

ATTACHMENT #7 – SEXUAL VIOLENCE PREVENTION AND RESPECTFUL ENVIRONMENT POLICY WORKING GROUP FINAL REPORT

Sexual Violence Prevention and Respectful Environment Policy Working Group

Final Report on Policies

Introduction

This report is intended to support the approval of the AMS Internal Policy on Sexual Violence (“Sexual Violence Policy”) and the AMS Respectful Community and Workplace Policy (“Respectful Community Policy”) as proposed by the Sexual Violence Prevention and Respectful Environment Policy (“SVPREP”) Working Group.

In this report, the SVPREP Working Group will provide background on the body itself and history behind it. Furthermore, this report will deliver information and context to the Sexual Violence Policy and the Respectful Community Policy along with the changes they went through each draft. In addition, this report will go over the consultation process that was undertaken by the SVPREP Working Group on the two policies as well as contextualizing the policies in the UBC community. Finally, this report will list out recommendations that the SVPREP Working Group identified as important for the AMS to implement in order to smoothly implement the two policies.

Background

In December 2017, the AMS created the SVPREP Working Group with the task of creating the AMS’s standalone sexual violence policy and rewriting the Respectful Environment Policy. The composition of the SVPREP Working Group consists of two AMS Executives, the SASC Manager, the Human Resources Manager, the Policy Advisor, a Constituency executive, and an AMS Councillor. At the time of its creation, the SVPREP Working Group was chaired by the Vice-President Academic and University Affairs, however due to multiple permanent staff vacancies, the working group was only able to focus on the framework of the two policies.

In September 2018, the Executive appointed the Vice-President Administration as the chair of the SVPREP Working Group due to the relevancy of their position to the nature of the policies. By then, the vacancies on the working group were filled and much progress was made. Through a combination of a change in chairs and filled vacancies, the SVPREP Working Group was able to create working drafts of the two policies and performed multiple rounds of consultation.

In April 2019, the Executive appointed the President as the chair of the SVPREP Working Group due to the Vice-President Administration returning as the President. Since then, the SVPREP Working Group has worked on the finalization of the policies to present to AMS Council for approval.

Sexual Violence Policy

The Sexual Violence Policy is designed to affirm the AMS's zero tolerance for Sexual Violence¹ and to provide procedures for the disclosure, reporting, investigations, and decision-making of cases of Sexual Violence. The policy is split into two main sections: (1) procedures if the respondent is an AMS Member²; and (2) procedures if the respondent is an AMS Staff³. The two main sections are then divided into four subsections: (1) reporting; (2) investigations; (3) decisions and outcomes; and (4) review of decision⁴.

1 As defined in the Sexual Violence Policy.

2 As defined in the Sexual Violence Policy.

3 As defined in the Sexual Violence Policy.

4 This subsection does not apply to the section if the respondent is an AMS Staff.

5 As defined in the Sexual Violence Policy.

6 As defined in the Respectful Community Policy.

7 As defined in the Respectful Community Policy. 8 As defined in the Respectful Community Policy.

The first draft of the Sexual Violence Policy focused on creating the framework and structure of the policy. This draft had five subsections: (1) disclosure; (2) reporting; (3) investigations; (4) decisions and outcomes; and (5) appeals. It also focused on determining which bodies/positions would be responsible for receiving reports, handling investigations, adjudicating cases, and determining appeals.

The second draft of the Sexual Violence Policy made changes centered on clarifying jurisdiction and the policy's procedure, creating procedures for at-risk behavior, and developing accommodations. In this draft, the Sexual Violence Policy expanded on its jurisdiction by allowing non-AMS Members⁵ to submit a report since the AMS has jurisdiction if the Respondent is an AMS Member or AMS Staff. In addition, the second draft saw the inclusion of a summary guide of the Sexual Violence Policy and two flowcharts (for each main section) as a response to the request for further clarity from the consultation period. The second draft had created procedures for at-risk behavior by allowing for corrective action when a party involved in the investigation begins to display at-risk behavior. Finally, the second draft added the requirement for the AMS to provide referrals and accommodations to the Complainant and Respondent during and after an investigation.

The third draft of the Sexual Violence Policy saw changes relating to the procedures regarding AMS Council, the standards of confidentiality, the inclusion of the Deputy Ombudsperson, the semantics of 'Appeals', and stylistic changes. In this draft, the Sexual Violence Policy expanded on the procedures if the Respondent were to be a member of AMS Council. This was done to provide a more concrete process if a case as described were to arise, despite the rarity. In addition, the third draft clarified the expectations of confidentiality, especially regarding redacting personal and identifying information in the Investigation report. Furthermore, the third draft included the Deputy Ombudsperson in the process of delivering the notice of prohibition of entry. Finally, the SVPREP Working Group changed the name of the 'Appeals' process to 'Review of Decision' to accurately reflect what the process is.

Respectful Community and Workplace Policy

The Respectful Community Policy is designed to set clear expectations for the provision and maintenance of workplace and student environment free from Bullying and Harassment⁶, Discrimination⁷, and Violence⁸. The policy also lays out procedures for the reporting, investigations, and

decision-making of cases of Bullying and Harassment, Discrimination, and Violence. This policy is a rewritten version of the AMS Respectful Environment Policy and is meant to replace it. The first draft of the Respectful Community Policy focused on rewriting the AMS Respectful Environment Policy by scrapping the original framework of the latter policy and creating a new framework. This draft developed a framework that described examples of behavior that is not tolerated, how to respond to inappropriate behavior, reporting, investigations, and decision-making of cases. In this first draft, the SVPREP Working Group added the term “Violence” as a behavior that is not tolerated since it was not previously prohibited by the AMS Respectful Environment Policy.

The second draft of the Respectful Community Policy made changes on clarifying the expectations of confidentiality, combining the terms “Bullying” and “Harassment”, and changing the title to ‘Bullying and Harassment, Discrimination, and Violence Policy’. In order for all parties, including the AMS, to best understand the expectations of confidentiality, the SVPREP Working Group created a section dedicated to explaining confidentiality and the realistic expectations of it. In addition, the second draft saw the combination of “Bullying” and “Harassment” into “Bullying and Harassment” due to the two individual terms colloquially being used interchangeably. Finally, the Respectful Environment Policy changed its title to ‘Bullying and Harassment, Discrimination, and Violence Policy’ to tackle the issue of people interpreting the purpose of the policy as a sustainability policy.

The third draft of the Respectful Community Policy made changes on the semantics of ‘Appeals’, the title to ‘Respectful Community and Workplace Policy’, and stylistic changes. Much like the Sexual Violence Policy, the Respectful Community Policy looked to clarify the process of ‘Appeals’ to ‘Review of Decision’. In addition, since the policy is focused on creating a respectful community and workplace, the policy was renamed to ‘Respectful Community and Workplace Policy’.

Consultation Process

The SVPREP Working Group undertook a comprehensive consultation process on both the Sexual Violence Policy and the Respectful Community Policy. The working group reached out to multiple stakeholders for feedback, opened a 24/7 online anonymous survey, and hosted a townhall. Each draft of the two policies went through a consultation period and the feedback was used to inform changes to the next draft.

The SVPREP Working Group reached out to all Constituencies, Student Resource Groups, AMS Clubs, and AMS Staff for feedback. The Chair of the SVPREP Working Group consulted with stakeholders to discuss the two policies and changes, and received comments. This would range from meeting with community partners in-person to communicating over email.

As part of the active consultation process, the SVPREP Working Group opened a 24/7 online anonymous survey where members of the AMS community could send their thoughts on the most up-to-date drafts of the Respectful Community Policy and Sexual Violence Policy. This survey was kept open throughout the development of the policies and was frequently checked for comments.

Finally, the AMS hosted a public townhall in the AMS NEST where members of the AMS community could attend to discuss the policies. This townhall was promoted through AMS mediums and the Chair of the SVPREP Working Group hosted the townhall. [Page | 48](#)

On the first draft of the two policies, we received many useful comments that lead to many changes within the policies, particularly the Sexual Violence Policy. We had multiple comments about clarity, in other words, having a way to better understand the processes in a more digestible format. In addition, some feedback that came up was around at-risk behavior and how to address it. We had also received comments about post-investigation actions, such as providing accommodations and support service referrals. Finally, we frequently received questions about the AMS's jurisdiction as well as what would happen if a non-AMS Member was involved.

On the second draft of the two policies, we again received great feedback that lead to changes, with another emphasis on the Sexual Violence Policy. We had comments about expanding confidentiality, asking to specify how the investigation report would be kept confidential. We had also received feedback on the process of Council's cases and the need to be a bit more specific with the framework. Finally, we received strong asks to change the Reporting structure by allowing two positions able to receive the Reports to continue the theme of providing choice.

Contextualization

The Sexual Violence Policy is meant to fill a gap in the wider UBC community where AMS Members and Staff are not able to go through a trauma-informed process that will affect the standing of AMS Members and Staff in the AMS. Currently, if a member of the UBC community wishes to take action against another member regarding Sexual Misconduct⁹, they would have to be referred to the UBC Independent Investigations Office ("IIO"). However, since the AMS is an independent society from UBC and therefore the jurisdictions are separate. For example, if UBC suspended an individual from accessing the UBC Vancouver campus for a period of time, that potentially could not affect that individual's standing in the AMS Clubs that they are a member of. Therefore, the AMS's Sexual Violence Policy is intended to fill that gap and provide a trauma-informed process.

⁹ As defined by UBC's Sexual Assault and Other Sexual Misconduct Policy (Policy 131).

https://universitycounsel.ubc.ca/files/2017/05/policy131_final.pdf

Recommendations

RECOMMENDATION #1: Create the Deputy Ombudsperson position.

In order to avoid the Ombudsperson violating impartiality, the SVPREP Working Group recommends that the Human Resources Committee re-establish the Deputy Ombudsperson. In the context of the Sexual Violence Policy, the Deputy Ombudsperson would be responsible for handing the notice and prohibition of entry/expulsion so that the Ombudsperson would be able to maintain confidentiality by not being responsible.

RECOMMENDATION #2: Require that the members of the Operations Committee, Ombudsperson, Deputy Ombudsperson, Human Resources Manager, President, and Managing Director receive procedural fairness training.

Procedural fairness is a required quality the AMS must keep in order to provide its complainants and respondents with a fair and bias-free process, and to avoid legal liability. The SVPREP Working Group

recommends that the AMS President and Governance Committee develop a procedural fairness training/orientation for all the key bodies and positions involved in the Sexual Violence Policy and the Respectful Community Policy.

RECOMMENDATION #3: Require that the members of the Operations Committee, Ombudsperson, Deputy Ombudsperson, Human Resources Manager, President, and Managing Director receive sexual violence and trauma-informed approaches training.

An understanding of the nature of sexual violence is a key quality necessary for the AMS to provide a trauma-informed process surrounding investigations and decision-making. The SVPREP Working Group recommends that the Governance Committee require a sexual violence and trauma-informed approaches training/orientation with the SASC, with an emphasis on working with historically marginalized communities, for all the key bodies and positions involved in the Sexual Violence Policy and the Respectful Community Policy. We understand that the AMS already does this AMS Executives, AMS Staff, and AMS Councillors, but it is not uncommon for AMS Councillors to not attend the sexual violence training/orientation.

RECOMMENDATION #4: Communicate to all stakeholders the existence of these two policies and how to follow their procedures along with various support services.

In order for members of the AMS community to acknowledge the existence of the two policies along with various support services being offered by the AMS, it is critical for the AMS to take on a comprehensive communication strategy. This effort should be focused on ensuring that stakeholders are aware of how to access services at the AMS, especially historically marginalized communities that have continued to be disproportionately affected by sexual violence. This will include the Vice-President, Administration communicating to all AMS Clubs and Constituencies, the AMS Communications Department advertising, and the Vice-President, Academic informing UBC about these two policies. The SVPREP Working Group recommends that the AMS President coordinates an effective communication initiative across various departments to stakeholders about the existence of these two policies and their support services.

RECOMMENDATION #5: Review the Ombudsperson position and explore the option of increasing the qualifications necessary for the role.

The SVPREP Working Group conducted a brief review of the current Ombudsperson position and concluded that the role would need to undergo a comprehensive review to explore the option of increasing the qualifications necessary for the role. The SVPREP Working Group recommends that the Human Resources Committee review the Ombudsperson position and study the feasibility of increasing the qualifications and compensation for the role. Page | 50

RECOMMENDATION #6: Implement data tracking of number of disclosures, reports, investigations, and concluded cases.

Currently, the AMS does not track the number of disclosures¹⁰, reports, investigations, and concluded cases. In order for the AMS to understand where improvements can be made to its structure to support members of the AMS community, it would be important for the AMS to begin tracking cases. Through this effort, the AMS will coordinate and work with on campus departments on data collection surrounding the above factors. The SVPREP Working Group recommends that the Governance and Human Resources Committees mandate the Ombudsperson and Human Resources Department begin tracking the number of disclosures, reports, investigations, and concluded cases.

¹⁰ The exception here is the SASC since it does track number of disclosures and repeated visits, but other AMS departments (most notably the Ombuds Office) do not track any metrics.

Recommendation #7: Perform a review of both policies and the implementation process a year after their effective date.

If AMS Council is to implement Recommendation #6, it would be critical for the AMS to review the data and the realities of the policies. This would allow the AMS to fix any gaps within the policies and make improvements to its structure based on the data reported from the offices. This would also allow the AMS to review the policies and their effects on barriers for historically marginalized communities to be able to access services at the AMS.

Conclusion

The SVPREP Working Group hopes that this report has been able to provide background to the body and its work, especially regarding the Sexual Violence Policy and the Respectful Community Policy. We encourage AMS Council to approve the presented drafts of both policies and take its recommendations into deep consideration as part of the implementation process.