Hosted by MICHAEL SERAPIO

NEWS IN REVIEW

SAM'S STORY: Sex Assault Survivor Speaks Out

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SAM’S STORY: Sex Assault Survivor Speaks Out

Video duration – 00:00

At 17, Sam Fazio was just a regular teenager at a school dance in Vancouver. Then she was violently sexually attacked in a bathroom stall. Sam reported the crime and went through the grueling process of physical and mental recovery while having to deal with police and a court case that left her and others shaking their heads. Since then, Sam says she questions why any victim of sexual assault would come forward to report an attack. As a minor at the time of the attack, Sam could have kept her identity secret. But she took the extraordinary step of going to court to ask that the publication ban on her story be lifted. Now she’s speaking out and discussing the ongoing challenges faced even in this era of #MeToo.

WARNING: This program contains disturbing language and subject matter. Viewer discretion is advised.

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• UBC Launches Consent Campaign
VIDEO REVIEW
BEFORE VIEWING

NOTE TO TEACHERS: The classroom must promote a safe place for students to discuss sensitive issues such as sexual violence, post-traumatic stress disorder, and personal trauma. Prepare students for the topics that will be discussed. Allow for individual reflective time in addition to small group activities where students can safely process their thoughts and emotions.

1. Your teacher will divide the class into small groups and distribute a set of fifteen terms and definitions related to the topic of sexual assault prevention and response. Your teacher will remind you that life is complex and there are myriad ways an individual or group might understand a violent, harmful, or oppressive experience. Thus, the language around these experiences is suitably complex and nuanced. Ultimately this exercise is designed to teach toward a more desirable world to live in.

With your assigned group, discuss all of the terms and definitions. When you are finished, select three terms that your group feels are most relevant for someone surviving an act of sexual violence. Share your findings with the class in an open, safe and respectful discussion.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Accountability</td>
<td>A willingness or obligation to claim responsibility for an act or course of action. This is frequently misunderstood to mean punishment — for example, one is “held accountable” — or that it must be achieved through a formal judgment in a dispute.</td>
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<td>Advocacy</td>
<td>The act of providing private or public support for someone. This process helps identify someone’s unmet needs and supports them through the navigation of complex systems to correct an imbalance in access, mobility, and accommodation.</td>
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<td>Bystander Intervention</td>
<td>A strategy to prevent violence and oppression through the engagement of individuals (or groups) willing to actively address a situation they deem problematic. Someone who performs this acknowledges a problematic situation and chooses how to respond.</td>
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Source: Adapted from Prevention, Engagement, and Outreach: Vocabulary. The Office of Sexual Assault Prevention & Response. Harvard University. Retrieved from: [www.osapr.harvard.edu/pages/vocabulary](http://www.osapr.harvard.edu/pages/vocabulary)
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<tr>
<td>Coercion</td>
<td>A method of control that uses pressure or manipulation to ignore or reject the needs of another person. This behavior can include subtle or overt threats, intimidation, blackmail, dishonesty, persistence, emotional withholding, etc. A person’s ability to say ‘yes’ or ‘no’ is ultimately influenced by the interplay of power, identity, and privilege between those involved. When a person in a position of power exhibits this behaviour, they take advantage of their authority to achieve their desired outcome.</td>
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<td>Consent</td>
<td>An ongoing physical and emotional process between people who are willing, equally free of coercion, communicating unambiguously, and sincere in their desires. This involves a mutual agreement to listen to and stay engaged with one another throughout all interactions, to respect both yourself and your partner’s needs, and to understand that someone may choose to disengage from the experience at any time.</td>
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<td>Gender-based Violence</td>
<td>A term used to encompass incidents of sexual and relationship violence, specifically pointing to the gendered nature of these crimes. No single gender commits all acts of violence, and no specific gender is exclusively the victim of acts of violence. However, women, LGBTQ and gender non-conforming individuals are more likely to be victims of this type of violence.</td>
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<td>Oppression</td>
<td>How a dominant group of people, joined by a common identity or set of identities, benefits from unequal treatment, manifested in the systematic abuse, exploitation, and injustice directed toward a subordinate group.</td>
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<td>Perpetrator</td>
<td>Someone who has committed an act along the spectrum of violence. Other terms used in administrative, legal, and social settings might include rapist, defendant, accused, abuser, offender and respondent. Less commonly used descriptors include stalker and harasser.</td>
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<td>Rape</td>
<td>A legal term involving three elements: penetration of any orifice by any object, force or threat of force, and acting against the will of the victim. It is distinguished from an assault only in that it requires penetration.</td>
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<td>Rape Culture</td>
<td>The set of deeply entrenched societal attitudes and beliefs that treat sexual violence as normal, demonstrated through media, language, and policy, promoting sexual objectification and coercion, lack of agency over one’s body, and dismissal of feminine-presenting or gender non-conforming individuals as not “fully human.”</td>
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<td>Sexual Assault</td>
<td>A legal term referring to any unwanted sexual contact, such as fondling, groping, or penetration of any orifice by any body part or object. This concept is not related to sexual pleasure or gratification. Instead it is about the desire (conscious or otherwise) for power and control over another person.</td>
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<td>Sexual Objectification</td>
<td>The practice of treating a person as an object to be consumed, placing their worth on their body and appearance. It is a tool of what many refer to as “the patriarchy,” and generally impacts women more than men.</td>
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<td>Survivor</td>
<td>A term that refers to anyone who has been harmed as a result of gender-based violence and has survived the incident(s). It is most often used by other survivors, advocates, counselors, and activists who support someone as they deal with the after-effects of trauma.</td>
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<td>Transformative Justice</td>
<td>An alternative to the criminal justice system that seeks to alleviate harm. It attempts to account for the experiences of both victim and perpetrator, as well as the communities where the harm occurred. It is a response that understands violence as symptomatic of structural injustice while holding individuals accountable and helping communities heal.</td>
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<td>Trauma</td>
<td>The experience of a deeply disturbing event. A normal response to an emotionally harmful incident or series of incidents experienced by a person or community. Most frequently we associate this response with a specific event, but it is equally important to consider the emotional impact of systemic oppression on the lives of individuals and communities.</td>
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2. Watch the video *Tea and Consent*. The video was released by the British police in 2015 and can be found here: [www.washingtonpost.com/video/national/tea-and-consent/2016/06/10/38e3e220-2f15-11e6-b9d5-3c3063f8332c_video.html?utm_term=.20911b7fd2c8](www.washingtonpost.com/video/national/tea-and-consent/2016/06/10/38e3e220-2f15-11e6-b9d5-3c3063f8332c_video.html?utm_term=.20911b7fd2c8)

As a class or in small groups, consider the following:

a. Is this an effective analogy for consent? Why/why not?

b. What factors make the concept of consent difficult for perpetrators of sexual assault and rape to understand? Why do they fail to recognize when consent is necessary?
WHILE VIEWING

1. Sam Fazio was sexually assaulted at a student dance by a 16 year-old boy she knew.  
   ❑ TRUE or ❑ FALSE

2. Sam could have died from massive blood loss sustained as a result of her injuries had doctors not performed emergency surgery immediately following the attack.  
   ❑ TRUE or ❑ FALSE

3. Now that the publication ban on her case is lifted, and she tells her story of sexual assault survival, how does Sam feel?
   ❑ a) Listened to.
   ❑ b) Relieved because justice is being served.
   ❑ c) Confident the Canadian courts will use her case as a precedent and punish offenders appropriately.
   ❑ d) Burdened by the fact that she needs to continually prove her attack actually happened.
4. Why was Sam outraged with the Vancouver police officers who visited her in hospital on the night of the attack?
   - a) They didn’t seem to believe her story.
   - b) They asked what she was wearing, which suggests they thought she had provoked her attacker.
   - c) They had arrested the wrong suspect.
   - d) None of the above.

5. The judge involved in Sam’s case was bound by the fact that he was designated as a young offender. How long was the sentence Sam’s attacker received for his crime?
   - a) The maximum three years in police custody.
   - b) Two weeks in police custody and three years supervision.
   - c) The maximum five years in police custody.
   - d) Two years in a juvenile detention centre.
6. What mitigating factors were cited in the judge’s decision regarding sentencing in this case?
   - a) The attacker had missed out on graduating with his friends.
   - b) The injuries Sam sustained were not that serious.
   - c) The attacker was judged to be at low risk to re-offend.
   - d) a and c.

7. The fact that Sam’s attacker was actually charged for his violent sexual crime is rare.
   - TRUE or FALSE

8. Despite more than 70,000 signatures on a petition calling for Judge Paul Meyers’s job following his lenient verdict, he cannot be relieved of his duties because judge appointments are life-long.
   - TRUE or FALSE
9. What effect has Sam’s sharing of her experience had on other survivors of sexual violence?
   ❑ a) It has encouraged others to share their stories.
   ❑ b) It has fostered a sense of togetherness and reduced some survivors' sense of isolation.
   ❑ c) It has reminded others how difficult it can be to come to police with an alleged assault.
   ❑ d) All of the above
TALK PROMPT #1

Consider pausing the video and giving students the opportunity to talk to an elbow partner for a few minutes or use these questions as part of a class discussion.

Pause the video after Sam Fazio describes the extent of her injuries and her emergency surgery, @ 03:36

- What kind of a punishment do you think the perpetrator of these crimes deserves?
TALK PROMPT #2
Pause the video after Sam describes the questions she was asked by Vancouver police while in the hospital following the attack, @ 05:01
1. Did Sam have a right to be upset?
2. Why was she offended by questions about her attire?
3. How does what you have learned about rape culture in the pre-viewing activity affect your understanding of Sam’s anger?

TALK PROMPT #3
Pause the video after Sam describes her attacker’s verdict and sentencing, @ 06:06
1. Think back to the first TALK prompt, when you were asked what an appropriate sentence might be for someone who inflicted the type of injuries Sam sustained. Considering the mitigating factors, was this sentence fair?
2. Should he have been tried as an adult (as the Crown had hoped)?
Pause the video after Ioanna Roumeliotis says, “Sam’s attacker is appealing his sentence and his conviction, and she is left wondering whether speaking out is worth the trauma that is still coming with it,” @ 09:57

1. Why do you think Sam feels the way she does about her experience?
2. Does the justice system favour the rights of the perpetrators over the victims?
3. Did Sam do the right thing in choosing to share her story publicly?

Play the video through to the end and discuss the following question –

1. Consider the fact that only 12 per cent of sexual assault cases result in a conviction, with only 7 per cent resulting in a custody sentence. Is this fair?
2. What factors contribute to the small number of convictions and custody sentences in cases of sexual assault and rape?
AFTER VIEWING

Write a letter to Sam Fazio in which you respond to her story and reflect on its impact on you. Review the terminology from the pre-viewing activity and, in your letter, incorporate three to five of the terms involved in sexual assault prevention and response. Exchange your letter with a classmate and share your responses to Sam’s story in a class discussion.
“I feel this whole situation shows other people who have survived sexual assault, there’s nothing they can do to get real justice.”

– Sam Fazio
THE STORY

Minds On

1. What is the role of law in a society?
2. Under what circumstances could a set of laws fail an individual, group or society?
3. What are the factors that contribute to instances in which justice fails?
4. Can you think of any examples of injustice in the legal system?

A Loud Crime

Sam Fazio is a survivor of the kind of crime that rests in the darkest corridors of a society’s psyche — a crime whose threat keeps parents waiting up past curfew, teenagers tense and on high alert and grown women walking in a state of perpetual fear. It is a crime that strikes and leaves a person changed forever. It is essentially a vandalism of the body as well as the mind — an attack on control, trust and self-agency, that lives on after the fact through echoes of guilt and shame. The crime is rape.
Three years ago, Sam Fazio was viciously sexually assaulted and raped. She was at her high school graduation party at a Vancouver club when a 16-year-old boy she knew cornered and attacked her in a washroom stall. Sam tried to fight him off. She remembers pushing at his legs as he penetrated her mouth and vagina, but that he overpowered her, finished, and left her crying, crouched over her blood soaked shoes. Her injuries were so severe that she was rushed to Vancouver General Hospital for emergency surgery due to massive blood loss. The specialists couldn’t believe that rape was the cause of the injuries and the police were convinced the boy had used a sharp weapon. Sam couldn’t walk for weeks afterward and, today, when she is alone and in the dark, she still suffers from arresting panic attacks that take her back to the scene of the crime.

Under Reported
What happened to Sam happens to a woman every 17 minutes in this country. Yet, sexual assault and rape are among the most under-reported crimes in Canada, with an estimated 90 per cent of incidents kept from police. Even legal experts in the field, like Professor Pamela Cross of Queen’s University, advise “thinking very hard” before reporting an attack to authorities.
Why would a woman choose not to disclose such an invasive, violent and disturbing crime? The data surrounding sexual assaults provides some clarity. According to Statistics Canada, just one in five sexual assaults (21 per cent) reported to police lead to a closed court case, compared with nearly double the rate of physical assaults (39 per cent). Only one in 10 reported sexual assaults (12 per cent) produce a criminal conviction, while only 7 per cent result in a prison sentence. Canadian women get the message loud and clear: reporting a sexual attack is unlikely to deliver justice.

Sexual assaults are also far less likely to go to trial than physical assaults. Three-quarters of physical assaults proceed to court after charges are laid, compared to only half (49 per cent) of sexual assaults.

**Rewinding the Trauma**

Reporting the crime may also bring even more pain. The prospect of having to tell (and repeatedly re-tell) their story to strangers and skeptics also leaves survivors suffering in silence. Many legal experts feel the Canadian court system is simply not equipped to handle sexual assault. Because of the crime’s nature — most sexual attacks occur in private, without witnesses or physical evidence beyond injuries — complainants are forced to revisit their trauma through condescending and humiliating cross-examination.
from defense lawyers trying to
discredit their testimony.
In her book *Putting Trials on Trial: Sexual Assault and the Failure of the Legal Profession*, Dalhousie University law professor Elaine Craig details harrowing exchanges from court transcripts between plaintiffs and defense lawyers. In one example, from a case involving allegations of violent rape, a defense lawyer relentlessly interrogates a survivor about how long after the rape it took her to have a regular bowel movement. In another trial, where a woman alleged her ex-husband repeatedly sexually assaulted her over many years, the defense tried to admit into evidence a sex tape made by the couple while still married. When that failed, a transcript of the tape was read to the court and became part of the public record.

Doggedly asking embarrassing questions about a plaintiff’s sexual history (a practice known to defence lawyers as “whacking”) is prohibited under Section 276 of the Criminal Code — the so-called rape-shield law. However, Section 276 is routinely ignored in court since “whacking” is often a defense lawyer’s only weapon. Take into account that criminal trials are open to the public in Canada and it’s easy to understand one of Professor Craig’s main conclusions: that binging one’s testimony of sexual assault to trial is likely to be incredibly traumatic for the victim.
Sentence Fragments
Sam Fazio bravely decided to report her attack and talks about it with growing confidence after yet another legal fight — this time to have the case’s publication ban lifted. But was justice applied to the boy who raped her? Sam’s was one of the rare sexual assault cases to see trial and end in a conviction. However, B.C. Provincial Court Judge Paul Meyers rejected the Crown’s plea to have her assailant, whose name is protected under the Young Offenders Act, tried as an adult for his brutality. Then Meyers delivered the final blow: Sam’s rapist would spend only two weeks of a three-year sentence in police custody and the rest under supervision in the community. Judge Meyers deemed the attacker a low risk to reoffend (this was his second such offence) and cited as a mitigating factor the social humiliation of having been deprived of graduating high school alongside his peers.

Shock to the System
The verdict sent shockwaves through Vancouver. Two hundred protestors surrounded the courthouse in support of Sam and, within weeks, a petition surfaced with over 85,000 signatures from across
Canada calling for Judge Meyers’s removal from the bench. “It’s really good for the survivor to see that this many people stand with you, this many people think that you (suffered an) injustice, this many people want to do something to help you,” said Yalda Kazemi, one of the rally’s organizers. In the #MeToo era, where women’s voices are louder than ever, this kind of resistance against a legal system that disadvantages victims is more and more common.

Both the protest and petition, unfortunately, are merely symbolic. Judge appointments in Canada are life-long and the rapist is appealing his sentence. What’s more, Judge Meyers’s decision has left Sam feeling like a victim all over again — as if her attacker’s rights were more important than hers. “I feel this whole situation shows other people who have survived sexual assault, there’s nothing they can do to get real justice,” she says. “It’s been hard for me to even trust anyone through all of this because they tell me one thing and something else happens. Ultimately, this just shows that you can get away with sexually assaulting someone (…) because the worst that’s going to happen is you’re just going to have to go sit in a detention centre for two weeks.”

Until our justice system stops treating sexual assault with an attitude that seems like indifference — and stops
punishing courageous young women like Sam — how can victims free themselves from the custody of their trauma and avoid serving an unfair sentence in isolation and hopelessness?

**TO CONSIDER**

1. What happened to Sam Fazio?
2. Why are sexual crimes dramatically under-reported?
3. What is “whacking” and why is Section 276 of the Criminal Code not often enforced in court?
4. Why does Sam feel doubly victimized after Judge Meyers’s sentence for her attacker?
ACTIVITY #1: When Justice Fails in Cases of Sexual Violence

The justice system continue to wrestle with how best to deal with sexual assault cases as they balance the rights of the plaintiff and the accused, on the one hand, and the proper application of the law, on the other.

- In groups of four (4), select a name from the list on this page and conduct some online research on your individual and the court case to which they are associated.
- Go to www.padlet.com and create a Padlet.
- Summarize your research, making sure that you have included the relevant details from the case.
- Be sure to examine the victim’s experience, how the verdict was reached, and how the case is considered to be a miscarriage of justice by some.
- Share your findings with the class and respond to the findings of at least one other group in their Padlet.

Court Cases
- Jian Ghomeshi
- Brock Turner
- Shawn Harold McManus
- Fernando Manuel Alves
- Dean Robert Zimmerman

Judge Robin Camp
Robert H. Richards IV
ACTIVITY #2: Could Restorative Justice Play a Role?

The repeated failure of the courts to uphold the rule of law and hold perpetrators of sexual violence accountable for their crimes has inspired some to consider alternative means of justice. The restorative justice process is one that can occur alongside a formal judicial process or as part of a community process.

Step 1 – Watch the following videos for examples of how restorative justice can be practiced:
- [www.youtube.com/watch?v=uSJ2GPiptvc](http://www.youtube.com/watch?v=uSJ2GPiptvc)
- [www.youtube.com/watch?v=9pYuA3o6WuU](http://www.youtube.com/watch?v=9pYuA3o6WuU)
- [http://vimeo.com/47784668](http://vimeo.com/47784668)
- [www.youtube.com/watch?v=LQWNyS4QSao](http://www.youtube.com/watch?v=LQWNyS4QSao)

Step 2 – A key element of restorative justice has to do with the fact that consequences can be addressed with survivors, perpetrators, and sometimes other stakeholders in an active dialogue. Restorative justice aims to repair and/or restore the victim’s sense of self (self-restoration) as well as their relationship to peers and the community (social restoration).

Find a partner and discuss a situation where you might have had to do restoration of any kind, whether at home or school, even if you didn’t have a name for it at the time.
Step 3 – Form a small group and access and review the “Getting Started with Restorative Inquiry” handout at:  

Which of these questions do you think could be especially powerful for participants in a restorative justice process. Explain why.

Step 4 – The video selections showed us samples of restorative justice at work in situations that did not involve sexual violence. There are those who advocate a similar approach be used in cases of sexual violence.

Alana Abramson, a criminology instructor at Kwantlen Polytechnic University in B.C. says, “Restorative justice provides an opportunity for victims and survivors to have both voice and choice in response to harm. The goal is to address harm and start to address the complexities of healing people and relationships.” She points out that the restorative approach can involve direct and indirect communication between victim and survivors and the people who harmed them. “When it comes to restorative justice approaches
in cases of sexualized violence, victims and survivors should play a central role in deciding if, when and how any communication is to take place.”

The digital magazine Policy Options has this to say, “We support the use of restorative justice in sexual violence cases where survivors request it and offenders admit blame.”

Within the same groups used in Step 3, consider the statements noted above and on the previous page. What are the necessary conditions that they emphasize for restorative justice to work in sexual violence cases? Why do you think these individuals/organizations emphasize these conditions? Do you agree with them?

**Step 6** – Independently respond to the following questions in three well-developed paragraphs of approximately 7-10 sentences each:

1. How do you think restorative justice might benefit sexual assault survivors and perpetrators, as well as communities?
2. What elements of restorative justice seem particularly challenging, especially in the context of sexual violence?
3. Is this a reasonable alternative or complement to the current criminal justice system? Why or why not?


