

Policy History
Policy No. SR14
Approving Jurisdiction: Board of Governors
Administrative Responsibility: President
Effective Date: August 14, 2019

Sexual Violence and Misconduct Policy

A. CONTEXT AND PURPOSE

This Policy and its related Procedures support the University’s commitment to establishing a safe and respectful learning and working environment for members of the University community. In 2016 the Government of BC introduced the *Sexual Violence and Misconduct Policy Act* S.B.C. c.23 (the *Act*). The *Act* requires BC post-secondary institutions to establish, implement, and make publicly available a policy, with associated procedures, that addresses sexual misconduct, its prevention, and responses to sexual misconduct. This Policy has been designed in compliance with the *Act*.

B. SCOPE AND LIMITS

1. This Policy and its related Procedures apply to all members of the University community, including but not limited to Students, Employees, and Board members. The Policy applies in any situation where Sexual Violence and Misconduct occurs on University property or is related to University business, and includes activity that occurs in virtual environments including all forms of digital, electronic, or social media.
2. This Policy and its related Procedures address how members of the University community will respond to a Disclosure and/or Complaint and/or Report, and where to report an incident of Sexual Violence and Misconduct. The Procedures reference other KPU policies and documents that may determine the procedures to be followed when dealing with issues that arise within the scope of this Policy, and describe the corrective actions that will be applied if an individual has been found to violate any aspect of this Policy. Nothing in this Policy or its related Procedures precludes an individual from seeking recourse through criminal or civil proceedings at any time.
3. If any provision in this Policy or the related Procedures is inconsistent with a Collective Agreement, the applicable Collective Agreement language will prevail to the extent of the inconsistency.

C. STATEMENT OF POLICY PRINCIPLES

The following principles will guide this Policy:

1. The University seeks to ensure a safe and supportive learning and working environment for all members of the University community. This environment will be a place where Sexual Violence and Misconduct is not tolerated, and where members of the University community feel safe to report possible violations of this Policy.
2. Sexual Violence and Misconduct by any member of the University community is strictly prohibited.
3. Support services will be offered to Victims/Survivors of Sexual Violence and Misconduct. Respondents will also be supported through the process and will be provided access to support services.
4. Victims/Survivors and Respondents have privacy rights under the *Freedom of Information and Protection of Privacy Act*. There are also confidentiality obligations connected to the investigation of Reports and Complaints that must be respected.
5. Investigations of violations of this Policy will adhere to the principles of procedural fairness. Respondents have the right to be notified of the allegation(s) that have been made against them, and to be given a reasonable opportunity to respond.
6. The University will respond in a timely manner to Disclosures, Complaints, and Reports of Sexual Violence and Misconduct.
7. The University recognizes that individuals of all gender identities, gender expressions, and sexual orientations may experience Sexual Misconduct, and is committed to developing inclusive Sexual Violence and Misconduct prevention and response training.
8. The University will invest in ongoing sexual violence education, awareness and prevention programming.
9. As per the *Act*, this Policy will be reviewed at least once every three years or as directed by the Minister of Advanced Education. Students and employees will be consulted as part of this review.

D. RELATED POLICIES & LEGISLATION

BCGEU Collective Agreement
Child, Family and Community Service Act
Criminal Code of Canada
Human Rights Code
KFA Collective Agreement
KPU Employee Code of Conduct
Sexual Violence and Misconduct Policy Act
University Act
AD2 Complaints about Instruction, Services, Employees or University
HR1 Conflict of Interest
HR15 Diversity & Inclusiveness
HR18 Job Accommodations for Employees
HR21 Respectful Workplace
HR24 Protected Disclosure
IM3 Information Technology Usage

SR7 *Safety and Health*

SR8 *Emergency Response to Inappropriate Disruptive or Threatening Behaviour*

SR9 *Violence in the Workplace*

ST7 *Student Conduct (Non-Academic)*

E. RELATED PROCEDURES

Refer to Procedure SR14 *Procedures for Dealing with Sexual Violence and Misconduct*.