

# SEXUAL VIOLENCE PROCEDURE PLAIN LANGUAGE SUMMARY

## Parent Policy

*What is this procedure for?*

This is the procedure for the **Sexual Violence** Policy.

**Sexual violence** is any kind of sexual act done to someone against their will.

If something is **against your will** that means you do not want it to happen.

## Purpose

*What is the purpose of this procedure?*

This procedure tells us how to follow the Sexual Violence Policy. It makes sure that:

- Anyone who experiences sexual violence gets help.
- We believe that reports of sexual violence are made **in good faith**.
- The College investigates sexual violence in a way that protects the rights of individuals.
- People who have committed sexual violence are **held accountable**.

**In good faith** means that you are acting fairly and honestly.

When you are **held accountable**, you are responsible for what you do.

If you did something wrong, you will face penalties.

## Scope and Compliance

*Who does the procedure affect?*

This procedure is for all reports of sexual violence that involve a learner at Bow Valley College. The report must have a connection to the College, but the **incident** did not have to happen on College property.

All employees and learners at Bow Valley College are responsible for knowing and following policies and procedures.

## Procedures

### *What procedures do you have to follow?*

#### 1. Education and prevention

- 1.1. Learner Success Services will teach the College community about sexual violence. The College wants to build a campus environment that does not accept sexual violence.
- 1.2. Education about sexual violence will show the diversity of the College. Education will involve different members of the College, including learners.
- 1.3. The College will participate in **first responder** training.

A **first responder** is the first person who hears a report of sexual violence.

The way a first responder reacts can have a big impact on the person who is reporting sexual violence.

#### 2. Disclosure

- 2.1. Anyone in the College may **disclose** an experience with sexual violence to anyone they feel comfortable with.
- 2.2. At Bow Valley College, anyone who **discloses** sexual violence has these rights:
  - 2.2.1. People at the College will believe they are disclosing sexual violence **in good faith**.
  - 2.2.2. People at the College will treat them with dignity and respect.
  - 2.2.3. They can get information about services and resources at the College and in the community.
  - 2.2.4. They can decide if they want to access services. They can choose which services to access.
  - 2.2.5. They can decide if they want to report the **incident** formally to the College and/or to the police.
  - 2.2.6. They can have an investigation of the **incident** with the College's cooperation.
  - 2.2.7. They can have a safety plan.

**Disclose** or **disclosure** is when you tell someone that sexual violence happened to you.

An **incident** is when something happens. In this case, it is when sexual violence happens.

2.2.8. They can get reasonable and necessary **accommodation** to limit contact with the person who **allegedly** assaulted them.

2.3. College employees and learners who hear a **disclosure** of sexual violence will give the person support and information. They can also suggest the person go to Learner Success Services.

2.4. Learner Success Services is prepared to give support and help. Counselors in Learner Success Services will help learners to understand their options for help. Learner Success Services will explain options at the College and in the community. They can also help make safety plans.

**Accommodation** is when the College makes a change for one learner because of a problem or barrier.

**Alleged** and **allegedly** means that you say something is true but it has not been proven yet.

### 3. Reporting

3.1. Anyone at the College can report sexual violence.

3.2. If you see or hear about sexual violence, you should report it. If you experience sexual violence, the College encourages you to report it as soon as you feel like you can.

3.3. Formal sexual violence reports from learners will go to Learner Success Services. Formal sexual violence reports from employees will go to Human Resources. If the report involves a learner and an employee, Learner Success Services and Human Resources will work together.

3.4. The person reporting sexual violence has the right to take back their complaint at any time. The College may still act in order to follow this policy and the law.

### 4. Confidentiality

4.1. Reports and documents will be kept **confidential**. The College will only share information if it is required by law or policy.

4.2. The College will only tell people who need the information to do the investigation.

4.3. The College may need to tell some College administrators about a report. They will only give the necessary information. They will not give the names of the people involved.

If something is **confidential**, it means it is secret. It will only be told to people who need to know.

The **complainant** is the person who is reporting sexual violence that happened to them.

The **respondent** is the person accused of sexual violence.

A **witness** is anyone who saw it happen.

- 4.4. The College must protect the **confidentiality** of all people involved. This includes the **complainant**, **respondent**, and **witnesses**.
- 4.5. If there is a risk that someone will hurt themselves or others, the College may share necessary information. The College will not give the name of the **complainant** to the public.

## 5. Investigation

- 5.1. The College will investigate all reports of sexual violence fairly. The College will consider the wishes of the **complainant**. They will try to not ask the complainant to tell what happened too many times.
- 5.2. The College believes that all reports of sexual violence are made **in good faith**.
- 5.3. The **complainant** can ask the College to investigate the report even if they choose not to make a report to the police.
- 5.4. The College believes in fairness and justice. The College will not take **sanctions** against someone without their knowledge. The **respondent** will get the full details of the report. They will get reasonable time to prepare. They will get a chance to respond to the report.
- 5.5. The College may decide that the **complainant** and the **respondent** may not have contact with each other. The College may **suspend** the respondent from classes until the investigation is over.
- 5.6. If the **respondent** withdraws from classes, the investigation will still continue. The College can still choose **sanctions**.
- 5.7. If the police are involved, the College will cooperate with the police. The College still has the right to have their own investigation.

**Sanctions** are a penalty or punishment when you break a rule.

**Suspend, suspended, or suspension** means that you cannot attend classes or access College services until the investigation is over.

## 6. Response

- 6.1. Anyone in a position of authority must act immediately to respond to or stop sexual violence.

- 6.2. When the College learns about sexual violence involving a learner that creates a future safety risk, the College will try to make sure everyone will be safe. The sexual violence may have happened on or off College property.
- 6.3. If you experience sexual violence, the College will help. The College will give you detailed information and support. The College will provide or refer you to counselling or medical care. The College will make academic or other **accommodation**.
  - 6.3.1. The College knows that sexual violence can happen to anyone. Sexual orientation, gender, gender identity, and relationship status do not matter. Someone who experiences sexual violence may have emotional, academic, or other difficulties.
- 6.4. Bow Valley College believes reports are made **in good faith**. The College protects people’s right to dignity and respect during **disclosure**, investigation, and the College response.
- 6.5. Whenever possible, anyone who **discloses** sexual violence will be given the power to make choices about what they want to do.
- 6.6. Reports of sexual violence fall under the Sexual Violence Policy. If a learner also **violates** other policies, they may also face penalty or **sanctions** under those policies.
- 6.7. It is against this policy to **retaliate** against or threaten anyone who reports sexual violence or participates in an investigation. If you retaliate, you may face penalties.
- 6.8. If the College decides a report is **malicious**, the **complainant** may face **sanctions**.
- 6.9. If the College decides a report is supported by evidence, the **respondent** may face **sanctions**.

When you **violate** a policy, it means you break the rules.

If you **retaliate** against someone, you do something bad to them because they did something.

When an accusation is **malicious** it means that it is not true and was made to hurt someone.

## 7. Documents

- 7.1. You must give all reports of sexual violence to Learner Success Services. This includes supporting documents and written communication. Learner Success Services will keep these documents secure and separate from the Permanent Academic Record.

7.2. There will only be a note in the **respondent's** Permanent Academic Record if the College finds that the respondent **violated** the Sexual Violence Policy.

7.3. If a learner is **suspended**, withdrawn, or denied admission because they have **violated** policy, the College will write it on their academic records.

## 8. Communication

8.1. The Director of Learner Success Services will look at all formal communication (letters or email) about an investigation to make sure it is clear, consistent, and follows policy.

8.2. When a learner is **suspended** or withdrawn for violating the Sexual Violence Policy, the College will communicate this information:

- the **sanction**
- how long the sanction is for
- any conditions for the learner's return to the College

This information will be sent to:

- the learner
- the Director of Learner Success Services, to be recorded on the Learner Conduct record
- the dean
- the Registrar, to be recorded on the Permanent Academic Record
- College security, if the sanctions include not being allowed on campus
- other College employees if necessary

8.3. The communication must also tell the learner that it is possible to **appeal** the decision. The communication must include a copy of the Learner Appeals Policy.

## 9. Appeals

9.1. Learners may **appeal** decisions through the Learner Appeals Policy.

When you **appeal** a decision, you ask the College to look at it again.

## Definitions

**Coercion:** Coercion means pressuring someone to participate in a sexual activity when they do not want to. Coercion can be emotional manipulation, blackmail, threats to family, pets, or friends, or the promise of giving someone something good.

**Consent:** Consent means fully agreeing to participate in a sexual activity. Consent is active, direct, and voluntary. People who consent cannot be on drugs or alcohol and must be of legal age.

**Formal report:** A formal report is a statement to the College by someone who experienced sexual violence. When someone makes a formal report, the College will investigate what happened.

**Learner conduct record:** Your Learner Conduct Record is a file of your Code of Conduct Report, any documentation, and copies of communication about the Code of Conduct. The College keeps the Learner Conduct Record separate from your Permanent Academic Record. They are only connected if you have been withdrawn or restricted from accessing the College.

**Permanent academic record:** This is a record of your academic program and grades at the College. When you ask for a transcript, it is made from your Permanent Academic Record.

**Safety:** Safety is when you feel like no one will hurt you, either physically, emotionally, or mentally.

### **Sexual assault:**

- Sexual assault is when one person does a sexual act to another person **without their consent** or **against their will**.
- It also includes sexual acts done when someone cannot **consent**.
- Sexual assault can include anything from unwanted touching to penetration (rape).
- Sexual assault can involve the use of force, threats, or control of the other person.
- Sexual assault can be sexual activity that makes the person feel scared, distressed, or threatened.
- Sexual assault is a criminal offense under the Criminal Code of Canada. It is against the law.

**Sexual violence:** Sexual violence is any kind of violence that is done to another person in a sexual way **against their will**. Sexual violence can include:

- sexual assault
- sexual harassment (repeated unwanted sexual attention)

- stalking (following a person or repeatedly contacting them)
- indecent exposure (showing your genitals to someone else against their will)
- voyeurism (watching someone against their will when they are naked)
- distributing sexual pictures or video of someone without their consent

**Withdrawal:** Withdrawal is when you are formally asked to leave a course or a program.