

B3009 – SEXUAL VIOLENCE OR MISCONDUCT

PROCEDURES FOR STUDENTS

Scope

- These procedures apply to individuals who have experienced sexual violence where the respondent is a student.
- Procedures also apply where a student wishes to obtain advice or guidance on options involving respondents who are not students.

Disclosure

1. A student may disclose an experience or a concern around sexual violence or misconduct to a trusted member of the College community to obtain support, guidance and/or referral. Disclosure may be made to:
 - a. A trusted faculty member, a College employee, or another student or friend
 - b. A counsellor from the Counselling Department
 - c. A nurse or doctor from Health Services
 - d. Staff in Langara Students' Union
 - e. Staff in International Education
 - f. Staff in Indigenous Education and Services
 - g. Staff at The Hub
 - h. Staff in Student Conduct & Academic Integrity
 - i. A member of the Campus Security Team
 - j. Community-based sexual violence support services
2. Suggestions on how to respond to a disclosure are in Appendix A.

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. Campus-based support services do not provide legal advice or opinion.
5. Students may seek campus-based support by contacting Langara Counselling, Langara Health Services, Indigenous Education and Services, Student Conduct and Academic Integrity, or International Education as appropriate, or may contact Campus Safety and Security for safety planning.

6. Support services offered by College departments and personnel and a list of community-based resources are outlined in Appendix B and on the Langara Sexual Violence Support and Education website.

Report to Police

7. Students may report allegations to law enforcement by contacting their local Police Department.
8. Students who wish to make a police report can seek assistance in doing so from:
 - a. Campus Safety and Security
 - b. Counselling Department
 - c. Health Services
 - d. International Education
 - e. Indigenous Education and Services
 - f. The Hub
 - g. Student Conduct and Academic Integrity

Temporary Academic Accommodation

9. An individual requesting academic accommodation(s) related to the impact of sexual violence or misconduct is not required to file a formal report to receive accommodation.
10. Temporary accommodation(s) will vary from department to department depending on learning objectives and program structure, and may include extended time on assignments, alternate exam arrangements, modified group work activities, late withdrawal or course deferral, work-from-home options, or other modifications agreeable to both the student and the program or department.
11. Students may seek advice and assistance in requesting temporary academic accommodation(s) from College support services such as Sexual Respect Ambassadors, Student Conduct and Academic Integrity Office, Counselling, Indigenous Education and Services, International Education, Health Services, the Hub or Accessibility Services (students registered with the office).
12. Students who require longer-term academic accommodation(s) due to ongoing physical or psychological factors are encouraged to contact Langara Accessibility Services.

Requests for Temporary Academic Accommodation

13. A student may make a request for temporary academic accommodation(s) by contacting the relevant instructor or department chair.
14. Where direct contact with the instructor or department chair is not practicable, the following departments are authorized to communicate a student's accommodation needs to the instructor and negotiate their implementation:
 - a. Accessibility Services (students registered with the office)
 - b. Counselling
 - c. Health Services

d. Student Conduct and Academic Integrity

Interim Measures

15. The Director, Student Conduct and Academic Integrity or delegate may arrange or implement interim measures deemed appropriate to the circumstances. Interim measures may include, but are not limited to:
- a. Alteration of the academic schedule of any student involved in a complaint of sexual violence or misconduct;
 - b. Make arrangements so students don't have to study together, if feasible;
 - c. Arrange a no-contact rule between the parties;
 - d. Temporary, non-disciplinary leave of absence for the respondent student; or
 - e. Any other interim restrictions deemed appropriate by the College.

Formal Report

16. A student who wishes to make a formal report of an incident of sexual violence or misconduct may seek advice from the Director, Student Conduct and Academic Integrity or delegate or the Manager, Safety, Security and Emergency Management.
17. Individuals who wish to make a formal report on behalf of another person must first obtain written consent for them to act on that person's behalf. The letter of consent must be submitted with the formal report.
18. Individuals who wish to make a formal report after witnessing 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 is affected will only proceed if appropriate, after consultation with the individual(s) involved.
19. 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
20. Students may submit a formal report to the following offices:
- a. The Manager, Safety, Security and Emergency Management
 - b. The Office of Student Conduct and Academic Integrity
21. When a matter falls within the scope of the Sexual Violence or Misconduct Policy, the Director, Student Conduct and Academic Integrity or delegate will review the various options to the student. These options include:
- a. Request an alternate resolution process
 - b. Request an investigation into the matter
 - c. Access support services and/or temporary academic accommodations
 - d. Take no action

22. When a student requests no action by the College, this request will be noted on file. Students must be aware that there may be situations where the College has a duty to proceed. This will be discussed with the student.

Preliminary Assessment

23. When a formal report is received that identifies another student as the respondent, the procedures outlined in the Student Code of Conduct Response Procedures will apply.
24. The Director, Student Conduct and Academic Integrity or delegate will arrange a Student Conduct Meeting as appropriate.
25. A student who is alleged to have violated the Sexual Violence or Misconduct Policy must attend the Student Conduct Meeting.
26. A student may be accompanied to a Student Conduct Meeting by a support person who is a member of the College community. Support persons do not participate in the Student Conduct meeting. Attendance at a Student Conduct Meeting by a person other than a member of the College community will be at the discretion of the meeting coordinator.
27. The Student Conduct Meeting will conform to reasonable standards of procedural fairness and due process and will,
 - a. Provide the student with an opportunity to receive information about the allegations.
 - b. Provide the student with an opportunity to respond to the allegations and any other information available at the time of the meeting.
28. The information arising from the formal report and the Student Conduct Meeting will be assessed to determine if:
 - a. The situation can be addressed under the Student Code of Conduct procedures.
 - b. The situation is appropriate for alternate resolution.
 - c. The situation warrants further investigation.
 - d. The situation would be better addressed under another college policy.
 - e. The situation does not require further action.
29. The outcome of the Student Conduct Meeting will be discussed with the complainant to determine next steps.

Alternate Resolution

30. 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.
31. A complainant may make a request for an alternate resolution by speaking with a staff member in the Office of Student Conduct and Academic Integrity.
32. 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.
33. If an alternate resolution process is appropriate, agreement to participate will be sought by the Office of Student Conduct and Academic Integrity from those involved.

34. An alternative 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 any agreements that made, are upheld.
35. If a resolution on the matter is reached, a written record of the resolution will be prepared and signed by the parties.
36. The parties will receive a copy of the record of resolution. The original record will be held in the Office of Student Conduct and Academic Integrity.
37. Where an alternate resolution is not successful, the Student Code of Conduct Response Procedures will apply.

Investigation

38. When the Director, Student Conduct and Academic Integrity or delegate determines that further investigation is needed, the Office may undertake the investigation internally or may arrange for an external investigator to undertake the investigation.
39. If the matter pertains to an allegation involving an employee or a non-student respondent, the Director, Student Conduct and Academic Integrity or delegate will refer the matter to the Director, Human Resources Operations or the Manager, Safety, Security and Emergency Management as appropriate.
40. Investigations will normally commence within 10 business days of receiving a formal report and will normally conclude within 90 business days.
41. 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. Students may seek support from the Langara Students' Union.
42. If the respondent ends their relationship with the College during an investigation, the investigation will continue until a decision is reached.
43. A delay in requesting an investigation may hinder effectiveness and/or potential for an actionable outcome.

Internal Investigation

44. Where the Director, Student Conduct and Academic Integrity or delegate determines that the matter will be investigated internally, the parties involved will be notified of the investigation.
45. An investigation may include any or all of the following steps:
 - a. Preliminary interviews with the complainant and respondent

- b. Review of documents or related information
 - c. Witness interviews
 - d. A review and analysis of all information to determine the facts and any policy breach
 - e. Preparation of an investigation report
46. Findings made in an investigation will be made on the balance of probabilities.
47. The Director, Student Conduct and Academic Integrity or delegate will forward a summary of the investigation findings to both the complainant and the respondent.
48. The final investigation report will be maintained in the Office of Student Conduct and Academic Integrity.

External Investigation

49. Where the Director, Student Conduct and Academic Integrity or delegate determined that the matter will be investigated externally, the parties will be notified of the external investigation.
50. The Director, Student Conduct and Academic Integrity or delegate will work with the Vice-President, People and Culture or delegate, to arrange for the services of an external investigator.
51. The external investigator will establish an investigation process based on expectations outlined by the College.
52. The complainant and the respondent will receive a summary of the investigation findings.
53. The final investigation report will be maintained in the Office of Student Conduct and Academic Integrity if the respondent is a student and by People and Culture if the respondent is an employee. Records will be maintained in accordance with the College's record retention policies.

Suspending or Withdrawing from an Investigation

54. A complainant may withdraw from an investigation by making a written request to the Director, Student Conduct and Academic Integrity or delegate.
55. 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.
56. 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
57. Withdrawal from an investigation will have no consequence on the individual's College status and activities.

Duty to Proceed

58. 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 breach is in the public realm.
59. Where the College is required to take action based on any of the reasons outlined above, the individuals involved will be notified.

Sanctions

60. When an investigation establishes that a student has violated the Sexual Violence or Misconduct Policy, sanctions up to and including suspension from the College may be imposed. Please see the Student Code of Conduct for possible sanctions.
61. Sanctions will be imposed as follows:
 - a. The Director, Student Conduct and Academic Integrity will impose sanctions short of suspension.
 - b. The President will impose sanctions involving suspension from the College.

Disputes

62. Any student who has a concern about the reporting or investigation process under this policy may notify the Vice-President, People and Culture of their concerns.
63. Disputes regarding sanctions imposed for violations of the Sexual Violence and Misconduct Policy must be addressed through the Appeal Procedures associated with the policy.

SEXUAL VIOLENCE AND MISCONDUCT POLICY

APPEAL PROCEDURES FOR STUDENTS

This procedure applies to Langara students who wish to appeal sanctions imposed under the Sexual Violence or Misconduct Policy.

Grounds

1. To appeal a sanction, a student must make an Application to Appeal showing that one or more of the following grounds have been met:
 - a. Relevant evidence has become available that was not available at the time of the original decision and there is a strong probability that the evidence would have a significant effect on the decision;
 - b. The severity of the sanction is disproportionate to the nature of the violation; or
 - c. The student was denied:
 - i. An opportunity to know the case against them;
 - ii. An opportunity to respond to the case against them;
 - iii. An unbiased decision.

Appeal Application

2. An Application to Appeal must be submitted to Student Services within seven (7) business days of receipt of the decision letter and must include:
 - a. Identify the grounds for the appeal,
 - b. Include a copy of the original decision,
 - c. A statement of the requested outcome.

Appeal of Sanctions other than Suspension

3. A student must submit an Application to Appeal to the Office of the Associate Vice-President Students or delegate within seven days of receiving the sanction decision.
4. Within fourteen (14) business days of receiving the application, the Associate Vice-President Students or delegate may, at their discretion:
 - a. Request a meeting with the student before rendering a decision;
 - b. Request additional information from internal or external sources. If such information is provided, the student will be given an opportunity to respond to that information; or
 - c. Render a decision based on the written application.
5. In response to the appeal, the Associate Vice-President Students or delegate may:
 - a. Deny the appeal because it does not meet the required grounds;
 - b. Deny the appeal and uphold the sanction;
 - c. Grant the appeal and remove the sanction; or
 - d. Grant the appeal, remove the sanction and impose a different sanction.

6. The Associate Vice-President Students or delegate will notify the student in writing as to the outcome of the appeal.
7. Any decision rendered as an outcome of this process is not subject to further appeal.

Appeal of Suspension

8. Where a student is suspended from the College under Item 38 b of the procedures, the student may appeal this decision by submitting an Application to Appeal to the Chair of the Board of Governors.
9. The Board will only consider appeals that relate to matters of procedural fairness. The Board will not conduct an investigation or review determination of fact.
10. Within twenty-one (21) calendar days of receiving the application, the Chair or a designated member or members of the Board may, at their discretion:
 - a. Request a meeting with the student before rendering a decision;
 - b. Request additional information from internal or external sources. Should such additional information be provided, the student will be given an opportunity to respond to that information; or
 - c. Render a decision based on the written application.
11. In response to an appeal, the Chair or the designated member or members of the Board may:
 - a. Deny the appeal because it does not meet the required grounds;
 - b. Deny the appeal and uphold the suspension;
 - c. Grant the appeal and direct the President to remove the suspension; or
 - d. Grant the appeal, and direct the President to remove the suspension and consider a different sanction.
12. The student will be notified in writing of the outcome of the appeal.

APPENDIX A

Response to Disclosure

1. When a student discloses an incident of sexual violence or misconduct to you as a member of the College community, please 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 the student 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 a student and do not feel able to assist them, ask the student if they would like you to escort them to the Counselling Department for assistance.

APPENDIX B

Support Provided by College Departments

Sexual Respect Ambassadors

- Are able to provide a supportive place to explore experiences and needs, and to obtain information about College and external services. See langara.ca/svse for names of our Ambassadors.

Academic Chairs, Program Coordinators and Faculty

- May make referrals to on-campus support services, and facilitate implementation of temporary accommodation and related academic requests from students who have experienced sexual violence or misconduct.

Student Conduct and Academic Integrity

- Is available to receive reports of sexual violence or misconduct regarding student respondents, provide support for police reporting, conduct investigations or arrange for investigations to be undertaken into formal reports of sexual violence or misconduct, facilitate or arrange temporary accommodation for students as required, assist with safety planning and make referrals to support services, including external medical services.

Campus Safety and Security

- Is available to receive reports of sexual violence or misconduct from members of the College community, provide support for police reporting, conduct investigations or arrange for investigations to be undertaken into formal reports of sexual violence or misconduct, establish safety programs, implement measures to reduce sexual violence on campus and collaborate with local police where appropriate.

Counselling Services

- Is available to provide students with psychological and emotional support, assist with safety planning, provide support for police reporting, make referrals to other services, including medical services, and may provide guidance regarding temporary accommodation requests.

Health Services

- Is available to provide medical, emotional and other health-related support to students, assist with safety planning, provide support for police reporting, make referrals to other services, including external medical services, and provide support for temporary accommodation requests.

Accessibility Services

- Is available to provide support to students currently registered with Accessibility Services, assist with safety planning, make referrals to other services including medical services and provide support for temporary and longer-term academic accommodation requests.

Indigenous Education and Services

- Is available to provide counselling support and other assistance to indigenous students, assist with safety planning, provide support for police reporting, make referrals to other services, including medical services, and may provide guidance regarding temporary accommodation requests

International Education and Services

- Is available to provide support and assistance to international students, assist with safety planning, provide support for police reporting, make referrals to other services, including medical services, and may provide guidance regarding temporary accommodation requests

APPENDIX C

APPENDIX C

What to Do If You Have Experienced Sexual Violence or Misconduct

- **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."

- **Call the Vancouver Police Department** – If you want to report the incident, or if you or other are in immediate danger or fear for your safety, call 911. 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.

Non-emergency number: 604-771-3321
Emergency number: 911

Resources on Langara Campus

Report to someone what happened to you – Representatives from each of the following service areas will take your report and provide you with support or information about support options.

- **Speak with a Langara Counsellor** - Langara Counselling Services provides individual counselling support to students who have been sexually assaulted and/or impacted by sexual abuse and other forms of sexualized violence. Counselling Services provides a respectful, safe and supportive environment. Counselling services are confidential, free of charge, and are provided in a supportive and inclusive space.

Location: B Building, Room B111
Phone: 604-323-5221
Email: counselling@langara.ca

- **Visit Langara Health Services** - Langara Health Services provides medical services (not including forensic exams) in a caring, safe and confidential space.

Location: B Building, Room B101
Phone: 604-323-5256

- **Visit the Indigenous Gathering Space** - Indigenous Liaison Counsellors provide individual counselling support to students who have been sexually assaulted and/or impacted by sexual abuse and other forms of sexualized violence. Counselling services are confidential, free of charge, and are provided in a supportive and inclusive space.

Location: C Building, Room C140
Phone: 604-323-5511 ext. 3171

- **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 Langara phone

- **Speak to Student Conduct and Academic Integrity (SCAI)** - If you are a student, speak with one of the staff members. They will take your report, explain the procedures to you, and will assist you to get the support you need.

Location: Building T, room T206B
Phone: 604-323-5618
Email: scja@langara.ca

24/7 Off Campus Support Services

- **Crisis Centre of BC** - Is a non-profit, volunteer organization committed to helping people help themselves and others deal with crisis. Crisis responders are available 24/7 to provide immediate support.

Greater Vancouver: 604-872-3311

BC Wide: 1-800-suicide (1-800-784-2433)

- **WAVAW (Women Against Violence Against Women)** - Is a rape crisis centre providing support services to survivors of sexualized violence including a 24-Hour Crisis Line.

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

- **VictimLink BC** – Provides information and referral services to victims of crime and immediate crisis support to victims of family and sexual violence. Call to help you find a support service program nearest you.

Phone: 1-800-563-0808

- **Empower Me** – a 24/7 helpline and support service from anywhere in North America allows students covered by Langara's Health Plan to connect with qualified Counsellors, consultants, and life coaches for support with mental health concerns including sexualized violence.

Phone: 1-844-741-6389