



Interim Sexual Assault Support and Response Protocol

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Community Resources

I. PREAMBLE AND PURPOSE

Thompson Rivers University (TRU) recognizes that all members of the University community should be able to work, teach, and learn in an environment where they are free from harassment, discrimination, and violence. Sexual activity without consent is sexual assault. Sexual assault is a criminal offence in Canada.

TRU does not tolerate behaviour that contributes to a hostile, inequitable, and/or unsafe living, learning, and working environment. The University expects all members of the campus community to abide by the provisions of the Criminal Code of Canada and all the laws of the land, including those regarding sexual assault.

The University's policies¹ and administrative processes and discipline systems, including "Respectful Workplace and Harassment Prevention, BRD 12-0"², "Suspension of Students, ED 7-0", "Suggested Procedures for At-Risk Students ADM 17-0"³, "Information Disclosure ADM 02-1"⁴, "Campus Living Centres' Residence Handbook & Residence Community Living Standards", and the Student Athlete Handbook are independent of the civil and criminal legal system. University community members alleged to have perpetrated a sexual assault may be subject to the University's administrative processes and discipline systems in addition to the civil or criminal legal system.

The purpose of this protocol is three-fold:

1. To broadly communicate the support services and resources available to members of the University community who may be directly or indirectly affected by sexual assault;
2. To foster a campus environment that is free of discrimination, harassment, and violence; and
3. To guide and support the provision of a swift, coordinated, consistent, fair, and transparent response to disclosures and allegations of sexual assault.

III. DEFINITIONS

Sexual Assault: for the purposes of this Response Protocol⁵, sexual assault includes any form of unwanted activity of a sexual nature, including kissing, fondling, touching, oral or anal sex,

¹<http://www.tru.ca/policy/allpolicy.html>; See Residence & Athletes Handbooks

²http://www.tru.ca/_shared/assets/brd17s_016383.pdf

³http://www.tru.ca/_shared/assets/Suggested_Procedures_for_At_Risk_Students5595.pdf

⁴http://www.tru.ca/_shared/assets/Information_Disclosure5612.pdf

⁵ This definition differs from the legal definition under the *Criminal Code of Canada*.

vaginal intercourse or other forms of penetration, that is imposed by one person onto another without consent. Sexual assault can occur if the alleged assailant is a married spouse, an intimate or dating partner, a friend or acquaintance, a known person in a position of authority, or a complete stranger.

Consent: an active, direct, voluntary, unimpaired, and conscious choice and agreement between adults to engage in sexual activity. The consumption of alcohol or drugs does not provide any relief from these necessary elements of consent. If a survivor's judgment is impaired, consent is not valid; similarly, impaired judgment that leads an assailant to *think* or *believe* there was consent is no excuse.

- Consent is never assumed or implied.
- Consent is not silence or the absence of "no".
- Consent cannot be given if the victim is impaired by alcohol or drugs, or is unconscious.
- Consent can never be obtained through threats or coercion.
- Consent can be revoked at any time.
- Consent cannot be obtained if the perpetrator abuses a position of trust, power or authority.
- Consent to one kind or instance of sexual activity does not mean that consent has been given to any other sexual activity or instance.

Member of the University community: All students and employees of the University and the activities that arise directly out of the operations of the University, between people in their capacity as members of the TRU community are within the jurisdiction of this protocol.

This protocol applies where the respondent, the complainant or both are members of the University community directly or indirectly affected by sexual assault, whether the sexual assault is alleged to have occurred on or off University property or at a University event, and the respondent or the complainant falls into one of the following categories:

- students;
- staff;
- faculty;
- volunteers;
- administrators;
- members of the Board of Governors or of the Senate;
- University visitors; or
- employees of organizations representing University employees when on University property.

IV. CONFIDENTIALITY

Appropriate procedures for responding to a complaint must be followed to ensure due process and to avoid breaching the privacy of anyone who reports or is involved in an alleged sexual assault.

Everyone involved will be informed about the processes in place to safeguard confidentiality, to the greatest extent possible, as well as the limits of confidentiality.

Confidentiality cannot be assured if:

- (a) An individual is judged to be at imminent risk of self-harm;
- (b) An individual is judged to be at imminent risk of harming another;
- (c) There is reason to believe that other University members or the broader community may be at risk of harm; and/or
- (d) Reporting is required by law (e.g., in the case of a minor).

In the case of an alleged assailant who is a University employee, confidentiality will be managed within the context of an investigation that the University may need to conduct in order to meet its legal obligations.

V. RESPONSE TO SEXUAL ASSAULT

Survivors may seek out any number of the services listed below at any time; however, **immediately after** a sexual assault, they may wish to consider the following steps:

1. Go to a safe place and seek out help.

- (a) **If you live in Residences**, contact your Residence Manager or Advisor (RA) or call the front desk of your Residence and ask for the on-call. RAs are there to listen and support you.
- (b) **If you don't live in Residences or you are not a student**, call or go to a trusted friend's house or shelter if you feel physically and/or emotionally unsafe.

If you need assistance getting to a safe place on campus, call Campus Security.

- Kamloops: 250-828-5033 – they are available 24 hours a day, 7 days a week. The Security Office (HL 128) is located on the 1st Floor of the Brown Family House of

Learning building.

2. **Get medical attention as soon as possible.**

Kamloops: Go to or call the emergency department of the Royal Inland Hospital. The hospital is open 24 hours a day, 7 days a week.

Williams Lake: Go to or call the emergency department of the Cariboo Memorial Hospital. The hospital is open 24 hours a day, 7 days a week. 250-392-4411.

3. **Get advice and support (Off Campus)**

Kamloops:

- Kamloops Sexual Assault Counselling Centre 250-372-0179
- Kamloops Mental Health Intake 250-377-6500
- After Hours Emergency Response Team 250-377-0088
- RCMP (Emergency) 911

Williams Lake:

- Women's Contact Society 250-392-4118
- Community Based Victim Services 250-398-8220 ext 2005
- Victim Services 7am-5pm Mon-Fri 250-392-8709; After hours 250-392-6211
- RCMP (Emergency) 911
- Nurses' hotline 811

4. **Seek out resources (On Campus)**

Kamloops:

- Counselling Services OM 1631 250-828-5023
- Security HL 128 250-828-5033
- Disability Services OM 1631 250-828-5023

Figure 1. Recommended Steps to Follow Immediately After a Sexual Assault



VI. COMMITMENT TO SURVIVORS OF SEXUAL ASSAULT

Sexual assault can have serious negative impacts on an individual's physical, mental, emotional, and spiritual health and wellness. TRU recognizes the possible traumatic effects of sexual assault and supports the efforts of individuals to seek support and recover. All survivors 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 academic and work accommodations as appropriate;
- Determine whether and to whom they wish to report an incident of sexual assault;
- Determine whether to pursue criminal or non-criminal reporting options, if any; and
- Be the final decision-makers about their own best interests.

Where possible, the survivor of sexual assault will retain the control of the processes referenced above. The University also has an obligation to the University community to protect it from harm; and as such, the University reserves the right to initiate an internal investigation. The University may also report the incident to the RCMP, even without the consent of the survivor, if it believes that the safety of the University community is at risk or if reporting is required by law.

VII. SUPPORTS

Students requiring academic accommodations (e.g., extensions on assignments, deferrals of exams, dropping classes, continuing studies from home, etc.) can make an appointment with a Director of Student Affairs to discuss how best to support their accommodation needs. The Director of Student Affairs will liaise with appropriate campus and community partners and write letters substantiating requests for accommodations as appropriate in their professional opinions.

Employees requiring work accommodations should consult with Human Resources to determine requirements to support requests for work accommodations.

VIII. CRIMINAL/NON-CRIMINAL REPORTING

Survivors of sexual assault may choose one or more criminal and non-criminal options for reporting as well as support.

Any community member may pursue criminal charges under the Criminal Code of Canada.

Non-Criminal Processes

If students would like to make a non-criminal complaint to the University, the Director of Student Affairs can explain the processes available through the “Respectful Workplace and Harassment Prevention Policy – BRD 17-0” (if the respondent is a student or administrator) or as per the process in the relevant collective agreement (if the respondent is a faculty or staff member).

If other community members (non-students) would like to make a non-criminal complaint, they may contact the Director of Human Resources.

Depending on the circumstances, non-criminal responses may include, but are not limited to:

- “no contact” undertakings with the alleged assailant, on- or off-campus safety planning, class scheduling and other academic accommodations, and/or workplace accommodations.
- Campus Security may impose or facilitate interim measures to restrict access to some University facilities by the alleged assailant where the University determines there may be a safety risk.
- If either the survivor or the alleged assailant is a student living in Residences, the University may take immediate steps to protect the student survivor and potential witnesses, the University community, or any of its members. For instance, the Residence Manager may deem it necessary to provide the student survivor/complainant and/or the alleged assailant/respondent with alternative housing assignments during an investigation.
- If either the survivor/complainant or alleged assailant/respondent is an employee of the University, Human Resources may impose or facilitate interim measures such as moving the respondent to a different department or placing the respondent on an administrative leave of absence pending resolution of the complaint. For academic staff, a Dean or delegate may need to impose appropriate interim measures in consultation with Faculty Relations.

The instigation of University administrative processes does not preclude the use of other

options outside the University such as criminal proceedings.

Criminal Processes

If a survivor would like to explore criminal reporting options, the RCMP can provide information relating to filing a complaint, the investigative process, and criminal charges.

- The Director of Student Affairs can arrange to have a RCMP officer meet with the survivor on campus to discuss the possibility of making a criminal report.
- The Director of Student Affairs can also provide liaison with and accompaniment to the local sexual assault centre as well as RCMP and other justice system partners as appropriate.
- Except in circumstances where there is a serious safety risk to others and the University has a legal obligation that requires it to act, the survivor will always be the one to determine what processes and actions the University pursues.
- If a survivor decides to make a criminal report, the Director Student Affairs and/or a Counsellor can accompany the survivor to the RCMP station or have RCMP attend to campus. If criminal charges are laid, the Director Student Affairs and/or a Counsellor can act as a liaison with the RCMP and inform the survivor of progress in the criminal case, unless reporting restrictions (sealing orders, or other restrictions) have been imposed.

IX. SEXUAL ASSAULT AWARENESS, EDUCATION & TRAINING PROGRAMS

Faculty and Staff within the Wellness Centre, Counselling and the Office of the Student Affairs will collaborate with campus partners, including, but not limited to: TRU World, Cplul'kw'ten, residences, and Athletics & Recreation, to develop and implement appropriate health promotion outreach, including ongoing sexual assault awareness campaigns and educational and training programs.

XII. SEXUAL ASSAULT PREVENTION AND RESPONSE WORKING GROUP

The Sexual Assault Prevention and Response Working Group is a network of students, faculty and staff convened to mobilize sexual assault prevention and response efforts. Any reports and recommendations of the Working Group will be reported through the Office of the Dean of Students.

XIII. RELATED POLICIES AND PROCEDURES

Respectful Workplace and Harassment Prevention, BRD 17-0

http://www.tru.ca/_shared/assets/brd17-016383.pdf

Suggested Procedures for Dealing with At-Risk Students, ADM 17-0

http://www.tru.ca/_shared/assets/Suggested_Procedures_for_At_Risk_Students5595.pdf

Suspension of Students, ED 7-0

http://www.tru.ca/_shared/assets/ed07-05659.pdf

Information Disclosure, ADM 02-1

http://www.tru.ca/_shared/assets/Information_Disclosure5612.pdf