

Sexual Violence and Misconduct Prevention, Education and Support (GP 44) Policy - Simplified Summary

PREAMBLE

Simon Fraser University is committed to providing a campus community where individuals are empowered to live, work and learn, free from sexual violence and misconduct. SFU does this by:

- Helping anyone who discloses **Sexual Violence and Misconduct** by:
 - giving them information about the supports available;
 - referring them to on/off campus services; and
 - assisting with Accommodations.

Sexual violence and misconduct is any act of a sexual nature that is forced on you and happens without your permission. It ranges from unwanted sexual comments to rape.

- Providing educational resources about topics like healthy relationships, consent, personal safety, among others, and training on how to respond to Disclosures and bystander intervention.

- Investigating Reports of Sexual Violence and Misconduct.

Natural justice means both parties receive a fair and unbiased hearing. **Procedural fairness** refers to the rules and mechanisms used to achieve natural justice.

- Using **natural justice** and **procedural fairness** during investigations and in SFU's response.

- SFU understands that Sexual Violence and Misconduct affects different people in different ways depending on their sex; gender identity; sexual orientation; race or ethnicity; ability, and other factors.

- SFU also recognizes that Sexual Violence and Misconduct impacts people who are impacted by past traumatic experiences, like **generational and historical trauma**, differently.

Generational and historical trauma means traumatic events from the past that are **passed down** to you, your family and/or your community. These events could include colonization, war, or genocide.

SCOPE and JURISDICTION

(Who does this policy concern?)

- This policy is for all members of the University Community: students, staff and faculty.
- Anyone who makes a Disclosure or a Report can use the support services available from the Sexual Violence Support & Prevention Office, e.g. information, referrals, and support. It does not matter when or where the incident happened or by whom.
- Regarding investigations and SFU's response, the policy applies **only** to members of the University Community if the incident happened:
 - in a building or area SFU owns; or
 - at an event or during an activity sponsored by SFU; or

- online via SFU technologies, e.g. SFU email; or
- when the Respondent had the power to affect the Survivor’s academic or employment situation.

DEFINITIONS

Disclosure VS. Report	
<p>Disclosure: is telling someone at SFU or the Sexual Violence Support & Prevention Office that Sexual Violence and Misconduct happened to you.</p>	<p>Report: is when a Survivor makes a complaint to the Sexual Violence Support & Prevention Office. A Report allows for an investigation to begin.</p>
Complainant/Survivor	Respondent
<p>Complainant: is the person who experienced Sexual Violence and Misconduct and would like to make a formal report.</p> <p>Survivor: is an SFU member who has experienced Sexual Violence and Misconduct. SFU understands that you might prefer other terms like Complainant, Victim, or Discloser, and it respects your choice for self-identification.</p>	<p>Respondent: an SFU member is called “a Respondent” when there is a Report made against them.</p>

Accommodations: are arrangements that the University makes to meet the unique needs people affected by Sexual Violence and Misconduct may have. Accommodations can be related to your studies, your job, your residence or other aspects of your SFU life. Some examples can include:

- providing an extension on an assignment; or
- changing an exam date; or
- allowing studies from home; or
- changing residence rooms.

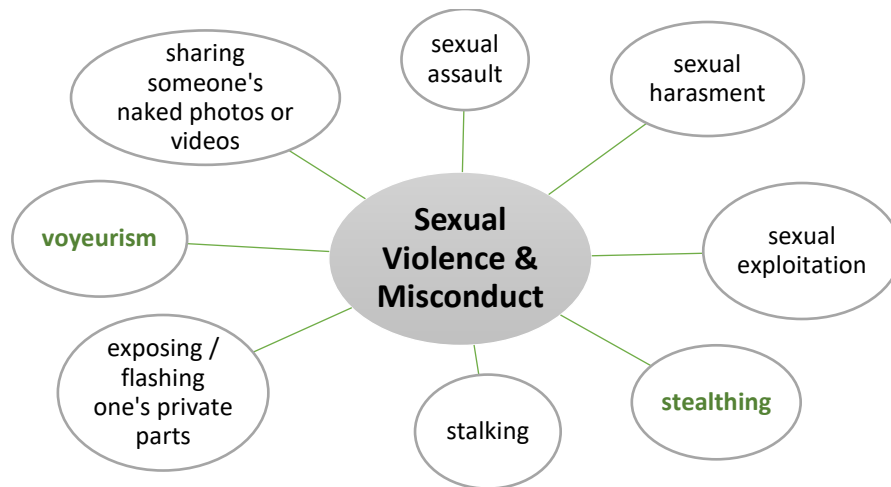
Consent: means voluntarily agreeing to engage in a sexual activity, and that your approval is **ongoing** and clear. There is no consent if:

- you were forced, pressured, or tricked to agree.
- you were drunk, high, asleep, or unconscious.
- you were in a position where someone you trust uses that trust to get your approval.
- the other person, like a supervisor or employer, had power over you and they used it to get your approval to engage in a sexual activity.

*Consent is **ongoing** when you say ‘yes’ every time you engage in a sexual activity. It means you can choose to stop at any moment.*

Silence is not a sign of consent.

Sexual Violence and Misconduct: is any act of a sexual nature that is forced on you and happens without your permission. Those sexual acts are aimed at your sexuality, gender identity and/or gender expression. Sexual Violence and Misconduct is a big term that includes all the following forms:



- These are not the only examples of Sexual Violence and Misconduct.
- Sexual Violence and Misconduct does not always involve physical contact, like in sexual harassment, **stalking** or **voyeurism**.

Voyeurism is when a person watches you, photographs you, videotapes you, etc. for a sexual purpose without your knowledge or permission.

Stealthing is the act of removing a condom during sex without your consent.

Student: includes:

- ✓ undergraduates
- ✓ qualifying graduate students
- ✓ graduate students on leave
- ✓ visiting, exchange or special audit students
- ✓ individuals in non-credit programs or courses

University Community: consists of

- ✓ all students
- ✓ research assistants
- ✓ visiting researchers
- ✓ post-doctoral fellows
- ✓ volunteers
- ✓ visiting and **emeritus** faculty
- ✓ members of the Senate and the Board of Governors
- ✓ SFU employees:
 - faculty members like professors and chairs
 - staff like admin assistants, directors of university offices, etc.

An **emeritus** professor is a retired professor but is permitted to use their previous title as an honour.

MAKING A DISCLOSURE

A Survivor who Discloses to the Sexual Violence Support & Prevention Office about a Sexual Violence and Misconduct incident will:

- be treated with compassion and respect;
- be offered safety planning;
- be told about the services available on- and off-campus;
- receive help with accommodations that are specific to their own situation and needs;
- be offered information about the different reporting options; and
- receive support that is 1) timely, 2) continuous, and 3) **confidential**.

Confidential means private.

A Survivor who makes a Disclosure has the right to decide whether to:

- access on- and off-campus services, and
- explore reporting options (i.e. police, SFU)

MAKING A REPORT

- As a Survivor, you can be accompanied by a support person when making a Report.
- You have the following options to go through a formal reporting process within SFU:
 1. Make a report to the Human Rights Office under the Human Rights Policy (GP 18) or the Sexual Violence Support & Prevention Office (SVSPO) under GP 44 Policy when you've experienced sexual harassment.

The SVSPO or the Human Rights Office will help you decide which reporting option is the best.

- If the Human Rights Office tells you that the reported incident is not covered under their policy, you can still choose to file a Report to the SVSPO.
- **However**, if SFU completes a full investigation into the incident under one policy, there can't be another investigation under the other policy.

2. Make a report to the SVSPO under GP 44 Policy if you've experienced Sexual Violence and Misconduct. With this option, there are three different processes depending on the status of the Respondent at SFU:

Who is the Respondent?	A student	An employee (faculty/staff)	A member of the University Community
Process	The SVSPO sends the Report to a Student Conduct Officer.	The SVSPO sends the Report to the employee's supervisor or appropriate Dean or University Archivist.	The SVSPO sends the Report to the Respondent's employer or supervisor.
	An investigation may follow.		
Related office	Office of Student Services	Human Resources or Faculty Relations	---
Related policies	Student Conduct Policy (S 10.05)	Relevant collective agreement	---
Useful links	Student Investigations	Faculty and staff investigations	Make a report

- SFU may make a Report **without** the Survivor's consent as necessary, such as in instances like:
 - If members of the University Community are in danger.
 - When reporting is required by law, for example, the Occupational Health and Safety Regulation and the *Child, Family and Community Service Act*.



Useful Resources

- Support for students: <https://www.sfu.ca/sexual-violence/get-help/help-for-students.html>
- Support for staff and faculty: <https://www.sfu.ca/sexual-violence/get-help/help-for-faculty-and-staff.html>
- Support for Respondents: <https://www.sfu.ca/sexual-violence/get-help/resources-for-respondents.html>
- GP 44 Policy - full text: <https://www.sfu.ca/policies/gazette/general/gp44.html>
- For information on
GP 44 Policy: sv_office@sfu.ca
- Support contact info: ☎: 778.782.7233 | ✉: sv-support@sfu.ca

This summary was developed by Shoak Alhussami as one of two field projects to be counted towards the completion of her master's degree in the Department of Gender, Sexuality, and Women's Studies at SFU. Shoak was also the research assistant to the SVSPO supporting the review of GP 44. Special thanks to the Sexual Violence Support & Prevention Office staff for providing continuous feedback and support throughout the process.