

<b>Title</b>	<b>Sexual Violence or Misconduct – Student Survivors</b>		
<b>Parent Policy</b>	Sexual Violence and Misconduct		
<b>Policy No</b>	1073	<b>Oversight &amp; Responsibility</b>	VP Academic; VP & CFO; Human Resources
<b>Approval</b>	Board	<b>Effective Date</b>	2019 May 21

This procedure is applied in a manner consistent with applicable statutory and legal obligations, including university collective agreements and terms of employment, and the parent policy.

**NOTE:** The most up-to-date versions of our approved procedures are posted on the policy & procedure website. If you printed this procedure, check the website to be sure you have the current version.

This protocol and its associated procedures are informed by the RRU Sexual Violence and Misconduct policy. The protocol is the process or list of steps that is followed. The procedures describe in greater detail what happens at each step. This document includes the protocol, represented by the numbered points, and the procedures, represented by those preceded by a letter.

This protocol and associated procedures are written for university community members to provide detail about what happens at each step in the process that is normally followed when **a student** experiences sexual violence or misconduct. There is a similar, but separate protocol with procedures that support other university community members who experience sexual violence or misconduct.

The protocol and procedures are aligned with the university's values of caring and accountability and are based upon the assumptions that reason will prevail, that fundamental fairness will be upheld, that confidentiality for survivors and respondents will be honoured to the maximum possible extent, and that timely resolution of cases will be sought. The university reserves the right in its discretion to modify the protocol and procedures as it determines may be appropriate in any particular instance. It is recognized that any modification would be in keeping with the spirit of the protocol and procedures and would require communication of such variation with the parties.

Additionally, the university acknowledges these are living documents that will be amended as we learn from experience to make them better for our university community. Feedback is always welcome and can be directed to the Vice President, Academic and Provost and/or the Vice President and Chief Financial Officer. In the best interest of supporting survivors and the university community as a whole, these amendments may be made at any time at the university's discretion.

## Disclosures

*Disclosure occurs when a survivor tells someone else about an incident of sexual violence. Disclosing an incident of sexual violence **does not** imply that the survivor wants to report the incident. Disclosures are normally confidential between friends and family members or are shared with counsellors or others whom the survivor trusts who might be able to assist or support them. If there are reasonable grounds to believe that someone may be a danger to themselves or others, there is an obligation to report this concern to those who are in a position to act to mitigate such danger.*

- 1) A student may disclose they have experienced sexual violence to any university community member.
- 2) University community members are encouraged to listen and be empathetic. Consider the following:
  - a) Let the survivor tell their story as they choose to tell it. It's ok if they do not go into detail.
  - b) Listen without judgment.
  - c) Accept that what you are told is true.
  - d) Recognize that the survivor has experienced something traumatic and that telling someone about it is often traumatic too.

e) Understand that because sexual violence or misconduct is traumatic, the survivor may have trouble recalling what happened.

f) Reassure them that sexual violence is never the fault of the survivor.

3) If the survivor is in distress, discuss with them whether emergency response is required.

a) Assure the survivor that this does not require them to make a report to the Police.

b) Tell them that it may be beneficial for them to get immediate medical attention to ensure their overall wellbeing and/or should they decide to report the incident to the Police at any time later.

c) If they express that they are in need of emergency attention, encourage them to call 911 immediately.

d) You may assist the survivor to call 911 with their permission, but you cannot call for them without their consent unless you believe they are in imminent danger.

e) When someone calls 911 the dispatcher will answer and ask “Fire, Police or Ambulance?” right away. The caller can either answer “Police” or “Ambulance” or they can just start to tell the operator what happened and they will help.

f) If they are able, you can also suggest that they go to any hospital emergency department, medical clinic, or the clinic at the Victoria Sexual Assault Centre. You can tell them that many hospitals have a special unit that is set up especially to help survivors of sexual violence and collect evidence in case the survivor ever wants to make a report to the Police. There is one at the Victoria General Hospital.

4) Let the survivor know that they can report the incident to the Police if they choose – and they can do so at any time, even if they choose not to right after the incident occurs.

a) They can go into any Police Station or call any police detachment to do this. The closest to the RRU campus in Colwood is the Westshore RCMP detachment which can be reached at 250 474 2264.

b) The survivor may not be ready, or ever willing, for the Police to be involved. Choosing to report the incident to the Police may be very scary – once they report the incident to the Police, the Police are required to follow up. It is the survivor’s choice whether they make a report to the Police or not. Their choice will have no bearing on the university’s response to their circumstances.

5) If they are not ready to make a report to the Police and the incident occurred in BC, you can suggest that they consider making an anonymous “third party report” through a community-based victim service program (*not* a police victim service program). If the incident occurred in another jurisdiction, you can suggest that the survivor check on whether there is a way to do this there.

Third party reporting works by having the community-based victim service program make a report of the incident to the Police without giving personal information about the survivor. After the report is filed, the Police will follow up with the information they have been provided. If they need to communicate with the survivor this is channeled through the third party. It is up to the survivor whether they choose to work directly with the Police at any time.

a) They can call the 24-hour confidential VictimLink BC service at 1 800 563 0808 or text 604 836 6381 to find out who they can contact.

b) The Victoria Sexual Assault Centre and Men’s Trauma Centre based in Victoria both have community-based victim service programs and can take third party reports.

c) There is more information about third party reporting on the BC Ministry of Justice web site at <http://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/victim-or-witness-to-crime/third-party-reporting-for-victims-of-sexual-offences>

6) Make the survivor aware that the university has protocols and procedures in place for responding to disclosures of sexual violence. This includes providing appropriate accommodations.

a) If you are at a computer you can show them the information on the website (search “RRU sexual violence”).

b) Reassure them that there are trained people who can help them.

7) Refer the survivor to the RRU 24 hour Sexual Violence Response Line at 250 391 2600, Extension 8514.

a) You can tell them that this line is answered by trained staff.

- b) You may assist the survivor with calling with their permission, but you cannot call for them without their consent.
- c) A Sexual Violence Response Team staff member will arrange the best way to connect with the survivor.

8) If they are a student on campus and it is during regular business hours and you think they need to go somewhere safe and quiet right away, refer them or walk with them to the reception desk in the LIC or the Library.

- a) They do not have to tell the reception staff member what happened - all they have to say that they want to speak to a staff member *privately and confidentially* about something that happened. The key words the reception staff member will be listening for are “privately and confidentially”. It is not necessary that these exact words are used, but it may help if the survivor is feeling upset to give them words to use. You may assist them with their permission.
- b) Someone will find the survivor a private place to wait while they call a member of the Sexual Violence Response Team.
- c) Please do not leave the survivor alone. You can stay with the survivor or they can call someone else to be with them.

9) If they would rather not talk to someone at the university, tell them that the Victoria Sexual Assault Centre, Men’s Trauma Centre or a similar agency in their home community is also available to assist them if they choose. A report can be made to the university at any point following the incident.

- a) If the survivor is in the Victoria area, you can also suggest that they contact the Victoria Sexual Assault Centre’s Crisis and Information Line at 250 383 3232 or go to the Centre at 3060 Cedar Hill Road, unit 300B. The Victoria Sexual Assault Clinic is open to people of all gender identities.
- b) The Centre is open during regular business hours but can be accessed after hours by contacting the Crisis and Information Line which is open 24 hours a day.
- c) The Centre also has a clinic and sexual violence response team that is available to help all survivors of sexual violence medically and can collect evidence in case the survivor ever wants to make a report to the Police. If they are in a different community, you can help them find the contact information for the closest sexual assault centre. This information is readily available online by searching “sexual assault centre” and the name of the community.
- d) Men can also contact the Men’s Trauma Centre based in Victoria at 250 381 6367. Their offices are at #102 - 1022 Pandora Avenue in Victoria.

10) Suggest to the survivor that if they are able and ready, it is helpful to write down the details of what happened. It doesn’t have to be right away. As difficult as this may be, it may help them to express their feelings and it may help if they decide to report the incident at any time.

11) In keeping with our values of accountability and caring, university community members are reminded that the information that has been shared with them is confidential and that breach of such confidence could have significant repercussions.

12) University community members are encouraged to share that a disclosure has taken place by emailing [Care@RoyalRoads.ca](mailto:Care@RoyalRoads.ca). This address is monitored by members of the Sexual Violence Response Team. This is not a report and will maintain the anonymity and confidentiality of the person making the disclosure, unless there is reason to believe that the person may be a danger to themselves or others. This information is collected as part of the university’s responsibility to understand and respond as appropriate to the frequency and nature of sexual violence and misconduct in our community and to comply with legislated reporting requirements.

- a) Address the email to [Care@RoyalRoads.ca](mailto:Care@RoyalRoads.ca)
- b) Put “Confidential disclosure” in the subject line.
- c) List the following information – bullet points are fine:
  - i) Date that the survivor disclosed to you.
  - ii) Role of the survivor in the university community (i.e. student)

- iii) Role of the respondent in the university community (e.g. student, faculty, staff, associate faculty, contractor, Board of Governors member, etc.)
- iv) Type of sexual violence or misconduct that occurred – choose all that apply from the following categories: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism or the distribution of a sexually explicit photograph or video without consent. For definitions, please see the Glossary.
- v) Date and time (or approximate) of the incident.
- vi) General location of the incident (e.g. on campus, in the Victoria area, in another community, in a specific building on campus, in the survivor's home, etc.)
- vii) Gender of the survivor.
- viii) Gender of the respondent.

13) Hearing a disclosure may be very difficult. University community members are encouraged to seek support if they are upset by the experience. Due to the confidential nature of the disclosure, connecting with a counselling professional may provide the best support.

a) Employees can call 1 800 481 5511 to reach the university's Employee and Family Assistance Program offered through Walmsley. You can also visit their web site at [www.walmsley.ca](http://www.walmsley.ca) please note that you will need to enter the access code available on the RRU Human Resources web site once you have logged in using your RRU username and password - or contact Human Resources at extension 4385 for assistance with access to these services.

b) If you are a student, you can also make an appointment with a counsellor by calling 250 391 2600, Extension 4515, emailing [counselling@royalroads.ca](mailto:counselling@royalroads.ca) or booking online at <http://libcal.royalroads.ca/appointments/>.

c) If you are not an employee you can look up counselling resources in your community, such as a the Victoria-based Citizens Counselling Centre (<http://www.citizenscounselling.com/>) which offers a sliding fee scale based on income, a local family-serving agency like Pacific Centre Family Resources which may have free counselling services available, use the "find a counsellor" function on the BC Association of Clinical Counsellors web site (<http://bc-counsellors.org/#>) to find a registered clinical counsellor or check out similar organizations in the region where you live. The Victoria Sexual Assault Centre's Crisis and Information Line (250-383-3232) is available 24 hours a day and will provide information and guidance to those seeking additional resources.

### **Immediate response to concern for safety**

On recommendation of the Vice President Academic and Provost and/or the Vice President and Chief Financial Officer, the President may summarily temporarily suspend a student or employee, or bar any member of the university community from access to campus, if there are reasonable grounds to believe that any member of the university community may be at significant risk of harm based on the information provided. In such circumstances, the individual will be provided the opportunity to request a review by the President of such suspension, at which review the individual will be provided an opportunity to be heard. The decision of the President will be final.

### **Reports**

*Reporting refers to providing a formal statement about an incident of sexual violence to an individual or institution that has the authority to take action. A survivor may report an incident of sexual violence but decide that they do not wish to have any action taken. Individuals and institutions may be required to act, however, if there are reasonable grounds to believe that someone may be a danger to themselves or others.*

1) A student may make a confidential report to the Manager, Student Engagement (or designate) if the respondent is a member of the university community. While the university is not a court of law, in the spirit of the intention of allowing survivors the fullness of time to report incidents of sexual violence or misconduct as is provided for in the *BC Limitation Act*, the university will respond to reports made at any time, notwithstanding whether the survivor has since ceased to be an active member of the university community.

2) The Manager, Student Engagement will assist the survivor with this process.

- a) The survivor will be told that the report is to the university so that the university can act on the information provided.
  - b) The survivor will have the option of completing a written paper or online Sexual Violence and Misconduct Incident Report or submitting a written statement instead of, or in addition to, the form.
  - c) Every effort will be made not to re-traumatize the survivor. The Manager may ask the survivor for more information if in their judgment such information is important to the university's response.
  - d) The survivor will be informed that they may also make a report to the Police or a third party report to a community-based victim services program.
- 3) Once a report is filed with the Manager, Student Engagement it is forwarded to the Director, Student Services.
- a) The report will be placed in an envelope, sealed and marked as confidential.
  - b) The report will be kept in a secure place.
  - c) The report will be delivered in confidence to the Director, Student Services.
- 4) Notwithstanding whether there is a formal report, if the university has reason to believe that the safety of any university community member may be at risk, the university may proceed to make such inquiries as are necessary to determine whether further actions should be taken.
- 5) If the university is aware that a report has been made to police, or to a third-party agency acting on behalf of the survivor with the police, the university will pause its action until the police or criminal justice system has completed any activity related to the report. While such activity is underway the university may impose conditions on the parties involved.

### **Accommodations**

- 1) The Manager, Student Engagement (or designate) will work to facilitate appropriate academic and other accommodations for a student who discloses or reports an incident of sexual violence.
- 2) Short-term accommodations may be made to address the immediate circumstances.
  - a) The Manager will meet with the survivor in person or will contact them by distance (i.e. by phone or online video) to discuss what would help the survivor to continue their studies and feel safe doing so. This will not normally be done by email.
  - b) The Manager will work with the relevant academic programs and service units to make appropriate short-term accommodations to address the immediate circumstances. In doing so, the Manager will not reveal the reason for the accommodations unless the survivor has given consent in writing, by email or has already done so themselves.
  - c) To provide the best support to the survivor and/or to help to protect the confidentiality of the survivor, the Manager may enlist Accessibility Services staff members to help with determining or arranging accommodations. The reason for this is that Accessibility Services staff members have experience in facilitating a wide range of student accommodations and have existing relationships with the programs based on this work. Working through Accessibility Services may also protect the survivor's confidentiality because university units are accustomed to working with Accessibility Services to make accommodations without knowing the specific reasons for the accommodations. In doing so, the Manager will not reveal the reason for the accommodations to Accessibility Services unless the survivor has given consent in writing, by email or has already done so themselves.
- 3) Other accommodations may be made as appropriate at a later date.
- 4) Accommodations may also be made for the respondent as appropriate. A respondent may contact the Manager at any time through the process for assistance.

### **Investigations**

- 1) The Director, Student Services will convene a case management team upon receipt of a report. The case management team will address how the report will be investigated, review the results of the investigation and determine the university's response.

- a) Including the Director, Student Services, the team is comprised of the Associate Vice President, Student and Academic Services, and the Associate Vice-President, Human Resources.
  - b) Each member of the case management team will be provided with a copy of the report which will be kept in a secure location.
- 2) The survivor may withdraw the report at any time before a decision is rendered.
- 3) The case management team will make an assessment of the appropriate next steps.
- a) The case management team will determine whether there are grounds to proceed to an investigation of the report. The case management team will consider whether:
    - i) The university has the jurisdiction to proceed.
    - ii) The Sexual Violence and Misconduct Policy is relevant to the complaint and/or whether the complaint should be referred for review under a different policy.
    - iii) The survivor is interested in an alternative resolution as opposed to the completion of an investigation and decision-making process.
- 4) The case management team may assign an employee who is not a member of the case management team and who is deemed by consensus of the team to be an appropriate person to do so, to make such inquiries as are necessary to determine whether on the balance of probabilities an incident of sexual violence has occurred and to report findings.
- a) The university reserves the right to engage an external contractor to conduct such investigations at its sole discretion.
- 5) Investigations will be conducted in accordance with university practices, standards and applicable collective agreements, and respect confidentiality and natural justice for both the survivor and the respondent.
- a) The principles of natural justice will be respected. For the purposes of these procedures, these include:
    - i) The respondent has a right to know the accusations that have been made against them.
    - ii) The respondent shall be provided an opportunity to be heard in connection with the allegations against them.
    - iii) The survivor and the respondent have a right to know the evidence that has been provided by the other parties that is pertinent to the decision.
    - iv) The survivor and the respondent have a right to fair and unbiased review of the case.
    - v) The survivor and the respondent have a right to know the decision of the case management team and any actions pursuant to that decision.
    - vi) If the survivor or the respondent has a perception of bias regarding any member of the case management team, they may present this in writing or by email to the Vice-President Academic and Provost (VPA.Provost@RoyalRoads.ca) and Vice President and CFO (VPCFO@RoyalRoads.ca) at any time before the report is submitted to the case management team. The concern regarding perception of bias will be reviewed by the Vice Presidents who will determine if a member of the case management team should be recused, and if so, will appoint an alternate. The decision of the Vice Presidents will be final.
  - b) The university is not a court of law. The standard of proof will be on the balance of probabilities.
- 6) University community members have a right to make a report without reprisal or threat of reprisal. Allegations of reprisal or threats of reprisal will be taken seriously, inquiries will be made in response and sanctions may be brought against the respondent.
- 7) The Manager, Student Engagement will assign a primary contact person for the respondent who will provide procedural guidance and assist the respondent as appropriate.
- 8) The case management team will review the report of the investigation and consider its findings.
- a) The content of the investigation report that can be released in compliance with the *Freedom of Information and Protection of Privacy Act* [RSBC 1996] will be made available to the survivor and respondent at their request.

b) The investigation report will be kept in a secure location and retained in accordance with the university's records management guidelines.

### **Response**

- 1) The case management team has the authority to determine the university's response.
- a) The case management team will normally respond to the report with its decision within 10 business days.
- b) The case management team may sanction the respondent, up to and including recommending suspension or expulsion. Authority to suspend or expel a student rests with the President. Authority to take corrective action against an employee, inclusive of termination of an employee, shall also rest with the President in this instance.
- c) The decision and any sanction will be communicated in writing to the parties.
- d) A copy of the written communication to the survivor and respondent will be kept in a secure location and retained in accordance with the university's records management guidelines.

### **Appeal**

- 1) The survivor and respondent shall have the right to appeal the decision of the case management team.
  - a) This appeal must be made in writing within 10 business days from the date of the initial decision. The survivor or the respondent may submit an appeal to the Vice President Academic and Provost and the Vice President and Chief Financial Officer.
  - b) When appealing a decision, the appellant must demonstrate that the decision was unjust or unfair and/or the sanction levied is not commensurate with the offense.
- 2) The Vice Presidents shall determine the procedure for the appeal. The Vice Presidents shall have the power to deny the appeal, to allow the appeal and to set aside the decision, or to vary the decision, including by substituting any sanction. The Vice Presidents may impose a sanction greater or lesser than that imposed by the case management team and has the authority to recommend the suspension or expulsion of the student. The decision of the Vice Presidents shall be final.

### **Appeal of a recommendation to suspend or expel a student as the respondent**

- 1) Authority to suspend or expel a student rests with the President. If there is a recommendation to the President that the student as the respondent be suspended or expelled, the President shall, prior to making a decision to suspend or expel the student, provide the student an opportunity to be heard. The President shall determine whether to hear from the student in person, in writing or by some other means.
- 2) The student may appeal the decision of the President to suspend or expel the student. If the student wishes to appeal that decision they must submit a notice of appeal to the Manager, Board Governance and Planning, within five business days of receipt of the decision of the President. The appeal shall be considered by the Board of Governors Appeals Committee, the decision of which is final and binding.

### **Maintenance of Statistics**

The university will maintain annual statistics on disclosed and reported incidents of sexual violence in the university community in compliance with the *Freedom of Information and Protection of Privacy Act* [RSBC 1996]. This information is collected as part of the university's responsibility to understand and respond as appropriate to the frequency and nature of sexual violence and misconduct in our community and to comply with legislated reporting requirements.

## **Related Documents and Information**

Related RRU policies

- [Sexual Violence and Misconduct](#)

Related RRU procedures

- [Sexual Violence or Misconduct – University Community Member Survivors \(Non-Student\)](#)

## Review and Revision History

Date	Action
2017-May-16	Approved
2019-May-21	Revised; current published version
2021-Nov-01	Transfer to new template – no content change
<b>Next Review</b>	
2022-May-21	For review