

SEXUAL VIOLENCE POLICY

Policy Statement

Bow Valley College (the College) is committed to creating and maintaining a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual violence. Sexual violence is unacceptable and strictly prohibited.

The College proactively educates the community on the issue of sexual violence, strives to do better, and uses best practice approaches to prevent and respond to sexual violence. The College ensures that those directly impacted by sexual violence are provided with the appropriate help to disclose, recover, heal and thrive. All reported incidents of sexual violence are diligently investigated to the best of the College's ability and, where a breach of the policy is established on a balance of probabilities, diligently addressed to hold the person who caused harm accountable, while maintaining procedural fairness.

Purpose

This Policy sets-out the general rights and obligations of members of the College community regarding sexual violence.

Sexual violence is a pervasive, systemic concern that: erodes the quality of learning, living and work environments; deprives campus communities of the full contributions of all its members; is a barrier to learners' educational experience; and is a barrier to employees' employment experience.

This Policy recognizes that sexual violence can occur between individuals regardless of sex, sexual orientation, gender, gender identity or relationship status as articulated in the Alberta Human Rights Act and that people who have experienced sexual violence may experience emotional, academic or other difficulties. The College recognizes that actions, interactions and behaviours of sexual violence can occur through a variety of modalities. These modalities include, but are not limited to, social media, and/or other online means.

The Policy and associated Procedures are intended to ensure that:

1. the College is free of sexual violence;
2. Members of the College community who may have experienced sexual violence are supported, including preservation of the College community member's dignity and respect; and
3. the College has an effective process of investigation and response that promotes the foregoing purposes while maintaining procedural fairness.

Scope

This Policy applies to all members of the College community.

The Policy operates alongside other applicable College policies and procedures and should be read and applied in a manner consistent with other College policies and procedures. Where there is unavoidable conflict or inconsistency between the provisions of this Policy or the associated Procedure and other College

policies or procedures, this Policy and the associated Procedure governs to the extent necessary to resolve the conflict or inconsistency. Notwithstanding the foregoing, this Policy and associated Procedures do not replace or supersede the provisions of any collective agreement. In the event of unavoidable conflict or inconsistency between the provisions of this Policy or associated Procedure and a collective agreement, the collective agreement governs to the extent necessary to resolve the conflict or inconsistency.

This Policy is not intended to interfere with prevailing law and does not discourage individuals from exercising any other rights they may have, including the right to file a complaint with the Alberta Human Rights Commission or pursue a criminal or civil remedy.

Principal Objectives

The objectives of this Policy and associated Procedures are to:

1. Assist members of the College community who disclose sexual violence by providing detailed information and support, including provision of or referral to counselling and medical care, options regarding reporting, and appropriate academic and other accommodations;
2. Ensure that disclosures or formal reports of sexual violence are handled by College first responders and the Sexual Violence Officer for learners with a presumption that they are made in good faith;
3. Ensure that College first responders treat individuals who disclose or report sexual violence with compassion. Where consistent with the rights and obligations under College policies and procedures, and legal obligations, learners who disclose sexual violence will have the power to make choices in how they would like to proceed with a disclosure or formal report;
4. Ensure that College investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a formal report to the institution or police
5. Ensure that this Policy and its associated Procedures are made available and accessible to the College community through appropriate communication methods such as the employee portal and the College website.
6. Ensure that formal reports, investigations and institutional responses proceed in accordance with College policies, procedures, standards, collective agreements and laws, as applicable, and are handled with procedural fairness in a manner which preserves all individuals' rights, dignity and respect;
7. Ensure coordination and communication among the various departments most likely to be involved in a response to sexual violence;
8. Promote and support education, training and awareness initiatives with respect to the issue of sexual violence, including social and systemic aspects of sexual violence, to proactively prevent and appropriately respond to sexual violence;
9. Create a campus culture in which sexual violence is not tolerated; and

10. Monitor and update the College's policy and associated procedures to ensure they remain effective and consistent with best practices.

This Policy and the associated Procedure should be read and applied in a manner consistent with the above objectives.

Compliance

Members of the College community must know, understand, and comply with College policies, procedures, and associated materials that relate to their position, employment, enrolment or other relationship with the College. Non-compliance may create risk for the College and will be addressed accordingly through applicable College policies, procedures and contracts.

Definitions

Board of Governors: Members of the governing body of the College who have been appointed by an Order in Council of the Province of Alberta or by Ministerial Order by the Minister responsible for Post-Secondary Education, in accordance with the Alberta Post-Secondary Learning Act.

Coercion: Within the context of sexual violence, an unreasonable and persistent pressure for sexual activity. Coercion can be through emotional manipulation, blackmail or threats to individuals, their family, pets or friends, or the promise of rewards or special treatment, to persuade someone to do something that they would otherwise not, such as being sexual or performing sexual acts.

College Community: all learners, employees, elders, independent contractors, suppliers, volunteers, visitors and members of the Board of Governors while they are either on or using College property, participating in College programs and activities or involved in the business or affairs of the College, on or off College premises.

Complainant: The person who brings forward a report that a violation of the Policy may have occurred. Within the context of sexual violence, it is the individual who experienced the violation.

Consent: Voluntary and mutual agreement to engage in a sexual activity between individuals at the age of consent which must be active, direct, voluntary, unimpaired, ongoing, conscious, and free of coercion.

Disclose or Disclosure: When an individual shares information about a personal experience of sexual violence to someone who did not previously know.

College First Responder: A College employee who is trained in sexual violence response, who is told about an incident of sexual violence.

Formal Report: A written or verbal statement regarding an allegation of a breach of the Sexual Violence Policy or associated Procedure, submitted to Learner Success Services, for learners, or Human Resources, for employees, by a complainant seeking recourse in accordance with this Policy and the associated Procedure.

Learner: A person who is currently registered as a learner at the College whether or not for credit. For the purposes of this document, “learner” shall be used synonymously for applicants and learners unless otherwise noted.

Respondent: The person alleged in a formal report to have violated the Sexual Violence Policy or Procedure.

Sexual Assault: Non-consensual sexual actions done by one or more individuals to another. It includes any unwanted sexual acts and can involve a range of behaviours from unwanted touching to penetration through the use of force, threats, control of another person that makes someone feel fearful, distressed or threatened or is carried out in a way that an individual is not able to freely consent. Sexual assault is a criminal offense under *the Criminal Code of Canada*

Sexual Harassment: Repeated course of conduct of a sexual nature, or a sufficiently serious single incident of a sexual nature, by a person who knows or should know that the conduct or incident is unwanted or likely to detrimentally affect the person towards whom it is directed or likely to detrimentally affect the person’s work, study or living environment. The following conduct may constitute sexual harassment:

- remarks, jokes, innuendoes or taunting;
- displaying pornography or other sexually explicit material;
- requests for dates;
- sexual advances; or
- leering or other sexually oriented gestures.

Sexual Violence: Any violence, physical or psychological, that is carried out, threatened or attempted by or against a member of the College Community without consent through a sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery and distribution or recording of sexual images or videos of a sexual nature of a member of the College Community without their consent.

Sexual Violence Officer: A designated Learner Success Services employee, or designate, acting as the primary contact between the College and a learner who discloses an experience of sexual violence.

Stalking: Unwanted repeated contact or communication directed at another person that causes the person reasonable fear or concern for that person’s safety or the safety of others known to them. Safety includes physical, emotional and psychological safety. Stalking can occur physically (such as watching and monitoring, pursuing or following, making threatening or obscene gestures, sending unsolicited gifts), electronically (for example, continuously commenting or contacting via social media, surveillance, letters, text messages, emails or phone calls), or through a third party.

DATA SHEET

Accountable Officer

Vice President responsible for learner services

Responsible Officer

Director responsible for student support services

Approval

Board of Governors

Contact Area

Learner Success Services

Relevant Dates

| | |
|----------------------|--|
| Approved | BOG210128-10 |
| Effective | January 7, 2021 January 2017 |
| Next Review | December 2019 |
| | |
| Modification History | December 9, 2016 February 16, 2017 Amended: Administration change from (200) Human Resources category to (500) Learners |

Associated Policies

- Code of Conduct Policy of Bow Valley College #200-1-13
- Respectful Workplace Policy #200-1-11
- Learner Appeals Policy #500-1-12
- Learner Code of Conduct Policy #500-1-1
- Learner Records & Information - Collection, Access & Waivers #500-1-16

Directly Related Procedures

- Code of Conduct Protected Disclosure Procedure #200-1-13
- Respectful Workplace Procedure #200-1-11
- Learner Code of Conduct Procedure #500-1-1
- Sexual Violence Procedure – Learners #500-1-19

Related Legislation

Including but not limited to:

Alberta Human Rights Act

Criminal Code of Canada

Occupational Health and Safety Act

Freedom of Information and Privacy Protection Act