and Misconduct Response Team immediately of the incident unless their position at BCIT has professional confidentiality requirements that otherwise override this obligation (such as BCIT counsellors or medical practitioners). The Sexual Violence and Misconduct Response Team have an obligation to Inform the Director SSEM.

Members of the BCIT Community who become aware of an act of Sexual Violence and Misconduct are strongly encouraged to Inform SSEM and, if possible, to advise the person who has experienced Sexual Violence and Misconduct of this the Sexual Violence and Misconduct policy and the included resources and reporting options available to them.

To the extent possible, BCIT will respect an individual's choice to not make a formal BCIT Complaint and will keep the Disclosure confidential. In exceptional circumstances, where required by law or where there is a risk of significant harm to anyone's health or safety, and at the discretion of the Sexual Violence and Misconduct Response Team or Director SSEM, BCIT may:

- a) Refer the matter to the relevant administrative body at BCIT pursuant to section 2 in which case the person who experienced Sexual Violence and Misconduct has the right not to participate in any subsequent investigation; or
- b) Notify third parties, such as the police or child protection authorities.

Informing BCIT

Members of the BCIT Community who have experienced Sexual Violence and Misconduct may choose one or a combination of the following options:

1. Inform BCIT

Persons who have experienced Sexual Violence and Misconduct are strongly encouraged to Inform the Sexual Violence and Misconduct Response Team, who will provide support and resources including those outlined in the Sexual Violence and Misconduct Policy and these procedures. Alternatively:

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- a. Students who have experienced Sexual Violence and Misconduct may Disclose to any BCIT employee.
- b. Employees who have experienced Sexual Violence and Misconduct may Disclose to their supervisor, manager, and/or a member of the Human Resources Department.

The identities of the individuals involved in the Sexual Violence and Misconduct may not need to be Disclosed to SSEM. Employees and SSEM will respect the individual's confidentiality to the extent possible.

SSEM will assess the information that has been provided to determine if there is imminent risk to the safety of any person. If imminent risk is present, SSEM will review and make recommendations as outlined in BCIT Procedure 7100-PR1, Response to Abusive or Threatening Behavior. BCIT will work with the individual in relation to options for available support and accommodation, including taking no further action or making a formal Complaint. Support and accommodation will be assessed the by Sexual Violence and Misconduct Response Team on a case by case basis and can include counselling services, medical attention, access to Housing, financial support, and/ or safer walk. Academic accommodations can include extensions, class absences, group change, set changes or other changes to expectations.

Make a Formal BCIT Complaint**2.**

The person who experienced Sexual Violence and Misconduct may choose to pursue a Complaint under various policies outlined below. The Complainant may work with the Sexual Violence and Misconduct Response Team who will help explain these policy options

depending if the person accused of Sexual Violence and Misconduct is:

- a. a BCIT student or employee, make a Complaint under Policy 7507, Harassment and Discrimination; or
- b. a BCIT student, make a Complaint under Policy 5102, Student Code of Conduct (Non-Academic); or
- c. a BCIT student living in Housing (where the incident occurred in Housing), make a Complaint under the Residence Standards and Regulations; or
- d. a BCIT employee, report to the appropriate supervisor, manager, and/or human resources representative for investigation.

Once a Complaint has been submitted, the Sexual Violence and Misconduct Investigation Team will assign an investigator, with the exception of those Complaints made under Policy 7507. Upon completion of the investigation, findings of fact will be provided to the administrative body at BCIT who is responsible for the associated policy under which the Complaint is being made.

At any time, persons who have experienced Sexual Violence and Misconduct may choose to report the incident to the police as a criminal matter. SSEM can assist with this process if requested. Community services such as VictimLink BC can assist with making a third party report to the police.

Procedure**SSEM's Response to Being Informed of an Act of Sexual Violence and Misconduct**

The first priority of SSEM is to ensure the safety of those involved. If the incident poses a safety concern to members of the BCIT community, the process set out in Procedure 7100-PR1, Response to Abusive or Threatening Behaviour will be followed to assess the level of risk and the steps required to provide a safe and secure environment. SSEM will assess the information that has been provided to determine if there is imminent risk. The level of response will be determined through investigation, analysis of the facts obtained during the investigation, and a consideration of the wishes of the person who has reported the act of Sexual Violence and Misconduct. In situations where SSEM determines that an imminent risk exists, SSEM will refer the information to the TAT (BCIT Procedure 7100-PR8).

In cases where an imminent risk is not present, Sexual Violence and Misconduct Response Team will work with the Complainant, to ensure that the appropriate supports are provided and the processes relating to reporting to the police and/or making a Complaint are communicated.

Procedural Fairness

BCIT will act in accordance with the principles of procedural fairness in dealing with all Complaints of Sexual Violence and Misconduct. This will include providing the person accused of Sexual Violence and Misconduct with the opportunity to respond to allegations made against them.

Protection from Retaliation

1. No one may retaliate against any individual who:
 - a) has pursued rights under this Policy or at law;
 - b) has Informed, reported and/or filed a Complaint of Sexual Violence and Misconduct; and/or
 - c) has participated as a witness and/or in another capacity in carrying out responsibilities as outlined in this Policy or in law.

Any member of the BCIT Community engaging in such retaliatory conduct may be subject to sanctions and/or discipline.

Forms Associated With This Procedure

None.

Amendment History

		<u>Approval Date</u>	<u>Status</u>
1. New:	Procedure 7103-PR1 version 1	2015 Oct 06	Replaced
2. Revision:	Procedure 7103-PR1 version 2	2017 Mar 14	Replaced
3. Revision:	Procedure 7103-PR1 version 3	2020 Dec 03	In Force

Scheduled Review Date

2023 Dec 03

Appendix 1 – Internal and External Resources and Support Available

The following resources (as of the review date of this procedure) are available to provide information and support in response to reports of Sexual Violence and Misconduct:

On Campus

- a. **Safety, Security and Emergency Management** (“SSEM”) 24 hours a day, 7 days a week at: 604-451-6856, <http://www.bcit.ca/safetyandsecurity/contact.shtml> (also accessible by campus emergency telephones).
- b. **Student Health Services** at 604-432-8608.
- c. **Student Association Advocate** at 604-432-8279 or advocacy@bcitsa.ca
- d. **Counselling and Student Development**. BCIT students can make appointments in person at Counselling and Student Development in SE16-128 or by calling 604-432-8608. Counselling for students is free and confidential.
- e. **Respect, Diversity and Inclusion Office** at 604-432-8409 or respect@bcit.ca
- f. **Indigenous Services**: 604-432-8474 or gathering_place@bcit.ca
- g. **Human Resources Advisor**: call 604-432-8409 to reach the receptionist who can put you in touch with an advisor.
- h. **Associate Director of Student Services** at 604-431-4972.
- i. **Student Housing Department** at 604-432-8677 or housing@bcit.ca
- j. **A Union Representative**:
 - i. Faculty and Staff Association reception: 604-432-8695 or fsa@bcit.ca
 - ii. GEU Vocational Bargaining Unit Chair: 604-432-1162.
 - iii. GEU Support Staff Bargaining Unit Chair: 604-456-8064.

Off Campus

- a. **Local police jurisdiction**: call 911.
- b. **Sexual Assault Service**, BC Women's Hospital: 604-875-2881 (Monday–Friday, 9:00 am–5:00 pm)
Vancouver General Hospital Emergency Department: (24 hours/day): 604-875-2881
https://www.vch.ca/locations_and_services/find_health_services/?program_id=11289
- c. **Forensic Nursing Services** at Surrey Memorial or Abbotsford Regional Hospital at:
<http://www.fraserhealth.ca/health-info/health-topics/sexual-assault/forensic-nursing-service/about-forensic-nursing-service/>