

SEXUAL VIOLENCE POLICY

Policy Statement

Bow Valley College supports the Provincial Post-Secondary Framework on Sexual Violence that was approved by the Council of Post-Secondary Presidents of Alberta in 2016. That Framework acknowledges that sexual violence is a pervasive, systemic concern that erodes the quality of our learning, living and work environments; deprives our campus community of the full contributions of all its members; is a barrier to learners' educational experience, and is a barrier to employees' employment experience. Sexual violence has no place on our campus.

Bow Valley College is committed to creating and maintaining a safe and positive space where College community members feel able to work, learn and express themselves in an environment free from sexual violence.

Consistent with the other Alberta post-secondary institutions, Bow Valley College will act proactively to make the issue of sexual violence visible, will strive to do better, and will use best practice approaches to prevent and respond to sexual violence. We will ensure that those directly impacted by violence are provided with the appropriate help to disclose, recover, heal and thrive. All reported incidents of sexual violence will be investigated to the best of the college's ability and in a manner that ensures due process. Where a finding is made, the perpetrators of sexual violence will be held accountable. Institutional policy will be enforced.

Purpose

All members of the Bow Valley College community have a right to work and study in an environment that is free from any form of sexual violence. This document ensures that those who experience sexual violence are supported, that reports are presumed to be made in good faith, that the College has a process of investigation that protects the rights of individuals, and that individuals who have committed an act of sexual violence are held accountable.

Scope

This policy applies to Bow Valley College learners and employees.

Principal Objectives

1. Assist those who disclose sexual violence by providing detailed information and support, including provision of and/or referral to counselling and medical care, options regarding formal reporting, and appropriate academic and other accommodation.
2. Presume disclosures/reports of sexual violence are made in good faith and preserve individual's rights to dignity and respect throughout the process of disclosure, investigation and institutional response.
3. Treat individuals who disclose sexual violence with compassion recognizing that wherever possible, they will have the power to make choices in how they would like to proceed with their disclosure or 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 and/or police.
5. Engage in appropriate procedures for investigation and adjudication of a formal report which are in accordance with College policies and standards, and that ensure fairness and due process.

6. Ensure coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus.
7. Make the issue of sexual violence visible by raising awareness on our campus and supporting inclusive opportunities to explore the social and cultural roots of sexual violence in ways most relevant to our learners, employees and campus community.
8. Contribute to the creation of a campus atmosphere in which sexual violence is not tolerated.
9. Monitor and update policies and procedures to ensure that they remain effective and in line with other existing policies and best practices.
10. Align with the provincial Framework on Sexual Violence and use the associated definitions to allow for clear and consistent communications to learners, employees, and others.

Compliance

Employees, contractors, and learners are responsible for knowing, understanding, and complying with Bow Valley College policies, procedures, and any other attached documentation that relate to their position, employment, or enrolment at the College.

Definitions

Bystander (Witness): An individual who observes an incident of sexual violence taking place.

Coercion: Within the context of sexual violence, coercion is an unreasonable and persistent pressure for sexual activity. Coercion can be through emotional manipulation, blackmail, threats to 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.

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

Consent: Consent is the voluntary agreement to engage in the sexual activity in question. It is an active, direct, voluntary, unimpaired and conscious choice and agreement between individuals at the age of consent, as defined in the Criminal Code of Canada, to engage in physical contact or sexual activity.

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

First Responder: The first person who is told about an incident of sexual violence. Initial responses to disclosures have a lasting effect on a victim/survivor's willingness to continue to seek help and ability to heal.

Formal Report: A statement to the institution by a complainant seeking recourse pursuant to the violation of policy.

Respondent: The person alleged to have violated the Sexual Violence Policy.

Sexual assault: Sexual assault is nonconsensual sexual actions done by an individual(s) 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 violence: Sexual violence is any violence, physical or psychological, carried out without consent through a sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, and voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their consent.

Stalking: Unwanted and persistent behavior pursuing contact and/or harassing another in person or online.

DATA SHEET

Accountable Officer

Vice President, Learner Services and Chief Student Services Officer

Responsible Officer

Director, Learner Success Services

Approval

Board of Governors

Contact Area

Learner Success Services

Relevant Dates

Approved	December 9, 2016
Effective	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

Employee Code of Conduct Policy #200-1-1

Learner Appeals #500-1-12

Learner Code of Conduct Policy #500-1-1

Learner Records & Information - Collection, Access & Waivers #500-1-16

Sexual Violence Framework (approved by Council of Post-Secondary Presidents of Alberta)

Directly Related Procedures

Employee Code of Conduct Procedure #200-1-1

Learner Code of Conduct Procedure #500-1-1

Sexual Violence Procedure – Employees (under development)

Sexual Violence Procedure – Learners (draft)

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