

Bamfield Marine Sciences Centre
Policy on sexual violence and misconduct
December 2020

1. Principles

1.1 Acts of sexual violence and misconduct (SVM) are prohibited at Bamfield Marine Sciences Centre (BMSC).

1.2 Those who have experienced SVM at any time in their lives may request support and/or accommodation in order to participate fully in BMSC activities.

1.3 This policy recognizes that BMSC is a field station in a relatively remote location, that BMSC programs encourage close working relationships, and that students and researchers are often affiliated with institutions that have their own SVM policies.

1.4 This policy applies to people who work, study, research, visit or volunteer at BMSC (collectively considered as the BMSC community).

1.5 BMSC uses education and training to prevent SVM in the BMSC community.

1.6 BMSC will investigate and deal with incidents of SVM within the BMSC community.

1.7 Many acts of SVM are also criminal acts. BMSC will provide assistance to any member of the BMSC community who wishes to report an incident of SVM at BMSC to the police.

Definitions

Sexual violence and misconduct is defined as sexual acts, or acts targeting a person's sexuality, gender, or gender identity, (often referred to as gender-based violence) that are committed, threatened or attempted against a person without that person's consent. Examples include, but are not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, and the distribution of sexually explicit images.

Consent means clear, ongoing and voluntary agreement to engage in sexual activity/ies. Consent is informed, freely given, and actively communicated as demonstrated by words or conduct objectively assessed. For clarity, consent:

- a. is a freely given "yes";
- b. cannot be given by someone who is incapacitated, including for example a person who is asleep or unconscious;
- c. can never be obtained through threats, coercion or other pressure tactics;
- d. can be revoked at any time, regardless of whether other sexual activities or agreements have taken place;
- e. cannot be obtained if someone abuses a position of trust, power or authority over another person; and
- f. cannot be assumed from previous consent to the same or similar activities.

A disclosure of SVM can be made by anyone who has been affected by SVM and who seeks assistance or accommodation while participating in BMSC activities.

A report of SVM can be made by anyone who has experienced SVM while participating in BMSC activities, and who wishes the incident(s) to be recorded and investigated.

2. Education, Prevention, Communication

2.1 This policy will be communicated to all employees, students, researchers, instructors and to volunteers and visitors.

2.2 All members of the BMSC community will participate in education about what constitutes SVM, the nature of consent, personal safety in remote locations, and the scope of this policy.

2.3 BMSC and the community of Bamfield have limited resources for support, counselling and health management for those who have experienced SVM. BMSC will ensure that all who plan to visit BMSC are aware of this, and that they are advised to make arrangements for continuing support while at BMSC.

2.4 The Director of BMSC may implement other activities, consistent with the intent of education and prevention.

3. Disclosure

3.1 Disclosure occurs when one individual informs another individual of an incident of SVM that has affected them. The incident may have occurred at any time or place – what is important is that the incident is affecting an individual's ability to participate fully as a member of the BMSC community.

3.2 A disclosure is made when an individual wishes to receive assistance or accommodation while at BMSC. A disclosure will not result in an investigation, nor will a disclosure result in any actions that will affect participation by the alleged perpetrator in activities at BMSC.

3.3 A member of the BMSC community who discloses an incident of SVM and asks BMSC for assistance and/or accommodation will be believed and taken seriously.

3.4 When an incident is disclosed and assistance/accommodation is requested, the Director will be informed. The Director may designate a staff member to assist the person making the disclosure, or the Director may take action to support the assistance/accommodation requested.

3.5 The guiding principle for action will be to ensure that the individual can participate as fully as possible in BMSC activities (see 1.2), but BMSC recognizes that the response to a disclosure will depend upon the nature of the incident and its impact on the person making the disclosure.

3.6 A disclosure will be treated confidentially. Information about the disclosure will only be shared with others on a "need to know" basis, and only with the permission and consent of the individual making a disclosure.

3.7 Because many members of the BMSC community are affiliated with our member institutions, collaboration with appropriate support services in those institutions will be encouraged, with the permission of the individual making a disclosure.

4. Report and investigation

4.1 When a member of the BMSC community experiences an incident of SVM perpetrated by another member of the BMSC community, they may decide to disclose the incident (see section 3 of this policy) and/or they may make a formal report and request an investigation.

4.2 A member of the BMSC community who reports an incident of SVM and asks BMSC to investigate will be believed and taken seriously.

4.3 A member of the BMSC community who experiences an incident of SVM perpetrated by another member of the BMSC community always has the right to seek assistance from the police.

4.4 A member of the BMSC community who is affiliated with another institution and experiences an incident of SVM perpetrated by another member of the BMSC community always has the right to seek assistance directly from their home institution.

4.5 If a member of the BMSC community wishes to make a report to BMSC, the report should be made to the Director. If the Director is away from BMSC, the report may be made to the Managing Director, who will inform the Director immediately. The Director may delegate an investigation to the Managing Director or to an independent investigator.

4.6 If the alleged perpetrator is an employee of BMSC, the Director will follow procedures specified in the relevant collective agreement. If an employee is not covered by a collective agreement, or the collective agreement does not have adequate procedures, the Director will take action within the scope allowed by WorkSafe BC workplace legislation.

4.7 If the alleged perpetrator is working under contract to BMSC or working for another employer, the Director will take action within the scope allowed by relevant contracts, agreements and policies.

4.8 If the alleged perpetrator is the Director of BMSC, the report will be made to the President of the Western Canadian Universities Marine Sciences Society.

4.9 If the alleged perpetrator is not an employee of BMSC, the Director will undertake an investigation, following principles of natural justice.

4.10 If the alleged perpetrator and the person reporting the incident are both from the same home institution, the person disclosing the incident may request that the investigation be conducted by the home institution. The Director will collaborate with the home institution.

4.11 BMSC has a number of unique features that may necessitate action from the Director prior to the completion of an investigation. Notably: students and researchers work closely with each other every day for a number of weeks; most researchers and students live together on campus and often socialize together; students, researchers and staff work in remote locations with minimal supervision. If the Director finds that there are reasonable grounds for believing that the presence of the alleged perpetrator will affect the BMSC experience of the person making the report, the Director may implement interim measures to ensure that the alleged perpetrator does not come into contact with the person making the report. Such interim measures will depend upon the circumstances, and could include expulsion of the alleged perpetrator from BMSC before an investigation is completed.

5. Data and records

5.1 The Director will keep records of the number of disclosures and reports annually, and will report this information to Management Council in a way that preserves the confidentiality of those involved.