

 PROCEDURE		
Procedure No.	Officer Responsible	
B.401.1	Vice President, Strategic Planning, Assessment and Institutional Effectiveness	
Procedure Name		
Sexual Violence		
Policy This Procedure is Under	Date of Next Policy Review	
B.401 Sexual Violence Policy	November 2026	
Date Issued	Date Revised	Related Policies, Reference
May 10, 2017	November 28, 2023	B.311 Employee-Student Relationships B.506 Standards of Conduct B.511 Discrimination, Bullying and Harassment Policy B.512 Human Rights, Diversity, Inclusion and Equity B.700 Privacy and Access to Information Policy B.701 Student Code of Conduct Policy OP 418 At Risk Behaviour and Violence Response Prevention Policy OP.420 Safety and Emergency Services Policy

1. PURPOSE

- 1.1 The procedures set out in this document support B.401 Sexual Violence Policy (the “Policy”) and set out the processes at Capilano University (the “University”) to address sexual violence and to identify institutional, collective, and individual responsibilities in creating and maintaining an environment that reduces sexual violence and creates safer access for Survivors to Disclose and Report. All Members of the University Community are encouraged to respond in a compassionate, respectful, and empathetic way to a Survivor who chooses to Disclose.
- 1.2 These procedures outline the process the University will follow when a Member of the University Community chooses to Disclose or Report an incident(s) of sexual violence, including the role and responsibility of specific Members of the University Community and the supports and resources available more broadly.
- 1.3 The definitions as found in the Policy are used in these procedures.

2. SURVIVORS WHO CHOOSE TO DISCLOSE

- 2.1 The University acknowledges that it can be difficult to Disclose an incident of sexual violence and that a Survivor will Disclose when they feel ready to. The University recognizes that Disclosing an incident of sexual violence takes courage, that there are many barriers to disclosing, and that those barriers may be different based on lived experience and identity.

- 2.2 It is the Survivor's choice on whether or not to Disclose an incident(s) of sexual violence. A Survivor can Disclose at any time and to anyone at the University.
- 2.3 Survivors may choose to Disclose an incident(s) without making a Report to the University or externally through criminal or civil processes.
- 2.4 The University recognizes that Survivors are most likely to Disclose to another Member of the University Community. Survivors can Disclose to anyone they trust. However, Survivors are encouraged to Disclose to the appropriate University resources in order to access specialized care and support by subject matter experts.
- 2.5 Students seeking support may confidentially Disclose to a Student Support Advisor in the Office of Student Affairs.
- 2.6 Employees or other non-Student Members of the University Community seeking support may confidentially disclose to Human Resources or to the Administrator of their academic or administrative unit. Administrators should refer Employees to Human Resources if they receive a Disclosure in order to access specialized supports.
- 2.7 Survivors may choose to have a support person present when they make a Disclosure to a University resource. Anyone may choose to bring a friend, colleague, or Elder to an appointment for a Disclosure. Students may wish to bring a support person from the Capilano Students Union (CSU) Employees may choose to bring a support person and/or a union representative.
- 2.8 Survivors will be provided with information on all their options including Reporting. Survivors can request which options they may need, based on their circumstances. If a Survivor chooses not to seek any supports that is their choice and will be respected.
- 2.9 Survivors will be provided with culturally specific resources and supports if needed, to facilitate a safer pathway to Disclose, Report, or foster healing. This could include traditional Indigenous wellness practices, appointments to take place in a location of their choosing that feels safer, or other supports as needed.
- 2.10 Students who experience sexual violence during a work placement or practicum can still Disclose and Report to the Office of Student Affairs to access supports, resources, and to gain information about reasonable accommodations. Faculty responsible for the work placement or practicum placement will be notified, if appropriate, in order to address any safety concerns for the worksite.
- 2.11 Appropriate supports, reasonable accommodations, and interim measures will be made available to all Survivors who Disclose or Report at the discretion of the Office of Student Affairs and/or Human Resources. These supports may include:
 - a) safety planning and safety measures;
 - b) academic and workplace accommodations;
 - c) class schedule or work schedule changes;
 - d) room changes in student housing;
 - e) information about options and processes for reporting internally or externally;

- f) translation services to support disclosing and reporting processes;
 - g) assistance with finding financial aid; or other supports as appropriate.
- 2.12 The Office of Student Affairs will request academic accommodations on behalf of a Student, as required.

3. RESPONDING TO A SURVIVOR WHO CHOOSES TO DISCLOSE

- 3.1 Members of the University Community are encouraged to respond in a compassionate, respectful, and empathetic way to a Survivor who chooses to Disclose. The most important thing to do for the Survivor is to listen, believe, and refer to the appropriate support resource to ensure specialized support.
- 3.2 Survivors should be advised of the Policy and these procedures and be informed of the available resources.
- 3.3 The Office of Student Affairs and/or Human Resources will work in collaboration with other campus services, as needed, to ensure continuity of care.
- 3.4 Data and records will be kept regarding Disclosures and Reports for the purposes of annual reporting by the Office of Student Affairs and Human Resources.
- 3.5 Any data, records, and/or sharing of information will be within confidentiality and privacy guidelines as outlined in B.700 Privacy and Access to Information Policy and in compliance with the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

4. SURVIVORS WHO CHOOSE TO REPORT

- 4.1 Survivors can receive information on reporting options available to them through the University and about external reporting options before choosing to make a report to the University or externally through legal or civil processes.
- 4.2 The following reporting options are available to Survivors, depending on the status of the Respondent:
- a) If the Respondent is a Student or alumni, the report will be made to the Student Rights and Responsibilities Advisor in the Office of Student Affairs.
 - b) If the Respondent is an Employee or a contractor the report will be made to Human Resources.
 - c) In cases where the individual accused of sexual violence is not a Member of the University Community or in circumstances where the University is unable to initiate an investigation under these procedures due to lack of jurisdiction, a Report may be referred to the local police, Work Safe BC or to community resources at the Survivor's request. An example of this could be if the Respondent is working at a practicum or work integrated learning site and is not a Member of the University Community.
- 4.3 Survivors may also choose to report to a local police department either directly, anonymously, or through a third-party organization; or file a complaint to the Human Rights Tribunal.

4.4 Students or employees who want to report domestic violence will be referred to a representative of the Duty of Care Committee in alignment with OP.418 At-Risk Behaviour and Violence Prevention Policy.

5. RESPONDING TO REPORTS

5.1 Where the University receives a Report, the University will exercise care to protect and respect the privacy and rights of both the Complainant and the Respondent.

5.2 Complainants and Respondents will be made aware of all resources available to them when making a Report and during an investigation process which may include a safety plan to protect the health and safety of the Complainant, witnesses, and other impacted parties. Both Complainant and Respondent can seek support from their designated support advisor.

5.3 Complainants and Respondents will not have to engage or communicate with each other directly during a report and investigation process.

5.4 The University will seek to achieve procedural fairness in dealing with all Reports. The Respondent will be given details of the allegations contained in the Report prior to the initial investigation meeting.

5.5 An initial assessment will be conducted to determine whether the incident falls within the University's jurisdiction to investigate under the Policy.

- a) The Manager, Student Affairs will conduct an initial assessment where the Respondent is a Student. A Human Resources representative will conduct an initial assessment where the respondent is any other Member of the University Community.
- b) Upon completion of the initial assessment of jurisdiction, it will be determined whether there is enough initial evidence or potential evidence for the investigation to be conducted in a fair manner.
- c) The initial assessment will normally be completed within ten (10) business days of the receipt of the report by the Manager, Student Affairs or, Human Resources representative.
- d) If the Manager, Student Affairs, or Human Resources representative determines that the Report meets both the jurisdictional and evidential requirements to proceed, a formal investigation will follow with the consent of the Complainant. Note that consent may not be required if the incident(s) fall under section 5.6 of the Policy.
- e) If the Manager, Student Affairs or Human Resources representative determines that the Report does not meet jurisdictional and/or evidential requirements, the matter will be considered closed. The Complainant will be notified in writing within five (5) business days of the determination. The Complainant may still access support services and accommodations. A record of the Report will be kept by the Office of Student Affairs or Human Resources and may be re-opened upon the introduction of new information or evidence.

- 5.6 In circumstances where there are multiple Disclosures or Reports pertaining to the same Respondent, Survivors/Complainants will be notified. The identities of the Survivors or Complainants will remain confidential to one another unless consent is given to share that information. The Duty of Care Committee may also be notified, in circumstances that require additional assessment measures and/or safety measures.
- 5.7 The University will seek to achieve procedural fairness in dealing with all Reports and when conducting investigations. The Respondent will be given reasonable notice in writing of the details contained in the Report and provided an opportunity to respond to the complaint as outlined in section 7 of these procedures.
- 5.8 Approval to appoint an external investigator(s) is determined by the designated Vice President or Associate Vice President.
- 5.9 If the President, or a Vice President or Associate Vice President of the University are implicated in a report of sexual violence, the Report will go to the Board. The Board will hire an external investigator to investigate the Report in accordance with these procedures.
- 5.10 At any time in the process, the Complainant has the right to withdraw the report or stop an investigation without consequences to the Complainant's University status and activities. However, the University may continue to act on the incident identified in the Report to comply with its obligation under the Policy, section 4.3. A Complainant who withdraws the report may still access support services and accommodations.
- 5.11 Recognizing that Employees responsible for responding to Disclosures, Reports, and conducting investigations may experience vicarious trauma, at their discretion, Employees can consult with Human Resources, their direct supervisors or Work Safe BC for appropriate supports.

6. INTERIM MEASURES

- 6.1 As part of an investigation process, the University may impose or facilitate interim measures for the safety of the individuals involved and for the University community. Interim measures are not intended to be punitive but are intended to provide a safe(r) environment for all parties.
- 6.2 The authority to impose interim measures rests primarily with the Manager, Student Affairs or Human Resources representative. In the case of academic accommodations for Students or workplace accommodations for Employees, interim measures would be recommended to the appropriate academic Administrator, who would then make final decisions and implement the interim measures with the appropriate faculty or department chairs, coordinator or conveyor.
- 6.3 In some circumstances involving the temporary removal or withdrawal of a Respondent, it may be that the Associate Vice President Student Success has final decision making for interim measures.
- 6.4 Interim measures will be communicated to the Respondent and Complainant in writing after the determination has been made by the Manager, Student Affairs, Human Resources representative or designate.

- 6.5 In accordance with the *University Act*, University policies and applicable Collective Agreements, interim measures may include, but are not limited to:
- a) alteration of the academic schedule of any Student involved in the report;
 - b) academic or workplace accommodations;
 - c) a no-contact requirement;
 - d) restricting a respondent's access to certain University facilities;
 - e) temporary, non-disciplinary leave of a Respondent;
 - f) involuntary withdrawal; and
 - g) any other interim measures as may be determined by the University.
- 6.6 Interim measures will remain in effect at the discretion of the Manager, Student Affairs, in consultation with the Associate Vice President Student Success and Human Resources representative.
- 6.7 When the incident involves law enforcement or other internal or external investigations, recommendations from these parties may determine safety measures and interim sanctions applied and the duration of the measures, and the Duty of Care Committee may be consulted
- 6.8 In circumstances where multiple Members of the University Community have been impacted by sexual violence, or where instances of sexual violence have become public knowledge within a department, safety measures may include communication to a specific department or to the broader University community. This communication would include relevant information about the incidents and information on supports and resources available.
- 6.9 Interim measures may be appealed to the President at any point during which the measure remains in place. Appeals can only be made on the grounds of proportionality of the measure to the incident. The President may choose to uphold, modify, or remove the interim measure. The President will determine if an interim sanction will remain in place or be removed and this will be communicated in writing to the respondent within 5 business days. The decision of the President is not appealable. Unionized Employees wanting to appeal their interim sanction may also do so through the grievance process through the applicable Collective Agreement.

7. FORMAL INVESTIGATION OF A REPORT

- 7.1 The Associate Vice President, Student Success will appoint a University investigator to conduct the investigation where the Respondent is a Student.
- 7.2 Human Resources leadership will appoint a University investigator from Human Resources to conduct an investigation where the Respondent is an Employee or other Member of the University Community.
- 7.3 As per section 9.3 and 9.4 of the policy, in some circumstances an external investigator may be appointed to conduct an investigation. The University will make every reasonable effort to ensure that any external investigator(s) appointed to investigate, under the policy, will have training in the area of sexual violence and trauma and violence informed investigation approaches.

- 7.4 The appointment of the internal investigator(s) will be made within seven (7) business days of the decision to refer the report to formal investigation.
- 7.5 The Complainant will be notified of the appointment of the internal investigator(s) within five (5) business days of the appointment.
- 7.6 The Respondent will be notified in writing of the investigation and provided details of the Report by the Office of Student Affairs or Human Resources. The Respondent will be given five (5) business days to respond to the Report either in writing or in person, after which time the investigator(s) will review the available evidence and determine whether or not the investigation is able to proceed. The deadline for responding may be extended by the Office of Student Affairs or Human Resources based on a reasonable request from the Respondent or based on other extenuating circumstances.
- 7.7 Reports are investigated by interviewing the Complainant, the respondent, and any witnesses, and by reviewing any available documentation or other evidence. During the investigation, the Respondent will be provided all relevant information or evidence regarding the Report and be given an opportunity to respond in full.
- 7.8 University Employees receiving reports or conducting investigations should not ask the Complainant questions about their sexual history as they are not relevant.
- 7.9 Any individual interviewed by the investigator(s) may be accompanied by a support person for the purposes of advice and/or other forms of support during the interview. The support person will not be permitted to speak on behalf of the individual being interviewed. The support person could be a friend, colleague, Elder, or other community member. If the support person is a lawyer, the individual must inform the investigator(s) two (2) business days prior to an investigation meeting.
- 7.10 The investigator(s) will collect and compile all evidence, findings, conclusions and possible recommendations into an investigative report and make a determination as to whether the Respondent has been found at fault of sexual violence as per the policy, weighing evidence on the Balance of Probabilities.

8. DETERMINATION

- 8.1 Where the respondent is a Student:
 - a) The investigation report will be submitted to the Associate Vice President, Student Success.
 - b) If the Associate Vice President, Student Success determines that the available evidence does not support any sanctions, the Complainant and the Respondent will be notified in writing. This does not preclude the Respondent from further investigation and sanctioning upon the introduction of new information or evidence. The Complainant and Respondent may still access support services and accommodations as set out in the policy and these procedures.
 - c) If the Associate Vice President, Student Success determines that sanctioning is justified, the Respondent will be notified in writing of the specific sanctions being imposed and the appeal process.

- d) Where the Associate Vice President, Student Success believes that suspension or permanent suspension is justified, they will make recommendations to the President. The President will normally render a decision after reviewing the investigation report and recommendations. The President may also choose to meet with or solicit a written statement from the Complainant and/or the Respondent for the purposes of evaluating the weight of the sanction. If the sanction decided is suspension or permanent suspension, the President will notify the Board of Governors as per the *University Act*.
- e) In the event that a sanction is modified in such a way that it increases in severity, the President will provide a written statement of reasoning to the Respondent, then the Office of Student Affairs will be updated.
- f) The President (or designate) will inform the Office of Student Affairs of the decision. The Office of Student Affairs will ensure that the decision is communicated to the Respondent within five (5) business days. The Office of Student Affairs is also responsible for monitoring the imposed sanctions.
- g) The Office of Student Affairs will inform the Complainant in writing of the outcome of the investigation, but not necessarily the details of any disciplinary action taken against the Respondent unless sharing that information is necessary for the protection of the Complainant's health and safety.

8.2 Where the Respondent is an Employee or other Member of the University Community:

- a) The investigation report will be submitted to the Vice President, People, Culture and Diversity.
- b) If the Vice President, People, Culture and Diversity determines that the available evidence does not support disciplinary action or other sanctioning, the Complainant and the Respondent will be notified in writing within five (5) business days. This does not preclude the Respondent from further investigation and sanctioning upon the introduction of new information or evidence. The Complainant may still access support services and accommodations as set out in the policy.
- c) If the Vice President, People, Culture and Diversity determines disciplinary action or other sanctioning is justified, proceedings shall be instituted in accordance with the relevant University policies and/or Collective Agreements.
- d) The designated Human Resources representative will inform the Complainant in writing of the outcome of the investigation, but not necessarily the details of any disciplinary action taken against the Respondent unless sharing that information is necessary for the protection of the Complainant's health and safety.

9. SANCTIONS

The sanctions that may be imposed are listed in section 10 of the Policy.

10. BREACH OF SANCTIONS

- 10.1 Failure to complete or abide by imposed or agreed-upon sanctions is a violation of the Policy.
- 10.2 Breach of sanctions may lead to the imposition of new or escalated sanctions up to and including suspension and expulsion or termination according to university policy and/or the applicable Collective Agreement.

11. RECORD KEEPING

- 11.1 Investigative reports and records of proceedings are confidentially maintained by the Office of Student Affairs and/or Human Resources. All records relating to a report will be kept for a period of no less than seven (7) years following the completion of all actions pertaining to a particular incident. After this time, records may continue to be kept on file if deemed necessary by the Office of Student Affairs or Human Resources and will otherwise be confidentially destroyed.
- 11.2 Access to the records will be strictly limited with control by the Office of Student Affairs and/or Human Resources. Records will only be made available in accordance with B.700 Privacy and Access to Information Policy and the *Freedom of Information and Protection of Privacy Act*, when required by the Policy, these procedures, for the purposes of external legal proceedings or where it is determined that there are compelling circumstances that affect anyone's health or safety .

12. DESIGNATED OFFICER

The Associate Vice President of Student Success is responsible for the development, subsequent revisions to and operationalization of this procedure under the oversight of the Vice President, Strategic Planning, Assessment, and Institutional Effectiveness.

13. REFERENCES

Sexual Violence and Misconduct Policy Act, SBC 2016 c.23

Freedom of Information and Protection of Privacy Act, RSBC 1996, c.165

Human Rights Code, RSBC 1996, c.210

Workers' Compensation Act, RSBC 1996, c.492

BC Occupational Health and Safety Regulation