

## **B3009 – SEXUAL VIOLENCE OR MISCONDUCT**

### **PROCEDURES FOR EMPLOYEES, VOLUNTEERS AND OTHER NON-STUDENT MEMBERS OF THE COLLEGE COMMUNITY**

#### **Scope**

These procedures apply where faculty, staff, volunteers or other non-students:

- Have experienced sexual violence where the respondent is someone other than a student and/or,
- Wish to obtain advice or guidance on options.

In the event that the respondent is a student, the B3009 – *Sexual Violence or Misconduct Procedures for Student* will apply.

#### **Responsibilities**

1. All members of the College community have a responsibility to assist individuals who have experienced sexual violence or misconduct.

#### **Disclosure**

2. An individual who has experienced sexual violence or misconduct falling within the scope and definitions found in the Sexual Violence or Misconduct Policy, may wish to speak with one of the people listed below to obtain support or referral. Suggestions on how to respond to a disclosure are in *Appendix A*.
  - a. A trusted friend, colleague or a Sexual Respect Ambassador
  - b. Your union
  - c. Langara People and Culture
  - d. Employee and Family Assistance Program
  - e. A community-based sexual violence support service

#### **Support**

3. Both an individual who has disclosed sexual violence or misconduct and the individual who is alleged to have engaged in sexual violence or misconduct may access support services available on campus or in the wider community.
4. Campus-based support services are available to provide emotional and/or physical support, guidance, or referral to professional services, as appropriate.
5. Campus-based support services do not provide legal advice or opinion.
6. Support services offered by the College and a list of community-based resources are outlined in *Appendix B*.

### **Report to Police**

7. An individual who has experienced sexual violence or misconduct may report their concerns to law enforcement by contacting their local Police Department.
8. Individuals who wish to make a police report can seek assistance in doing so from:
  - a. Campus Safety and Security
  - b. A union steward
  - c. A Human Resources Consultant within Langara People and Culture

### **Temporary Employment Accommodation**

9. Employees who are seeking temporary accommodation due to the impact of sexual violence or misconduct, may contact People and Culture or a union steward for guidance.

### **Interim Measures**

10. The Director, Human Resources Operations or delegate may arrange or implement interim measures deemed appropriate to the circumstances. Interim measures may include, but are not limited to:
  - a. No contact undertakings or no contact directives,
  - b. Restrictions on access to all or some parts of the College facilities or grounds,
  - c. Temporary, non-disciplinary leave of absence for the person alleged to have engaged in sexual violence or misconduct, or
  - d. Any other interim restrictions deemed appropriate by the College.

### **Formal Report**

11. An individual who wishes make a formal report of an incident of sexual violence or misconduct, may seek advice from the Director, Human Resources Operations or delegate.
12. Individuals who wish to make a formal report on behalf of another person, must first obtain a written consent for them to act on that person's behalf. The letter of consent must be submitted with the formal report.
13. Individuals who wish to make a formal report after witnessing incidents of sexual violence or misconduct affecting third parties may submit a formal report using their own name. A formal report made on behalf of a third party or one where a third party has been affected, will only proceed if appropriate, after consultation with the individual(s) involved.
14. A formal report must be in writing and include the following:
  - a. Complainant name(s) and contact information
  - b. Respondent name(s) and contact information if known
  - c. Description of the incident(s) including dates and time frames
  - d. Witnesses name(s) and contact information if known
  - e. Date and signature
15. Individuals may submit a formal report to the Director, Human Resources Operations or delegate.

16. The formal report will be assessed as to the nature of the allegations and to ensure the allegations fall within the scope of the Sexual Violence or Misconduct Policy.
17. When a matter falls within the scope of the Sexual Violence or Misconduct Policy, the Director, Human Resources Operations or delegate will review the various options with the individual. These options include:
  - a. Request an alternate resolution process
  - b. Request an investigation into the matter
  - c. Access support services and/or temporary employment accommodations
  - d. Take no action
18. When an individual requests no action by the College, this request will be noted in the written record. Individuals must be aware that there may be situations where the College has a duty to proceed. Should this situation arise, it will be discussed with the individual.

### **Alternate Resolution**

19. Alternate resolution is a voluntary and collaborative process used to resolve an issue without resorting to a formal investigation or as an alternative to completing an investigation. The goal of an alternate resolution is to promote reconciliation, settlement, or understanding among those involved. An alternate resolution process will only be used if all parties agree to participate in good faith.
20. A complainant may make a request for an alternate resolution by speaking with the Director, Human Resources Operations or delegate.
21. When a request for an alternate resolution is received, the request and related information will be reviewed to determine if an alternate resolution is suitable and appropriate in the situation.
22. If an alternate resolution process is appropriate, agreement to participate will be sought from those involved.
23. Alternate resolution is a process that may include coordination or facilitation of one or more of the following:
  - a. Separate meeting with the individuals involved to review the concern;
  - b. Joint meeting with the individuals involved to facilitate a conversation aimed at understanding and resolving the concern;
  - c. A review of policy and expectations with individuals involved to clarify and reinforce expectations of appropriate conduct;
  - d. Training and/or coaching to enhance understanding of appropriate conduct;
  - e. Negotiating agreement between the individuals involved regarding future conduct.
  - f. Follow-up with individuals involved after the alternate resolution process to ensure commitments are being adhered to.
24. If a resolution on the matter is reached, a written record of the resolution will be prepared and signed by the parties.
25. The parties will receive a copy of the record of resolution. The original record will be maintained by the Director, Human Resources Operations.

### **Investigation**

26. When the Director, Human Resources Operations or delegate determines that further investigation is needed, the Director or delegate may undertake the investigation internally or may arrange for an external investigator to undertake the investigation.
27. Investigations will normally commence within 10 business days of receiving a formal report and will normally conclude within 90 business days.
28. Both complainant and respondent may have a support person who is a member of the College community accompany them during the investigation. Involvement of support persons who are not members of the College community shall be at the discretion of the investigator. Employees are entitled to union representation during the investigation. Students may seek support from the Langara Students' Union.
29. If the respondent ends their relationship with the College during an investigation, the investigation will continue until a decision is reached.
30. A delay in requesting an investigation may hamper its effectiveness and/or potential for an actionable outcome.

### **Internal Investigation**

31. Where the Director, Human Resources Operations or delegate determined that the matter will be investigated internally, the parties and the relevant unions will be notified of the investigation and advised of the investigation process.
32. An investigation may include any or all of the following steps:
  - a. Preliminary interviews with the complainant and respondent, followed by subsequent interviews if needed
  - b. Review of documentary or related information
  - c. Interviews with witnesses or others who may have relevant information
  - d. A review and analysis of all information to determine the facts and any policy breach

### **External Investigation**

33. Where the Director, Human Resources Operations or delegate determined that the matter will be investigated externally, the parties will be notified of the external investigation.
34. The Director, Human Resources Operations or delegate will work with the Vice-President, People and Culture or delegate, to arrange for the services of an external investigator.
35. The external investigator will establish an investigation process based on expectations outlined by the College.
36. The complainant and the respondent will receive a summary of the investigation findings.
37. The final investigation report will be kept in a confidential file located in the People and Culture Department.

### **Investigation Report**

38. A report of the investigation will be prepared at the conclusion of the investigation and will include the following information:
  - a. A review of the initial allegations.

- b. A summary of the investigation process.
  - c. Review of the relevant sections of the Sexual Violence or Misconduct Policy.
  - d. A summary of the evidence gathered through the investigation.
  - e. An analysis of the evidence and a finding of fact.
  - f. A determination, made on the balance of probabilities, as to whether there has been a breach of the Sexual Violence or Misconduct Policy.
  - g. A summary of the effects of the breach, if a breach has been identified.
  - h. Observations related to possible contextual factors that may be taken into account by the College in deciding outcomes.
39. The Investigation Report will not provide recommendations regarding action by the College as a result of the investigation.
40. The Director, Human Resources Operations or delegate will forward a summary of the investigation findings to both the complainant and the respondent.
41. The final investigation report will be kept in a confidential file located in the People and Culture Department in accordance with the College's record retention policy.

### **Suspending or Withdrawing from an Investigation**

42. A complainant may withdraw from an investigation by making a written request to the Director, Human Resources Operations or delegate.
43. Upon receipt of a complainant request to withdraw, the investigation will cease and the parties will be notified, except where the College has a duty to proceed.
44. Where the College or complainant chooses to discontinue the investigation, any evidence gathered will not be used in a prejudicial manner in any future investigations.
45. Withdrawal from an investigation will have no consequence on the individual's College status and activities.

### **Duty to Proceed**

46. The College reserves the right to proceed with an investigation or other action if,
- a. The allegation involves a minor,
  - b. Federal or provincial legislation requires an investigation,
  - c. There is a reasonable assumption of risk to the individual or members of the College community, or
  - d. Information related to the alleged misconduct is in the public realm.
47. Where the College is required to take action based on any of the reasons outlined above, the individuals involved will be notified.

### **Sanctions**

48. When an investigation establishes that an employee or a non-student member of the College community has violated the Sexual Violence or Misconduct Policy, the Vice-President, People and Culture or delegate may impose sanctions or other disciplinary measures in accordance with applicable collective agreements or other terms of contract.

### **Disputes**

49. Any individual who has a concern about the reporting or investigation process under this policy may notify the Vice-President, People and Culture of their concerns.
50. Disputes regarding sanctions or other disciplinary action imposed for violations of the Sexual Violence and Misconduct Policy must be addressed as follows:
  - a. In the case of an employee, through the redress options outlined in the applicable collective agreement, or through other terms and conditions of employment.
  - b. In the case of any other non-student member of the College community, through the redress options outlined in the applicable terms of contract.

## APPENDIX A

### Response to Disclosure

1. When someone other than a student discloses an incident of sexual violence or misconduct to you as a member of the College community, respond in a way that supports individual dignity and demonstrates compassion and respect.
  - a. Listen empathically and without judgement or interruption, and avoid personal advice.
  - b. Validate their experience or reactions and reassure them that they are not responsible for the other person's actions.
  - c. Ask them what you can do to support them.
  - d. Help them to identify safe individuals within their existing support system and review their current safety.
  - e. Provide information about on-campus and off-campus resources. Appendix B contains a list of resources. Encourage them to seek medical attention and counselling support, while respecting their right to choose the services they believe will benefit them the most, including any decision to notify the police.
  - f. Inform them of their complaint or reporting options, including contact information for on-campus reporting of the incident(s).
  - g. Do not conduct an investigation.
  - h. Do not call the police, unless they specifically ask you to do so.
2. If you receive a disclosure from someone other than a student and do not feel able to assist them, ask the person if they would like you to contact People and Culture for assistance.

## APPENDIX B

### Resources that are available to you if you have experienced Sexual Violence or Misconduct

1. **Call the Crisis Line** - A Crisis Line is a non-profit, volunteer organization committed to helping people help themselves and others deal with crisis. 24-hour crisis lines are available to provide immediate crisis support.

**WAVAW** 24-Hour Crisis Line: 604-255-6344 or toll free 1-877-392-7583

**VictimLink BC** at 1-800-563-0808 can help you find a support service program nearest you.

2. **Speak with your union**

3. **Speak with a Sexual Respect Ambassador**

Sexual Respect Ambassadors are a team of faculty and staff who have been trained on issues related to sexual violence or misconduct, how to receive disclosures with sensitivity and provide support, guidance, information and referral. For a list of Ambassadors, see Sexual Violence Support Services on the People and Culture website.

4. **Speak with the Employee and Family Assistance Program**

For 24/7, immediate access to confidential assistance, contact Morneau Shepell at 1.800.387.4765 or visit their website at [workhealthlife.com](http://workhealthlife.com), where you can explore a broad range of articles, touch base with a short-term counsellor through First Chat Services or E-Counselling, and book in-person support services online.

Finally, you can download their mobile app for on-the-go access to support as well; available worldwide, **My EAP** provides quick and easy access to information and support tools.

5. **Go to the Sexual Assault Service at Vancouver General Hospital** - Go directly to the Vancouver General Hospital Emergency Department at 920 West 10th Avenue (near Broadway & Oak), and ask for the Sexual Assault Service.

Female patients can call 604.255.6344 if they would like a Rape Crisis Centre counsellor from *Women Against Violence Against Women* (WAVAW) to meet them at the hospital. When you call, ask for "Hospital Accompaniment Staff."

6. **Speak to Campus Safety and Security** - Campus Security provides assistance in safety planning and can help you decide if, and how, you would like to report the incident.

Location: Front of campus facing West 49th Ave, across from the bookstore.  
Phone: 604.374.2373 or 4444 from an internal phone

7. **Call the Vancouver Police Department** - The Vancouver Police can provide information on various reporting options and are available to accompany the survivor to the Vancouver General Hospital (VGH) Sexual Assault Service if desired.

Emergency number: 911

Non-emergency number: 604.771.3321