

Policies and Procedures

Effective: 2020/07/01
Next Review: 2023/04/01

Policy 6030: Sexual Violence Prevention and Response

A. PURPOSE

The purpose of this policy is to communicate Selkirk College's commitment to:

1. preventing acts of sexual violence and responding to them when they occur
2. adopting clear language to use when speaking or writing about sexual violence
3. adopting clear procedures for responding to incidents of sexual violence
4. responding to disclosures and reports of sexual violence respectfully and recognizing the barriers to disclosing and reporting
5. ensuring programs are developed and implemented on education, awareness, prevention and training with a focus on sexual violence and assault, consent, healthy relationships and risk management
6. ensuring that anyone impacted by an incident of sexual violence has access to appropriate support, and
7. ensuring College policies related to these matters effectively integrate the principles of this policy, where needed

B. SCOPE OF POLICY / LIMITS

This policy applies to all members of the Selkirk College community and to all College-sanctioned events. In certain cases, it may also apply to an incident that occurs outside a College-sanctioned event if the survivor's learning, teaching or work at the College is adversely affected because of the incident.

Any actions the College takes under this policy are not intended to supersede or interfere with College collective agreements or policies.

C. PRINCIPLES

This policy is based on the following principles, which form the foundation for the College's response to incidents of sexual violence:

1. Any incident of sexual violence will be appropriately and immediately responded to. The College encourages any member of its community who has experienced an act of sexual violence to notify the College.
2. A disclosure of an incident of sexual violence will be directed by the survivor. Survivors have the right to decide:
 - a) how much they choose to disclose about their experience
 - b) whether they want to make a formal report of the incident (to initiate an investigation), and

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- c) whether and how much they want to report the incident to the police (but note exceptions in Principle 4, below)
3. All survivors and anyone else who has been impacted by an incident of sexual violence will be listened to with respect and offered College and community support services.
4. Ensuring confidentiality is key to creating an environment and culture where survivors feel safe to disclose an incident of sexual violence, and to seek support and accommodation. Confidentiality will be assured to everyone involved, except in these cases:
 - a) when the College is required by law to report the incident (for instance when the person who discloses an incident of sexual violence is a minor)
 - b) when a person is at imminent risk of severe or life-threatening self-harm or harm to someone else
 - c) when there is evidence of the incident of sexual violence being disclosed is publicly available (e.g., a video shared through social media), and
 - d) when there are reasonable grounds to believe the College community is at risk (e.g., where there is reason to believe another incident will occur)
5. The College leadership, and those who have a role in responding to an incident will have access to the information needed to carry out their responsibilities under this policy.
6. The legal rights of individuals involved in an incident of sexual violence will be respected at all times and the procedures under this policy will be fairly applied.
7. Individuals who have a report of sexual violence made against them (the “respondent”) have the right to a full and fair process to determine responsibility for the incident.
8. By using the term “survivor” and other “survivor language” in this policy, the College does not imply responsibility or guilt for any incident on an individual.

D. PROCEDURES FOR DISCLOSING AND REPORTING

Anyone who experiences or witnesses sexual violence, or who believes that sexual violence has occurred or may occur within the College community, may choose to disclose the incident, make a formal report to the College, or report to the police. Any or all of these options may be taken.

1. Making a Disclosure

Making a disclosure means telling someone what happened (see Definitions). It does not involve formally reporting the incident or asking the College to take action against the person accused. A survivor may make a disclosure to anyone that they feel comfortable doing so.

The following options are available to anyone making a disclosure to the College:

- a) A **student** who has experienced sexual violence may disclose their experience to the Counsellor Response Team. They may seek guidance on receiving support and academic or other accommodations. Supports throughout the process will be trauma-informed.

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- b) An **employee** who has experienced sexual violence may seek assistance through the Human Resources Department and/or the College's Employee and Family Assistance Program.

Survivors need only disclose their experience to seek support. They are not required to make a formal report. Note: In some circumstances, the College may be required to take some action without the survivor's consent as outlined in Principle 4, above. In this case, the survivor and other individuals affected will be fully informed and supported at every step of any process.

Making a disclosure will not initiate an investigation unless it is determined that an individual is at risk of harm or where the College is required to report the incident under the law (see Principle 4, above).

The survivor who makes a disclosure may also choose to make a formal report, but there is no requirement to do so.

The College will regularly post and update its procedures for responding to sexual violence on the College website under Services: Strengthening Our Response to Sexual Violence (<http://selkirk.ca/services/student-support-services/healthy-campus-initiatives/strengthening-our-response-sexual-violence>).

2. Making a Formal Report

Making a formal report means notifying the College through the office of the Director, Student Development about an incident with the intention of the College taking official action. It is the survivor's choice to make a formal report of an incident of sexualized violence. The College will not require or compel a survivor to participate in any formal reporting or disciplinary process.

The following procedures apply to making a formal report:

- a) When the College receives a formal report, they will initiate an investigation of the incident, leading to a decision and appropriate actions.
1. A **student** can make a report to a counsellor or the Director, Student Development
 2. An **employee** can make a report to a supervisor, Human Resources Advisor, Dean or Director
 3. A **board member** can make a report to the Board Chair or Vice-Chair
 4. **All others** can make a report to the Vice President Students and Advancement or the Director of Human Resources.
- b) The person who has a report of sexual violence made against them (the "respondent") will be notified of the report. During the investigation and for any subsequent actions that person will be governed by the appropriate College policy:
1. **Students:** Policy 3400: Student Code of Conduct – Rights and Responsibilities and/or Policy 6010: Human Rights, Harassment & Discrimination

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2. **Employees:** Collective Agreement, Policy 6000: Employee Code of Conduct and Conflict of Interest, Policy 6010: Human Rights, Harassment & Discrimination.
 3. **All others:** Any one or more of the policies identified in section K., below “Related Policies and Resources,” depending on the details and circumstances of the situation.
- c) Any member of the College community who is impacted by a report and/or investigation of an incident of sexual violence may seek advice and support:
1. **Students** may consult with the Counselling Response Team lead.
 2. **Employees** may consult with the Human Resources Advisor.

3. Making a Report to the Police

A survivor may report an incident of sexual violence to the police if they wish to have the incident criminally investigated. Individuals may contact the RCMP or local police detachment. The College will cooperate with related criminal investigations.

E. ACCOMMODATIONS AVAILABLE FOR SURVIVORS

Survivors may access academic or work accommodations they may need. These accommodations are available whether or not a survivor makes a formal report. The College will determine the need for and level of accommodation on a case-by-case basis.

1. A **student** who has experienced sexual violence and who, as a result, requires an academic accommodation will be supported by the Counseling Department and/or the Accessibility Services Office. Accommodations will be arranged confidentially with instructors and/or the School Chair. There are several forms of accommodation available. For example, a student may be allowed an extension on an assignment due date, have a class schedule changed, or be offered safety planning.
2. An **employee** who has experienced sexual violence and who, as a result, requires a work accommodation will be supported through the Human Resources Department.

F. PROTECTION FROM RETALIATION

The College protects all members of the College community who:

- a) pursue options and rights under this policy or any other relevant provincial or federal legislation
- b) participate or co-operate in a report or investigation under this policy, and
- c) are associated with someone who pursues their rights under this policy

This protection extends to anyone involved in making a report, a witness, or any other individual affected by the incident. Anyone who retaliates against or threatens retaliation or reprisals in these instances will be dealt with under the appropriate College policies.

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G. PROCEDURES FOR MAINTAINING INVESTIGATION REPORTS AND OTHER INFORMATION

1. The College will keep a record of all investigations on file in an electronic format only, for a minimum of one year in the office of the Director of Human Resources and/or the College Registrar. This information will be secure and available only where it is needed to ensure a fair process in support of an investigation. The Director of Human Resources and/or the College Registrar must agree to release this information within the guidelines of human rights legislation.
2. The College will provide summary statistics of all reported incidents to the Institutional Research Officer only for the purpose of meeting legislated or College reporting requirements. This information will be coded for confidentiality. No data will include any information that would identify the individuals involved.

H. REVIEW OF POLICY AND PROCEDURES

A committee comprising students, employees, and external stakeholders will be formed to periodically review the policy and procedures.

1. The committee will review this policy at least once every three years.
2. The committee will review and update the procedures accompanying this policy annually to ensure they are kept up to date with practices for managing situations of sexual violence.
3. The President will report annually to the Board on the implementation of this policy.

I. AWARENESS, PREVENTION, EDUCATION AND TRAINING

Selkirk College is committed to creating and maintaining a safe and respectful learning, working and living environment that is free from sexual violence.

1. In collaboration with students and other stakeholders, the Director, Student Development will develop and implement an ongoing awareness, prevention, education, and training plan on sexual violence as part of the College Healthy Campus initiative.
2. The audience for this plan includes the entire College community.

J. DEFINITIONS

Accommodations: Changes or adjustments offered to survivors to support them to engage in Student Life and College academic or work routines.

Barriers to Disclosing or Reporting: Fear and apprehension about how others may react or the possible consequences of disclosing or reporting an incident of sexual violence. Examples include not being believed, being blamed, feeling guilt or shame regarding the incident, fearing institutional sanctions or a police investigation, fearing reprisal by the accused or their friends, and feeling peer pressure not to make a report, especially if the accused has significant social standing on campus or in their religious, cultural, or ethnic community.

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College Community: Students, employees, governors, contractors, suppliers of services, volunteers, visitors, or other individuals who are directly connected to Selkirk College initiatives, on or off campus. Also includes those who interact with the College online, including through social media.

Confidentiality: The principle of keeping information private and protecting it from being disclosed to others to the extent allowed under law.

Consent: Active (ongoing) and voluntarily agreement to engage in sexual activity that is clearly communicated between two or more adults. Consent is required every time there is sexual activity, regardless of the parties' relationship, prior sexual history, or current activity. Consent can be withdrawn at any time, and consent must be confirmed at each phase of a sexual encounter. Consent is *not* silence, passivity, coerced acquiescence, body movements, non-verbal responses such as moans, laughter, or the appearance of physical arousal.

Counsellor Response Team: A centralized first point of contact for counselling support for students making disclosures and reports comprising a team of trained counsellors and led by the Director, Student Development.

Disclosure: The telling of an incident by a member of the College community to an employee at the College. A disclosure may or may not evolve into a formal report.

Investigation: An inquiry carried out when a report of an incident of sexual violence has been made. Investigations may result in disciplinary action.

Psychological Violence (also referred to as *psychological abuse*, *emotional abuse*, or *mental abuse*): A form of abuse characterized by a person subjecting or exposing another person to behaviour that may result in psychological trauma, including anxiety, chronic depression, or post-traumatic stress disorder.

Report: 1) A formal notification to the College of an incident of sexual violence with the intent to initiate an investigation. 2) A report to the police to initiate a criminal investigation.

Respondent: The person who is named in a formal report to the College to have committed an act of sexual violence and who is named in a formal report to the College.

Sexual Violence: Any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to, sexual assault, sexual harassment, sexual misconduct, and stalking.

Sexual Assault: Any kind of sexual contact without mutual consent. This includes unwanted kissing, fondling, oral or anal sex, intercourse or other forms of penetration, or any other unwanted act of a sexual nature. It can occur when the accused is a spouse, dating partner, friend or acquaintance, known person in a position of authority, or a complete stranger. Sexual assault can be committed by and against individuals regardless of sexual orientation and/or gender identity.

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Sexual Harassment: Unwanted communications or actions that are sexual in nature and that are offensive, intimidating, or humiliating. It can take many forms, including verbal, written, or visual. It includes unwanted touching, offensive jokes, sexual requests, and verbal abuse.

Sexual Misconduct: Another term for an act of sexual violence.

Stalking: A form of sexual violence involving behaviour that occurs on more than one occasion and which instills fear in an individual or threatens an individual's safety or mental health. These behaviours include, but are not limited to, non-consensual communications (face-to-face, phone, email, social media), online cyber harassment, threatening or obscene gestures, surveillance, sending unsolicited gifts, "creeping" via social media (cyberstalking) and uttering threats. Stalking can include threats of harm to a person's friends or family.

Survivor: In this policy, persons who have experienced an act of sexual violence.

Survivor language: Language that respects the survivor and is based on the premise that the experience of all survivors is accurate.

Trauma-informed response: An approach to responding to a survivor in a manner that promotes empowerment and recovery and minimizes re-traumatization.

K. RELATED POLICIES AND RESOURCES

3400 Student Code of Conduct – Rights and Responsibilities

6000 Standards of Employee Conduct and Conflict of Interest

6010 Human Rights, Harassment & Discrimination

6400 Prevention of Violence in the Workplace

7110 Acceptable Use of Electronic Resources

8619 Student Probation

6550 Protection of Privacy, Freedom of Information

BC Sexual Violence and Misconduct Policy Act

Canada's Criminal Code

Response to Sexual Violence Handout [bccewh.bc.ca/wp-content/uploads/2012/05/2013_TIP-Guide.pdf](https://www.bccewh.bc.ca/wp-content/uploads/2012/05/2013_TIP-Guide.pdf)

WorkSafeBC <https://www.worksafebc.com/en>

Responsibility, Recommendation and Approval Dates

Executive Responsibility: President

Administrative Responsibility: Vice President Students and Advancement (re: students) and Director of Human Services (re: employees)

Recommended by Policy Review Committee: 2020-06-10

Recommended/Approved by Education Council: N/A

Approved by President: 2020-06-24

Linkage to Board Policy: E30 Value Statements and Pillars of Success