

WE BELIEVE YOU

UBC's Sexual Misconduct Policy

Highlights of the 2020 Policy Changes



THE UNIVERSITY OF BRITISH COLUMBIA
Sexual Violence Prevention and Response Office

B BACKGROUND

UBC's Sexual Misconduct Policy was put into place in April, 2017, and must be reviewed every three years. During 2019, the policy was reviewed by a committee of students leaders, university leaders, and faculty and staff who work in related areas.

In June 2020, the Board of Governors approved the updates recommended by the committee, which included significant changes.

The following slides contain the revised language from the policy (white slides) and plain-language explanations (teal slides); references are provided for specific sections of the policy.




POLICY UPDATE HIGHLIGHTS PT 1

1. Revised title
2. Territory acknowledgement
3. Expanded language on intersectionality
4. Clarification of UBC's trauma informed approach
5. Support services for respondents
6. Immunity for survivors under alcohol and drug policies
7. Prohibited relationships



1. REVISED TITLE

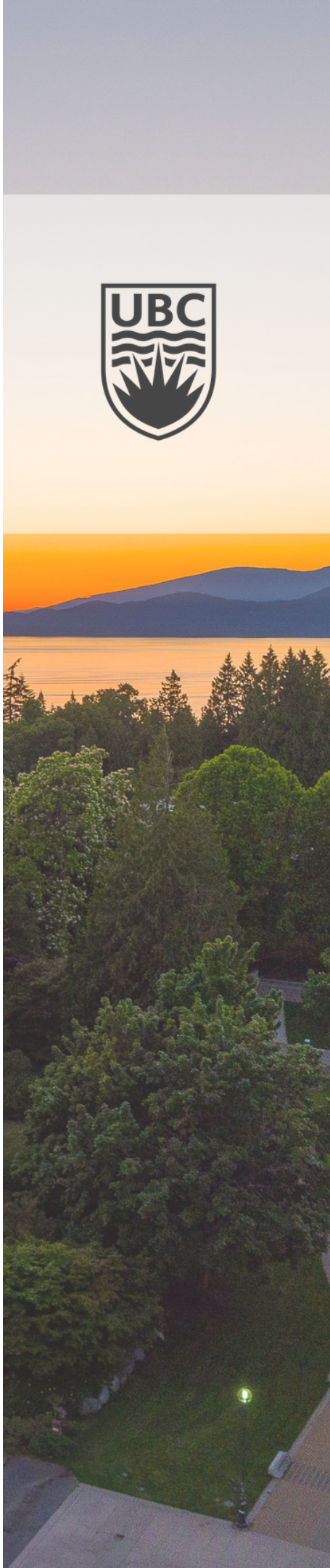


 The University of British Columbia Board of Governors	Policy No.: SC17
Long Title: Sexual Misconduct and Sexualized Violence Policy	
Short Title: Sexual Misconduct Policy	



2. TERRITORY ACKNOWLEDGEMENT

UBC recognizes its location on the unceded, ancestral, and traditional territories of Indigenous nations, its commitment to reconciliation and its responsibility to maintain a respectful environment where its members can study, work, and live free from sexual misconduct and sexualized violence (*Background and Purpose*).



2. TERRITORY ACKNOWLEDGEMENT

New language in the background and purpose of the policy recognizes UBC's location on unceded, ancestral and traditional territories of Indigenous nations, and how UBC's commitment to reconciliation is related to its responsibility to maintain a respectful environment free from sexual misconduct and sexualized violence.



S VPRO TERRITORY ACKNOWLEDGEMENT

We Acknowledge

that colonization is a process of violence against land, against peoples, against nations, and against bodies.

We Must be Accountable

to this legacy and work toward cultures that respect autonomy and self-determination.

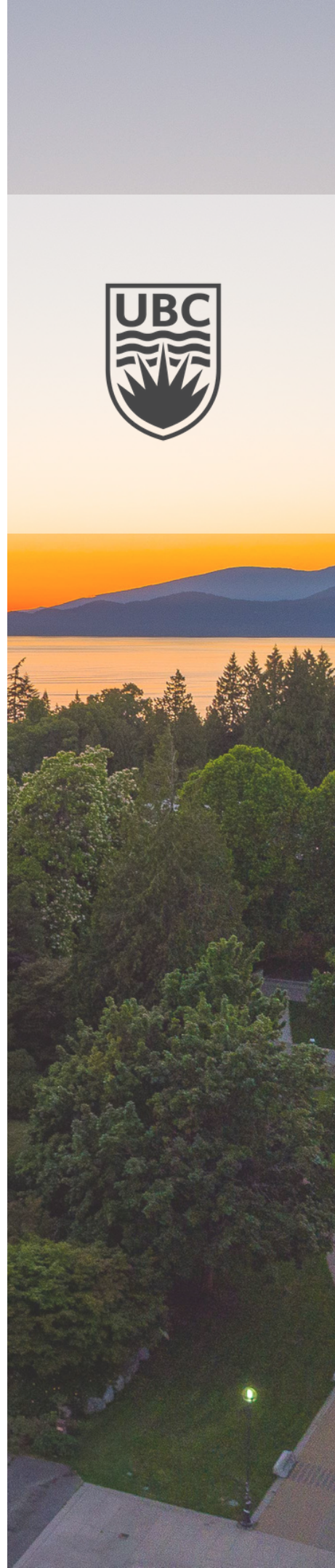
We Invite You

to join us in building a culture of consent that takes us from solemn acknowledgment to supportive action.



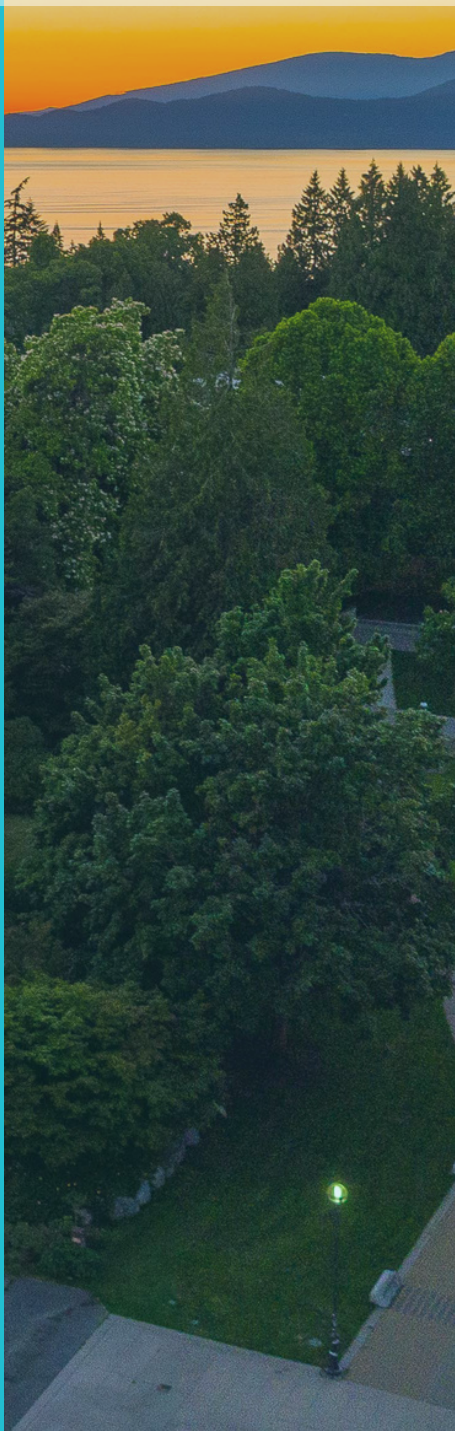
3. INTERSECTIONALITY

UBC recognizes that people's experiences will be affected by factors such as their access to power and privilege including their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language that may intersect and overlap (*Section 1.2*).



3. INTERSECTIONALITY

The discussion of unique identities and how they impact people's choices and experiences has been expanded to acknowledge the reality of overlapping identities and the need for intersectionality in how UBC carries out this work.



I INTERSECTIONALITY AT SVPRO

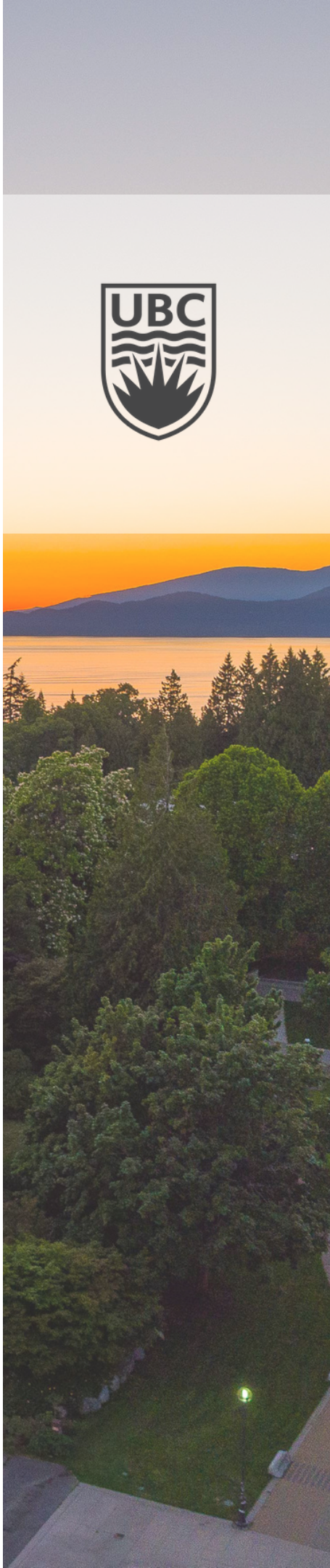
Everyone's experience is inherently influenced by the unique nexus of their identities, histories, and geographies; and what is safe and accessible for each person may look different given their relationship to systems of oppression and marginalization. We will respect and support every survivor's decisions.



4. TRAUMA INFORMED APPROACH

UBC will offer training on a Trauma-informed Approach to persons, including administrative and academic decision makers, responsible for addressing Sexual Misconduct (*Section 1.4*).

Trauma-informed Approach means understanding the impacts of sexual misconduct and sexualized violence on individuals and responding in a manner that promotes empowerment and recovery, and minimizes re-traumatization (*Section 2.13*).



4. TRAUMA INFORMED APPROACH

Those who are responsible for carrying out the policy, including administrators and those who make disciplinary decisions will be offered training on trauma-informed approaches.

A trauma-informed approach requires understanding the impacts of violence and minimizing retraumatization while creating choice and control for survivors.



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SVPRO TRAUMA INFORMED SUPPORT

We use a healing-centered approach. Knowing that all survivors are the experts on their experiences, we work in solidarity with them, supporting those who have been impacted by violence to shape their own paths to healing and justice, coordinating whatever combination of services is needed to start that journey.

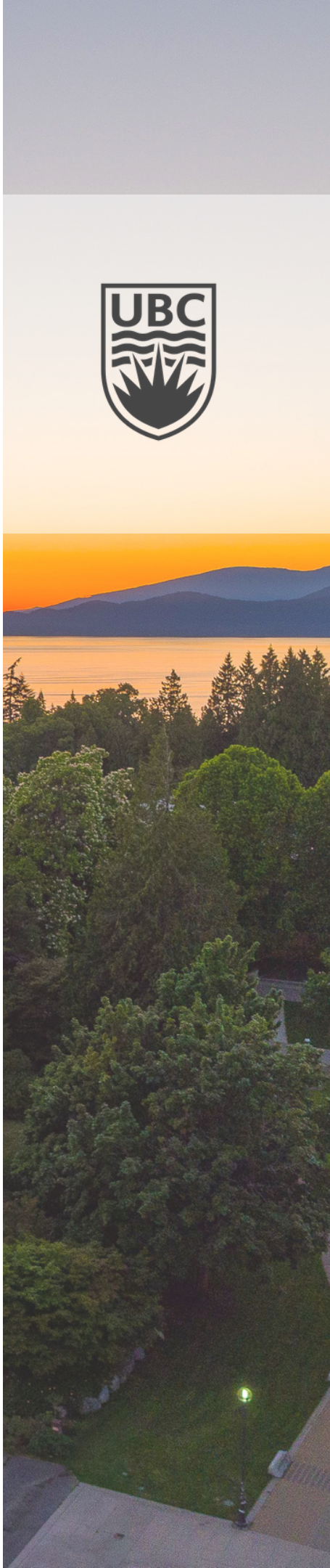
Everyone's path looks different, so there is no default service model. Survivors can share their experiences with us if they wish, or they can tell us what they need – which might be one thing today and something very different next week.



5. SERVICES FOR RESPONDENTS

UBC will establish dedicated positions to provide services to Members of the UBC Community who have had Reports of Sexual Misconduct made against them (*Section 1.7*).

Note: these services are not provided by SVPRO or IO.



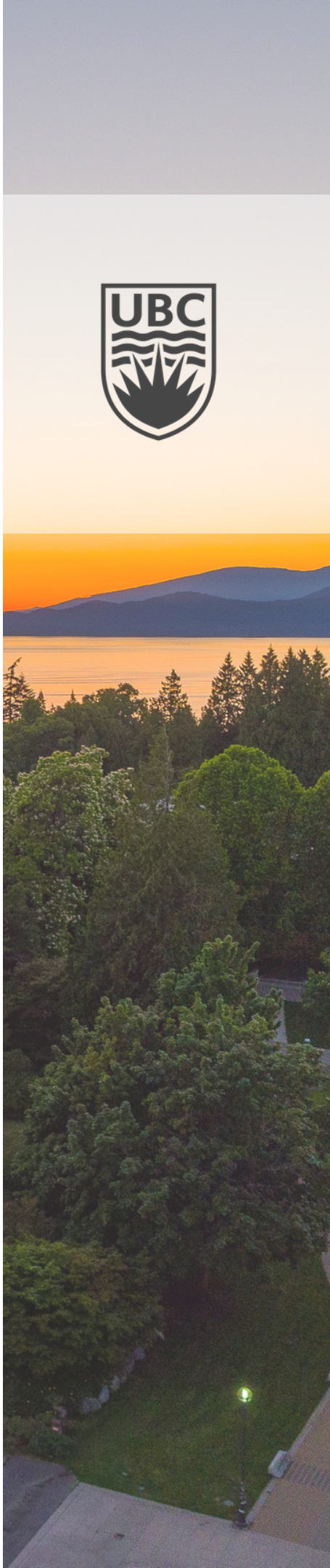
5. SERVICES FOR RESPONDENTS

Respondents are people who have had reports made about them. UBC will ensure dedicated staff are available to provide appropriate services for them, completely separate from the SVPRO or Investigations Office.



6. ALCOHOL AND DRUG POLICIES

UBC recognizes that some individuals may be hesitant to Disclose or Report Sexual Misconduct in cases where they have been consuming alcohol underage, or in excess, or using drugs. An individual who makes a Disclosure or Report will not be subject to actions for violation of any applicable UBC policy, rules or regulations related to drug or alcohol use at the time the alleged Sexual Misconduct occurred (*Section 1.10*).



6. ALCOHOL AND DRUG POLICIES

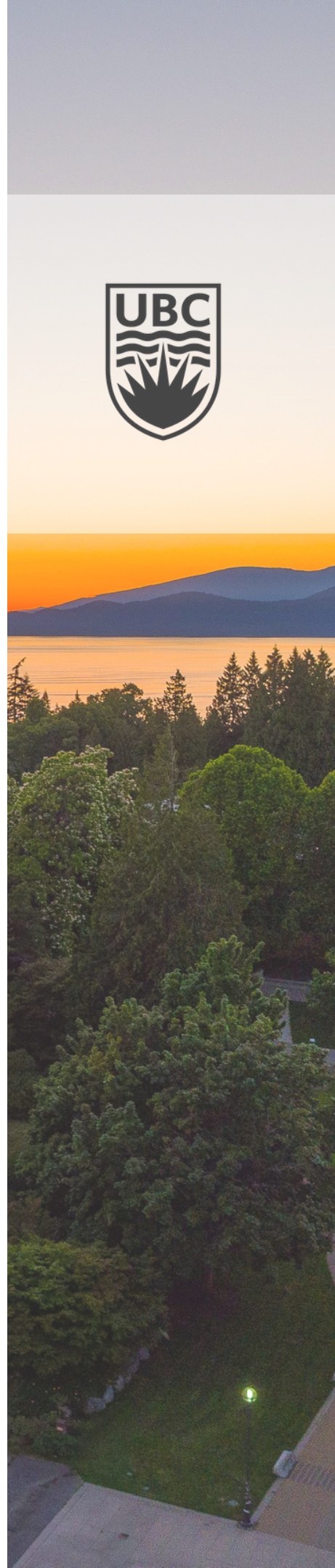
People reporting or disclosing sexualized violence will not face action under alcohol and drug policies, even if they reveal information about violations of those policies.



7. PROHIBITED RELATIONSHIPS

UBC recognizes that certain relationships between students and other Members of the UBC Community are relationships of heightened trust and vulnerability. Sexual or intimate relationships between individuals in the following classes of Members of the UBC Community where there is a supervisory role or where an individual has influence over a student's current or future academic activities, working conditions, or career advancement are Prohibited Relationships:

- faculty, or Teaching Staff Members, or emeriti and Students;
- staff and Students;
- Coaching Staff Members and Student athletes; and
- Faculty, or Teaching Staff Members, or emeriti and Medical Residents, Clinical Fellows, or Postgraduate trainees in the Faculty of Medicine (*Section 1.11*).



7. PROHIBITED RELATIONSHIPS

Many people across the university are in positions of trust, or of vulnerability, relative to the power structures around them. Because of these dynamics, sexual and intimate relationships with students are prohibited for faculty and staff who are in supervisory roles or otherwise could impact the student's studies, work, or career.

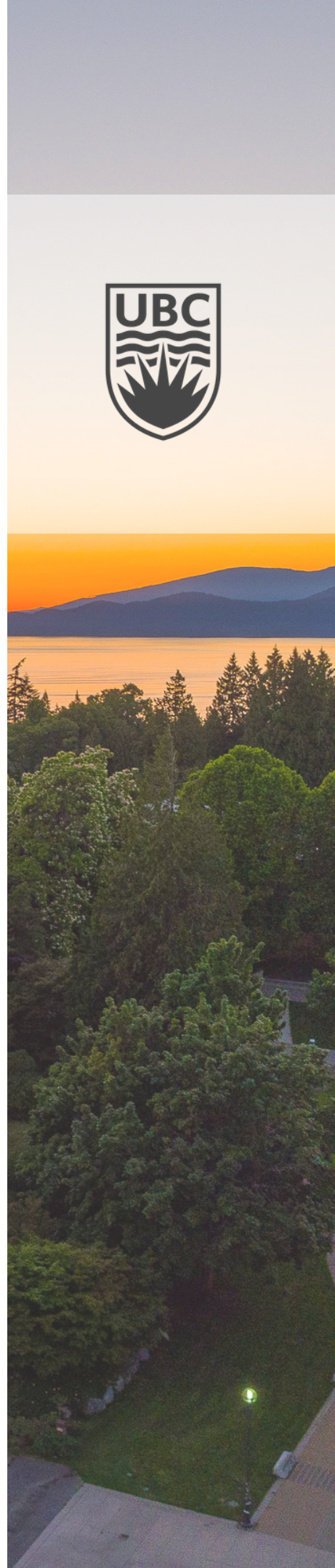


7. PROHIBITED RELATIONSHIPS

An individual in a supervisory role or position of influence as described in 1.11 who engages in a Prohibited Relationship, except as provided in this Policy*, breaches this Policy and will be subject to disciplinary action notwithstanding that the relationship is claimed to be consensual.

(Section 1.12).

*This applies to relationships formed after this update (June 2020); pre-existing relationships in this category are managed under the *Conflict of Interest Policy*.



7. PROHIBITED RELATIONSHIPS

In a prohibited relationship, it is the faculty or staff member who is in the position of trust or power who would be subjected to discipline. Claims of the relationship being consensual are not a relevant consideration for a prohibited relationship.

Relationships of this nature formed before the June 2020 policy update must be reported and managed through UBC's *Conflict of Interest Policy* and processes.



POLICY UPDATE HIGHLIGHTS PT 2

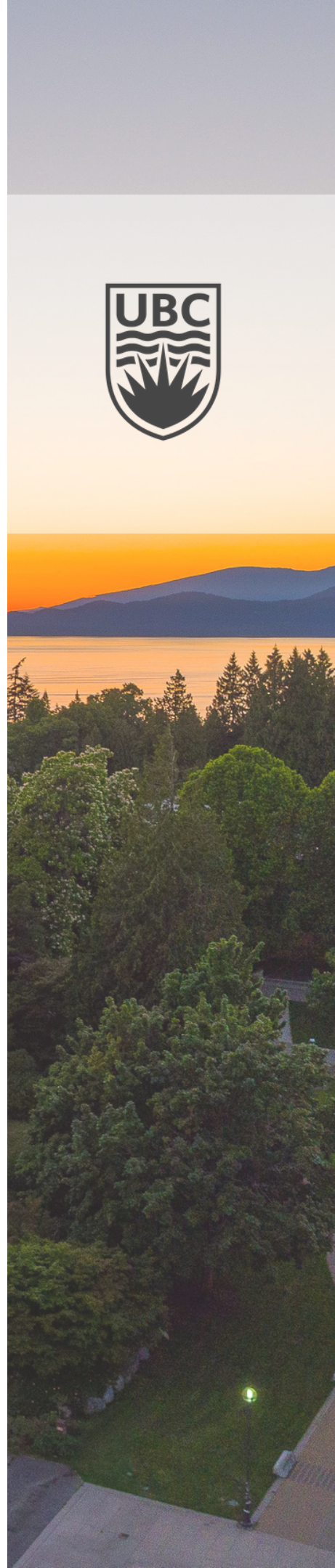
- 8. Expanded definition of members of the UBC community
- 9. Expanded language on consent
- 10. Revised language about community support services
- 11. Guidance on third party reporting
- 12. Establishment of process for institutional reports
- 13. Clarification about UBC and external processes
- 14. Procedures for Alternative Resolution Processes



8. MEMBERS OF THE UBC COMMUNITY

Members of the UBC Community are individuals who fall under one or more of the following categories:

- student...
- registrant (student in any non-credit program or courses)
- employees... including faculty and staff members;
- emeriti, volunteers engaged in a UBC activity, or other individuals acting on behalf of UBC;
- Teaching Staff Members;
- any individual active on any UBC committee or review panel;
- post-doctoral fellows; and
- anyone contractually obligated to comply with this Policy (*Section 2.3*)

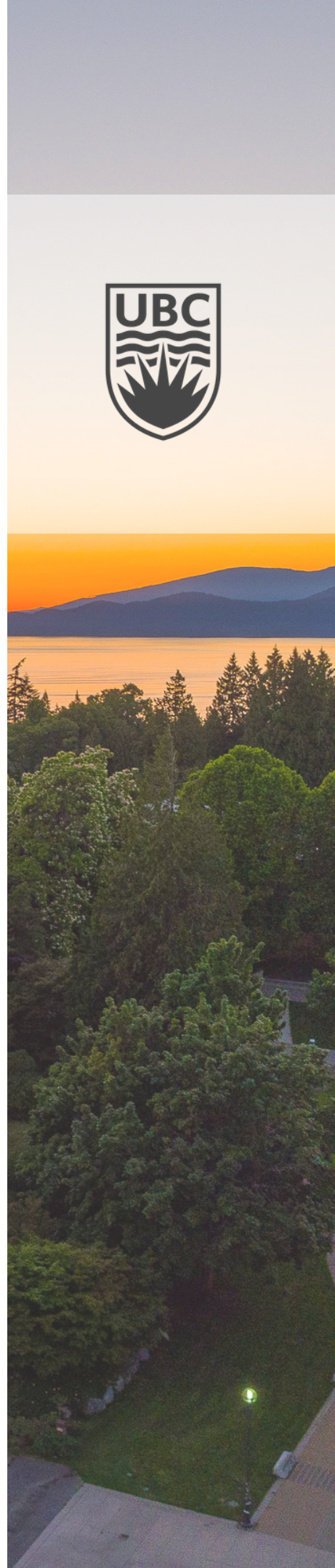


9. CONSENT

Voluntary agreement to engage, or continue to engage, in sexual activity must be affirmatively communicated through words or actively expressed through conduct. An individual who is incapacitated cannot give voluntary consent. Also, consent obtained through the abuse of a position of trust, power or authority, or through fraud or coercion, or due to fear of consequences, violence, or retaliation is not voluntary consent. For clarity:

- Consent cannot be implied, which means it must be affirmatively given and cannot be assumed by an individual's silence or inaction.
- The initiator of a sexual activity is responsible for obtaining consent for that sexual activity.
- Consent can be withdrawn by any party at any time during the sexual activity through words or actions, and if consent is withdrawn the sexual activity must stop

(Section 4.1)



9. CONSENT

Consent must be voluntary, and it must be expressed (the absence of no isn't a yes). Incapacitation, such as being asleep or intoxicated, prevents a person from being able to give consent. Consent is not voluntary (so doesn't exist) where there is abuse of power or authority, fraud, threat, or fear of consequences or retaliation.

- Silence or inaction are not consent. Words or actions must demonstrate a yes.
- Whoever is initiating the sexual action or activity must get consent from other(s) involved.
- Consent must be given throughout a sexual encounter. Any indication through words or actions, that someone wants to stop means there is no longer consent, so any sexual activity must stop.

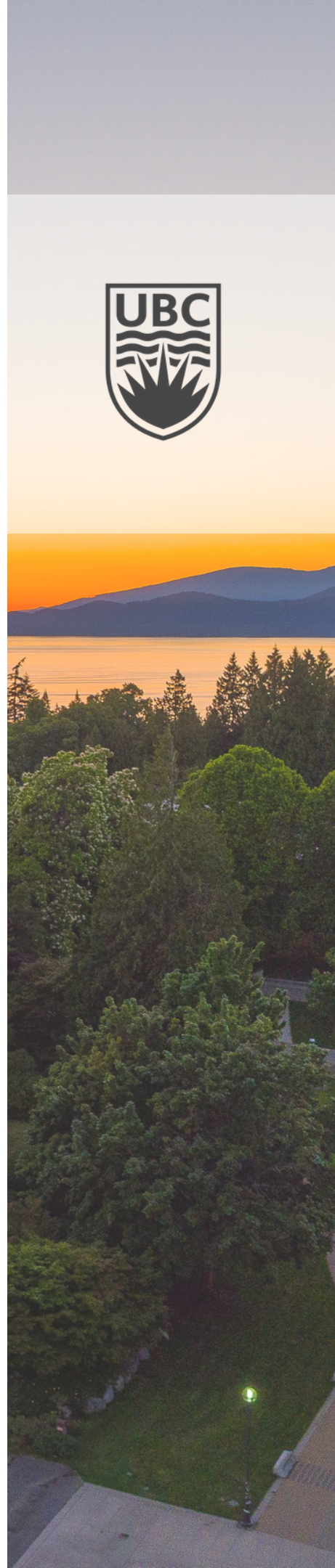


9. CONSENT

Consenting to one kind of sexual activity does not mean that consent is given for another sexual activity, and consent given only applies to each specific instance of sexual activity. Neither the relationship status of the parties nor past consent to sexual activity gives or implies future or ongoing consent.

Individuals cannot give consent if they are not able to appreciate the nature of the sexual activity, or to appreciate the risks and consequences of the sexual activity, or are otherwise unable to choose whether to engage in the sexual activity. For example, an individual is incapable of consenting if the individual is:

- (a) asleep or unconscious;
 - (b) unable to consent due to ingestion of drugs or alcohol; or
 - (c) under the legal age of consent as defined in the Canadian Criminal Code.
- (Section 4.14-15).



9. CONSENT

Consent is specific to an act/activity, and only applies to the present moment, not future acts/activities. Neither past consent or an existing sexual relationship means there is consent in the present or future.

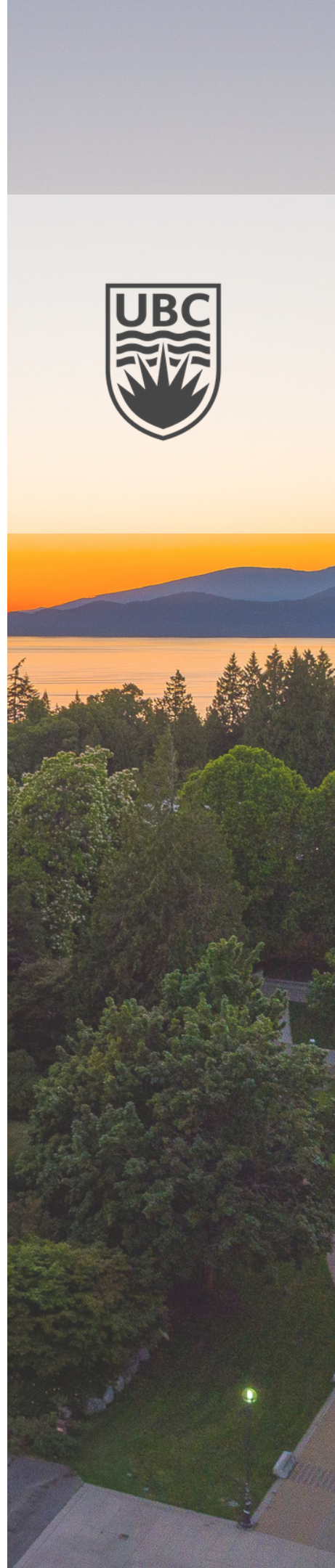
People cannot consent if they don't understand or know about the act/activity or any risks or consequences, or if they aren't able to make a decision about whether they will engage. Some examples of when a person can't give consent are:

- if asleep or unconscious
- if impaired by drugs or alcohol
- if they are a minor (generally under 16, or under 18 if a relationship of trust or dependency exists)



10. COMMUNITY SUPPORT SERVICES

Whether or not they wish to Disclose under the Policy, Members of the UBC Community who are affected by Sexual Misconduct may choose to seek assistance from third-party agencies such as the Sexual Assault Support Centre of the AMS. At the request of the Member of the UBC Community, the Sexual Violence Prevention and Response Office will liaise with third-party agencies to provide support, information, options, and assistance... Third-party agencies may make representations to UBC on behalf of the Member of the UBC Community in support of a request for academic concessions (*Section 5.4*).



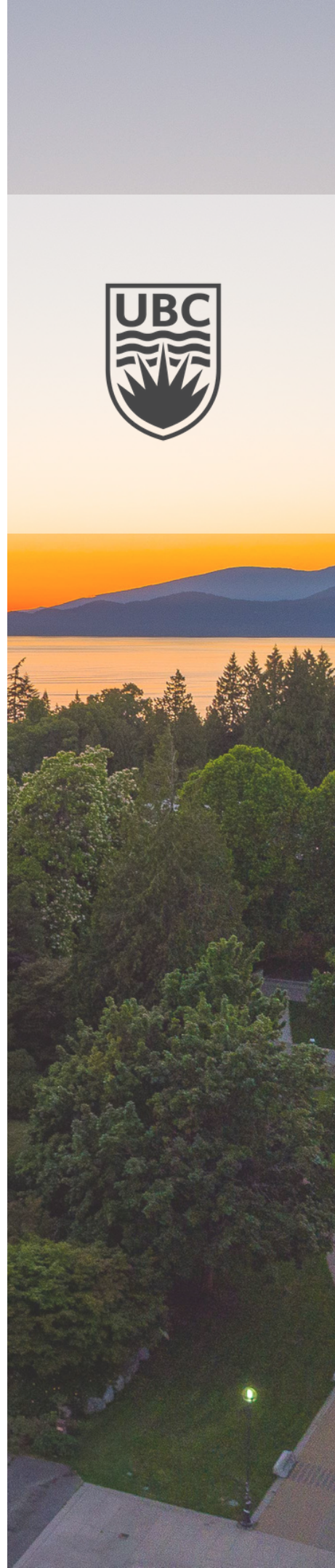
10. COMMUNITY SUPPORT SERVICES

UBC Community members may also choose to access community support services such as the AMS SASC and others (including or in addition to SVPRO). If the person getting support chooses, SVPRO can liaise with the community support service to provide information, support, and assistance. Documentation from community support services, as with SVPRO, will be accepted to support requests for academic concessions.



11. THIRD PARTY REPORTING TO UBC

Individuals, other than the individual who was directly subjected to Sexual Misconduct or a Member of the UBC Community who have received a Disclosure, may submit a Report to the Investigations Office or may anonymously advise the Investigations Office of their allegations of Sexual Misconduct (*Section 10.2*).



11. THIRD PARTY REPORTING TO UBC

People can submit reports about things that happened to others who are members of the UBC community (third-party reports), as well as anonymous reports.

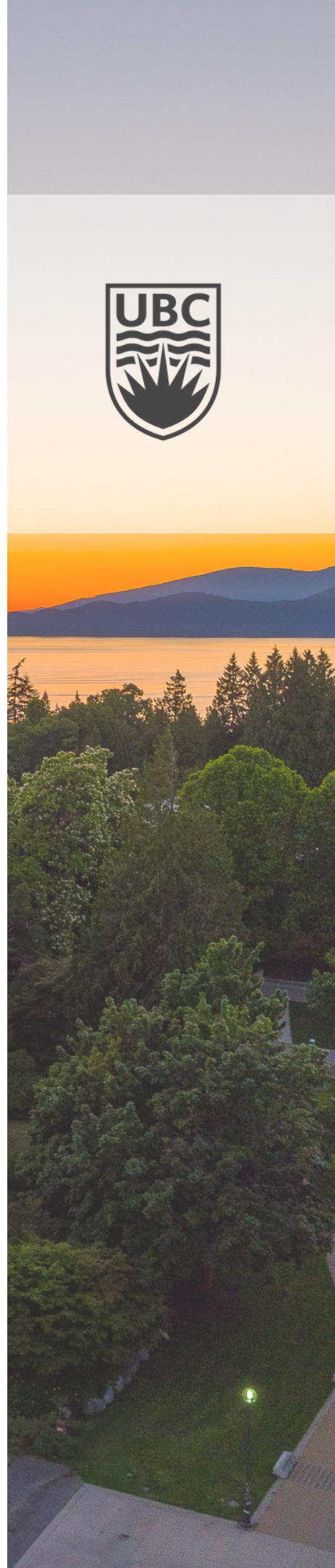
Note: investigation of such reports may not be possible



11. THIRD PARTY REPORTING TO UBC

If a Disclosure is made to a Member of the UBC Community, that Member is encouraged to contact the Sexual Violence Prevention and Response Office for support and information on how best to respond to the Disclosure and to support the individual making the Disclosure... (*Section 8.4*).

...Members of the UBC Community who receive a Disclosure are expected to honour the choices of the person making the Disclosure and should not submit a Report that could interfere with the decision of the person making the Disclosure (*Section 10.1*).



11. THIRD PARTY REPORTING TO UBC

UBC encourages members of the UBC community who receive a disclosure to connect with SVPRO for guidance related to the disclosure and supporting that survivor, as well as support for any potential vicarious trauma.

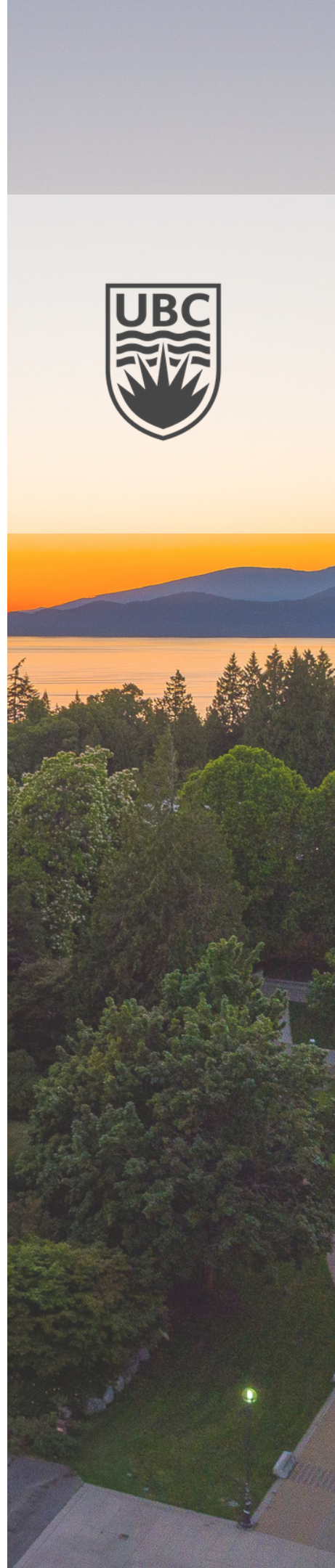
People at UBC who receive disclosures need to respect the survivor's choices about reporting, which includes not submitting a report unless asked to by the person who disclosed.

If you have concerns about safety related to a disclosure, connect with SVPRO ASAP.



12. INSTITUTIONAL REPORTS

If the Sexual Violence Prevention and Response Office has received more than one Disclosure from different individuals involving a Member of the UBC Community, the Director of the relevant Sexual Violence Prevention and Response Office may seek the consent of the individuals making the Disclosures to make an Institutional Report to the Director of Investigations based on the allegations in the Disclosures but without providing the names of the individuals making the Disclosures unless express consent is given (*Section 8.6*).



12. INSTITUTIONAL REPORTS

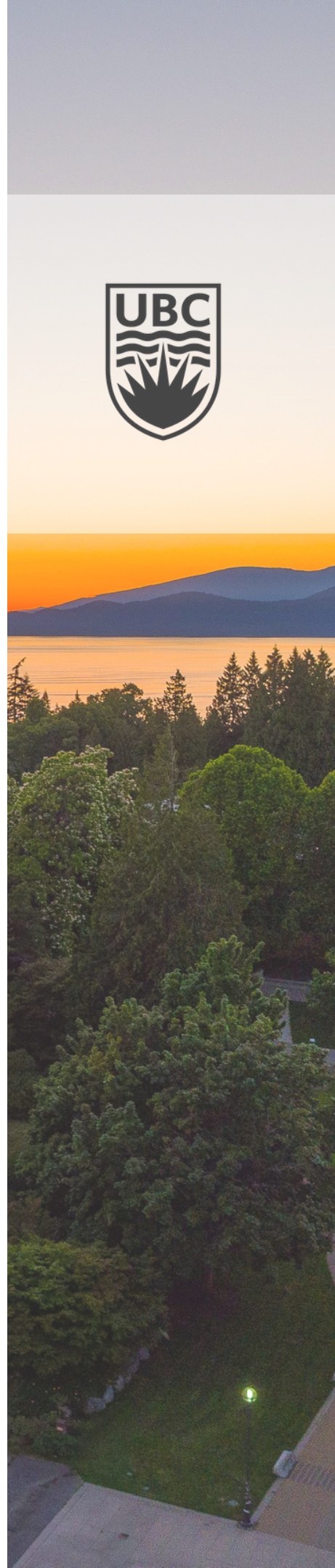
If SVPRO receives multiple disclosures about one person, the Director of SVPRO can ask for the consent of the people who made those disclosures to file an institutional-level report with the Director of Investigations. Names of the people who disclosed will not be included unless there is clear consent to do so.



13. UBC AND EXTERNAL PROCESSES

If an Investigation, or Alternative Resolution Process, is initiated under the Procedures to this Policy, and an external process is also being pursued, the Director of Investigations may elect, after consultation with the Complainant, to continue with the UBC process or to suspend the UBC process as appropriate. Suspension of a UBC process does not prevent further action to be taken under the UBC process at a later date as appropriate (*Section 9.5*).

Note: External processes may include criminal investigations, civil suits, and human right tribunal processes



13. UBC AND EXTERNAL PROCESSES

Reporting to UBC Investigations Office does not result in a report to police or initiate any external processes. If someone is in an investigation or alternative process with UBC and is also accessing an external process, the Director of Investigations will consult that person and may suspend the UBC process until the external process completes.

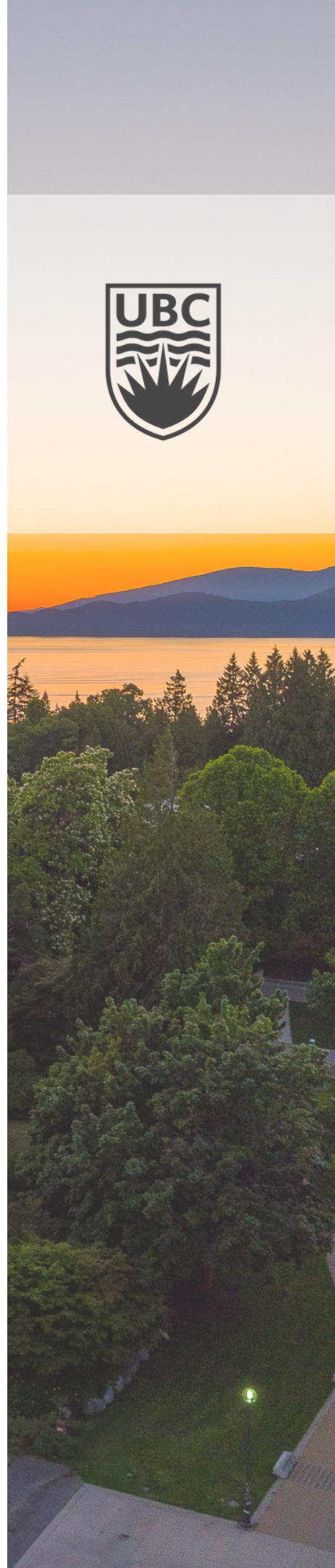
Note: this is to ensure UBC processes do not prejudice external processes, so that there is no interference with the survivor pursuing whichever processes they choose.



14. ALTERNATIVE RESOLUTION PROCESSES

A Complainant may request an Alternative Resolution Process instead of a formal investigation... If the Director of Investigations is satisfied that an Alternative Resolution Process may be appropriate, options will be discussed with the Complainant and, if... the Complainant and the Respondent agree to participate in the Alternative Resolution Process, the Director will refer the matter to that process for resolution (*Procedures Section 4.1*).

...If at any time during the Alternative Resolution Process either the Complainant or the Respondent no longer wishes to participate in the Alternative Resolution Process, then with the consent of the Complainant, the Director of Investigations will appoint an Investigator (*Procedures Section 4.2*)



14. ALTERNATIVE RESOLUTION PROCESSES

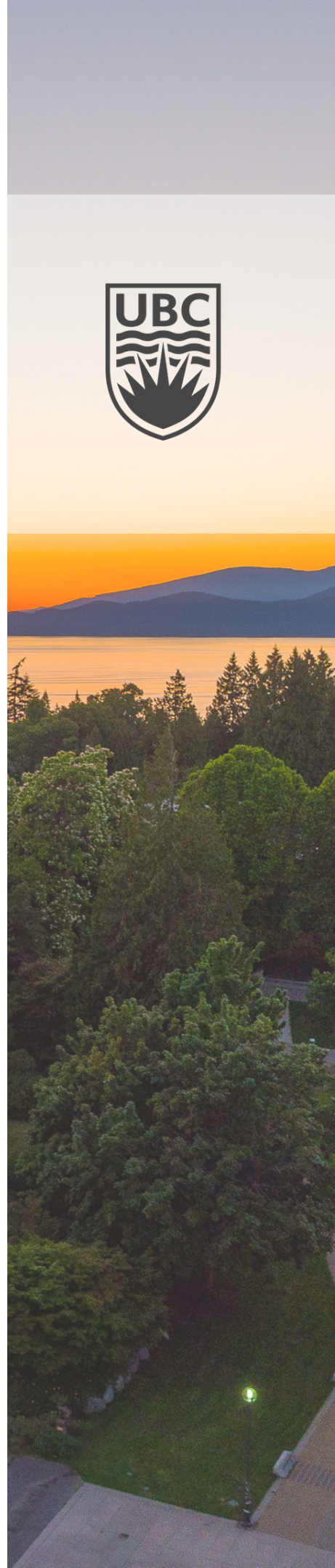
Alternative resolution options may be available if considered appropriate by the Director of Investigations and will be explored at the request of the person who reported. If both the person who reported and the person(s) they reported against agree, the report will be referred to the alternative resolution process they agreed to.

Either person can withdraw from an alternative resolution process anytime. If this happens, the Director of Investigation will find out whether the person who reported wants to move into an investigation. If they do, the Director of Investigations will assign an investigator.



14. ALTERNATIVE RESOLUTION PROCESSES

Alternative Resolution Processes are confidential processes and participants are encouraged to maintain confidentiality until the process is completed. Information obtained during an Alternative Resolution Process where either the Complainant or Respondent withdrew participation will not be shared with the Investigator in any subsequent Investigation and cannot be relied upon in the Investigation unless that information is independently obtained by the Investigator in the course of the Investigation (*Procedures Section 4.3*).



14. ALTERNATIVE RESOLUTION PROCESSES

Everyone is expected to keep confidentiality during an alternative process. If an alternative process ends because either person withdraws, whatever they shared in the alternative process remains confidential. That information will not be shared with the investigator who is assigned and won't be used in the investigation unless it is found out in the investigation process.



GET CONNECTED

Connect with a Support Specialist
at SVPRO:

svpro.vancouver@ubc.ca



FACEBOOK

[facebook.com/
svpro.vancouver](https://facebook.com/svpro.vancouver)



INSTAGRAM

[@ubc.svpro](https://instagram.com/ubc.svpro)

GET INVOLVED

Request outreach (virtual
workshop/tabling, etc.):

tinyurl.com/SVPROoutreach

Learn More: **svpro.ubc.ca**

