



**Title & Number:**

Sexual Assault Policy

**Effective Date:**

December 2, 2015

**Approval Date:**

December 2, 2015

**Policy Type:**

External Policy

**Review Date:**

This policy shall be reviewed every one (1) year.

**Responsible Body**

AMS University and External Relations Committee

**Authority:**

AMS Code of Procedure Section II, article 11(1)

“Council may create external and internal policies as well as combined policies.”

**Purpose and Goals:**

This policy is designed to:

- 1) Provide proactive and reactive measures to sexual assault, in order to support survivors and lead to changing attitudes about sexualized violence.
- 2) Ensure the AMS is working with the UBC Administration to implement comprehensive and sustainable prevention and response procedures and processes at UBC Vancouver.
- 3) Implement effective and timely measures to provide safety and care for survivors of sexualized violence.
- 4) Show a commitment to creating a violence free campus community.

**Applicability:**

This policy is applicable to the AMS's stance towards the University, the work of the Sexual Assault Support Centre (SASC), and the advocacy of the VP Academic and University Affairs to the University. This policy is applicable to all members of the UBC Vancouver community, including but not limited to students, staff, faculty, administrators, and volunteers. It applies regardless of where an incident takes place, on or off campus.

Sexual Assault can have serious negative impacts on an individual's physical, mental, emotional, and spiritual health and wellness. The University is committed to a Pro-Survivor approach to Sexual Assault,



recognizing that such an approach may reduce barriers to reporting, and help individuals in their efforts to seek support and recover.

All persons who report an experience of Sexual Assault can expect to:

- Be treated with compassion, dignity and respect;
- Be provided with timely safety planning assistance;
- Be informed about on and off campus support services and resources available to them;
- Be provided with non-judgmental and empathic support
- Be provided with academic and work accommodations as appropriate;
- Be integral decision-makers in situations pertaining to themselves;
- Determine whether and to whom they wish to disclose or report their experience, including;
  - Whether or not to pursue formal criminal and/or University avenues of redress;
  - Whether or not to pursue informal Human Rights avenues for resolution
  - Whether or not to disclose to a support person and seek out personal counseling

**Exclusions:**

There are no exclusions for this policy.

**Definitions:**

*Acquaintance Sexual Assault*

shall mean sexual contact that is forced, manipulated, or coerced by a partner, friend, family member or acquaintance

*Consent*

shall mean an enthusiastic and freely given 'yes' to any sexual activity. Consent must be given during all sexual activity, even if consent has been given before. Consent can be withdrawn at any time. Coercion does not equal consent. Sexual contact without consent is sexual assault. Someone is not able to give consent/is not giving consent if:

- They are forced, threatened, intimidated, or coerced;
- They are sleeping, passed out, or unconscious;
- They are drunk or high;
- They imply 'no' by making excuses;
- Their body language says no;
- They have a mental disability that cannot allow them to give lawful consent;
- They imply or state 'no' based on the above conditions



<i>Member of the University Community</i>	shall mean a student, members of faculty, or a member of staff.
<i>Partner Violence</i>	(A pattern of behaviour where one person intimidates, isolates, dominates, or maintains power and control over another person. This can be physical, sexual, emotional, financial, spiritual, or a combination.
<i>Reporting Person</i>	shall mean any person who alleges that a member of the university community violated this policy. They need not be a member of the university community.
<i>Responding Person</i>	shall mean a Member of the University Community accused of violating this policy.
<i>Retaliation</i>	shall mean engaging in conduct that may reasonably be perceived to: I. Adversely affect a Reporting Person or witness' living, working or learning environment because of their engagement of this policy and its associated procedures or because of their participation in an investigation under this policy; or II. Prevent a person from making a report, engaging this policy and its associated procedures or from participating in an investigation under this policy.
<i>Sexual Assault</i>	shall mean any unwanted act of a sexual nature, which can include unwanted kissing, touching, or sexual intercourse. Sexual assault can be committed by anyone.
<i>Sexual Harassment</i>	shall mean any comment or conduct of a sexual nature which is known or ought reasonably to be known to be unwelcome. Examples include: -Making or threatening reprisals after a negative response to sexual advances -Making unwelcome sexual advances,



*Sexual Violence*

propositions, flirtations or repeated unwelcome requests for or efforts to make social contact, including asking questions about sexual conduct or sexual orientation or spreading rumors about such information

-Making comments about an individual's body, sexual prowess, sexual orientation or sexual deficiencies or using sexually degrading or vulgar words to describe an individual or making derogatory sexual comments

-Displaying or distributing sexually suggestive or gender-based objects, pictures, posters, cartoons, letters or emails.

shall mean any violence, physical, psychological, financial or spiritual carried out through sexual means or targeting sexuality. Can include sexual assault, sexual abuse, and sexual harassment.

**Policy:**

Whereas the AMS and all Members of the University Community share responsibility for ensuring that the work, study and social environment at the University is free from Sexual Violence, including Sexual Assault;

Whereas the AMS regards Sexual Assault as a serious offence that is subject to a wide range of disciplinary measures, including dismissal or expulsion from the University;

Whereas the AMS will not tolerate any retaliation, directly or indirectly, against anyone who, in good faith, reports, gives evidence or otherwise participates in a process under this Policy;

Whereas the AMS considers retaliation to be a serious matter, and recognizes that it prevents potential reporting persons, witnesses and administrators from acting on their concerns;

- 1) Be it resolved that the AMS calls on the UBC Administration to develop a Sexual Assault Response Team, and Response Protocol to address instances of sexual violence in a timely manner;
- 2) Be it further resolved that the University Community adopt a Pro-Survivor approach to Sexual Assault;
- 3) Be it further resolved that the UBC Sexual Assault Prevention Team continue to create and administer education and awareness on the topic of sexual assault to students, staff and faculty, and that the SAPT team incorporate the voices of those most at risk of sexualized violence;
- 4) Be it further resolved that the UBC Administration provides adequate support and education for those perpetrating violence on campus;



- 5) Be it further resolved that the UBC Administration finish and implement survivor-centric changes to the non-academic misconduct process, and ensure survivor-centric changes are integrated into the UBC Policy 3 processes for faculty and staff;
- 6) Be it further resolved that the UBC Administration ensure the development of processes for off campus incidents of sexual assault;
- 7) Be it further resolved that the UBC Administration incorporate the aforementioned processes and protocols into a UBC Sexual Assault Policy.

#### **Consultations:**

The following groups have been consulted during the development of this policy:

AMS Sexual Assault Support Centre, AMS University & Government Relations Advisor, AMS VP Academic & University Affairs, AMS Executive Director, AMS Senior HR Manager, AMS University & External Relations Committee (not completed).

#### **History:**

This is the fifth draft of the first version of this policy.

#### **Related Policies:**

##### **AMS**

1. [AMS Respectful Environment Policy](#)
2. [AMS Campus Safety Vision Statement](#)
3. [Alcohol Consumption Policy, I-4](#)
4. [AMS Health and Safety Policy](#)

##### **UBC**

1. [UBC Discrimination and Harassment Policy \(Policy #3\)](#)
2. [UBC Discipline for Non Academic Misconduct: Student Code of Conduct](#)
3. [UBC Respectful Environment Statement](#)
4. [UBC Response to at Risk Behavior Policy \(Policy #14\)](#)
5. [UBC Safety Policy \(Policy #7\)](#)
6. [UBC Employment Equity Policy \(Policy #2\)](#)

##### **Other at UBC**

1. [UBC Student Housing and Hospitality Services Residence Contract](#)
2. [Summary of UBC Policies and Expectations for UBC Faculty and Staff](#)

##### **Other at Canadian institutions**

1. Queens University Draft Policy and Procedures for Sexual Misconduct by Students and Student Organizations – Ontario
2. McGill University Proposed Sexual Assault Policy - Quebec
3. St.Mary's University Sexual Assault Policy and Procedures – Nova Scotia
4. Colleges of Ontario



- a. Sexual Assault and Sexual Violence Policy - Ontario
- b. Sexual Assault and Sexual Violence Protocol - Ontario
5. Mount Allison University Policies and Procedures with Respect to Sexual Assault – New Brunswick
6. Lakehead University Sexual Misconduct Policy and Protocol: Dealing with Sexual Harassment, Sexual Stalking and Sexual Assault – Ontario
7. University of Guelph Sexual Assault Protocol – Ontario
8. Brock University Sexual Assault Protocol – Ontario
9. St. Francis Xavier University Sexual Assault Response – Nova Scotia
10. Western University
  - a. Policy on Sexual Violence – Ontario
  - b. Responding to Sexual Violence Policy - Ontario
11. York University Policy on Sexual Assault, Awareness, Prevention and Response – Ontario
12. Thompson Rivers University Interim Sexual Assault Support and Response Protocol – BC

#### Appendix/Appendices:

- Ahrens, C.E., Campbell, R., Ternier-Thames, N.K., Wasco, S.M. & Sefl, T. (2007). Deciding whom to tell: Expectations and outcomes of rape survivors' first disclosures. *Psychology of Women Quarterly*, 31, 38-49.
- Canadian Centre for Justice Statistics. (2008). *Sexual Assault in Canada: 2004 and 2007*. (Catalogue no. 85F0033M, no. 19). Retrieved from the Statistics Canada Website  
<http://www.statcan.gc.ca/pub/85f0033m/2008019/findings-resultats-eng.htm>
- Canadian Centre for Justice Statistics (2013). *Measuring violence against women: Statistical trends*. (Catalogue no. 85-002-X). Retrieved from the Statistics Canada Website  
<http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11766-eng.htm>
- Casey, E. A., & Lindhorst, T. P. (2009). Toward a multi-level, ecological approach to the primary prevention of sexual assault prevention in peer and community contexts. *Trauma, Violence, & Abuse*, 10(2), 91-114.
- Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., & Martin, S.L. (2007). *The Campus Sexual Assault (CSA) Study*. Washington, DC: National Institute of Justice, U.S. Department of Justice
- METRAC. (2014). *Sexual assault policies on campus: A discussion paper*. Toronto, ON: METRAC Press.
- Ontario Women's Directorate. (2013). *Developing a response to sexual violence: A resource guide for Ontario's colleges and universities*. Kingston, ON: Queen's Printer for Ontario.