
SEXUAL VIOLENCE PROCEDURE (LEARNERS) PLAIN LANGUAGE SUMMARY

Parent Policy

What is this procedure for?

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

Purpose

What is this procedure for?

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

- The College community is told about sexual violence.
- Supports are provided to learners who have experienced sexual violence.
- When disclosures of sexual violence are made to College first responders:
 - The disclosures are handled in the best way possible.
 - Those who disclose sexual violence are believed to be telling the truth.
- The College knows how to respond to and what steps to take when formal reports of sexual violence for learners are made. This includes:
 - Making sure that the College has a fair and effective process for investigating formal reports of sexual violence,
 - Making sure the rights of people who experience sexual violence are protected,
 - Holding those who commit sexual violence responsible

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

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

The **first responder** is the person at the College who first listens to you when you disclose (tell about) or report sexual violence.

Scope

Who does the procedure affect??

This procedure is for all Bow Valley College learners in any location, online or in person. This procedure is for when the behavior of the learners is connected with the College.

Compliance

How do you follow this procedure?

Everyone at the College must know and follow all College policies and procedures.

Procedures

What procedures do you have to follow?

1. General

- 1.1. Everyone at the College is encouraged to take reasonable action to respond to sexual violence and to prevent sexual violence from happening. This includes contacting the Sexual Violence Officer in any case with learners. College employees and members of the Board of Governors must take reasonable action to respond to sexual violence and to prevent sexual violence from happening.
- 1.2. Anyone at the College who knows about sexual violence involving a learner can contact and ask for advice from the Sexual Violence Officer.
- 1.3. The College will take reasonable steps to protect the safety of learners who are involved in sexual violence.
- 1.4. College first responders and the Sexual Violence Officer will treat learners who disclose sexual violence with compassion. Learners who disclose sexual violence will have the choice in how they want to proceed with their disclosure or formal report, unless the College has a legal obligation. The College must still follow College policies and procedures.
- 1.5. The College will help learners who have experienced sexual violence by giving information and support. The College will provide or refer learners to counselling and medical care. The College will tell the learner about reporting and academic or other accommodations.
- 1.6. Learners who disclose sexual violence have the right:
 - 1.6.1. To be believed by the College first responder and Sexual Violence Officer.
 - 1.6.2. To be treated with dignity and respect.
 - 1.6.3. To be told about services and resources at the College and in the community.
 - 1.6.4. To decide if they want to access services and to choose which services.

- 1.6.5. To decide if they want to report the experience either through this procedure, the police, or in another way.
- 1.6.6. To have the College hold an on-campus investigation.
- 1.6.7. To have the College make a reasonable safety plan.
- 1.6.8. To have reasonable accommodation to limit or prevent contact with the person who caused harm.

2. Education and Prevention

- 2.1. The College will teach people about sexual violence. The College will work hard to make a campus that does not have sexual violence.
- 2.2. Teaching about sexual violence will show the diversity of the learners at Bow Valley College. Teaching will include many different people in the College including learners.
- 2.3. The College will give training to first responders.

3. Disclosure

- 3.1. Learners can choose to **disclose** sexual violence to get help or to learn about their options.
- 3.2. Learners can **disclose** sexual violence to anyone at the College they feel comfortable with.
- 3.3. If a learner **discloses** sexual violence and decides not to make a formal complaint, they should know that the College may still have to do something to make sure people at the College are safe.
- 3.4. Anyone at the College who is told about sexual violence should do their best to give support and information. You can direct learners to the Sexual Violence Officer.
- 3.5. Anyone at the College who believes there is criminal sexual violence involving a learner about to happen must call the police, campus security, or the Sexual Violence Officer.
- 3.6. All employees, contractors, and members of the Board of Governors must report any sexual violence involving a learner to the Sexual Violence Officer. Any sexual violence

To **disclose** means to tell someone that you have experienced sexual violence.

that involves an employee, contractor, or member of the Board of Governors must be reported to Human Resources.

4. Sexual Violence Officer

4.1. The Sexual Violence Officer is a Learner Success Services employee. They are trained. They:

4.1.1. Are the primary contact between the College and the learner who has disclosed sexual violence.

4.1.2. Provide help to learners. They will give information and support, and they can refer a learner to counselling and medical care. They can tell a learner about options for reporting and academic or other accommodations.

4.1.3. Initiates an investigation if a learner has **allegedly** committed sexual violence and threatens the safety of the College community.

Allegedly means when you say something is true, but it has not been proven

5. Reporting

5.1. Learner Success Services will handle **formal reports** of sexual violence. If the report involves a learner and an employee, Human Resources and Learner Success Services will talk together and decide what is the right procedure.

5.2. A complainant (the person who reports sexual violence happened to them) may:

5.2.1. Make a formal report against a learner with the Sexual Violence Officer. The Sexual Violence Officer must initiate an investigation.

5.2.2. Contact the Sexual Violence Officer with or without making a disclosure and without making a formal report.

5.2.3. Neither of the above.

A **formal report** is a written or spoken statement about sexual violence to the College. When a formal report is made, the College will investigate.

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- 5.3. Formal reports may be given anonymously. This means you can make a report without giving your name. This may limit how the College can investigate and respond to the report.
 - 5.4. If the formal report is made and does not fall under the Sexual Violence Policy, it may be referred to another College policy.
 - 5.5. A learner can choose to make a formal report to the College and report to the police.
 - 5.6. There is no time limit on making a formal report. The College encourages learners to make formal reports as soon as possible after the sexual violence. The College will investigate all formal reports. If a formal report is made a long time after the incident, it may make it harder for the College to investigate.
 - 5.7. When the Sexual Violence Officer gets the formal report, they will initiate an investigation. They will send the formal report to the right person at Learner Success Services.
 - 5.7.1. This person in Learner Success Services has no right to make an informal response unless the complainant (the learner who reports sexual violence) asks for an informal response.
 - 5.7.2. This person in Learner Success Services will follow the College sexual violence policy and procedure.
 - 5.8. The complainant can withdraw their report. The College may still respond to the report if it has to by policy or law.
 - 5.9. When the College receives a formal report, the Learner Success Services employee who is chosen to investigate (the designate) will:
 - 5.9.1. Give the learner information about accommodations.
 - 5.9.2. Complete a risk assessment and immediately protect the College community and the wider community.
 - 5.9.3. Decide who is the right officer and to make a report to that officer.

6. Multiple Proceedings

6.1 Sexual violence can be reported to both the College and the police. If this happens, the College may still proceed with its own independent investigation.

6.2 If the College and the police are investigating the same formal report of sexual violence, the College will cooperate with the police as required by the law but can still continue its own independent investigation.

7. Confidentiality

7.1. College employees involved in a **disclosure** or formal report of sexual violence must maintain **confidentiality** of information. This means they cannot talk about what happened or who is involved, unless the College is required to by law or College policy.

7.2. When the College knows about sexual violence, they may need to take action by law or by other policies. When this is the case, College administrators will be told about the incident. They will not always be told the names of the people.

7.3. The College will respect the confidentiality of all people involved in a report of sexual violence, including the complainant, respondent, and **witnesses**.

A **witness** can be anyone who may have seen, heard, or been told about the sexual violence.

7.4. The College cannot promise confidentiality in all situations, and may have to share necessary information in these situations:

7.4.1. When there is the risk that someone might harm or kill themselves.

7.4.2. When there is a risk that someone might hurt someone else.

7.4.3. When the College has to share information in order to keep the process fair.

7.4.4. When the College is required by law to report.

Definitions

Board of Governors: People who are on the Board of Governors make big decisions about the College. They are chosen by the Government of Alberta.

Coercion: When someone puts pressure on someone else to participate in sexual activity. Coercion can include emotional manipulation, threats, blackmail, or the promise of rewards.

College Community: Everyone at the College when they are participating in College activities. It includes all the learners, employees, elders, independent contractors, suppliers, volunteers, visitors, and members of the Board of Governors. It includes these people when they are at the College, using College property, or participating in College programs, activities, or business.

College First Responder: A College employee who is trained in sexual violence response. The First Responder is the person you speak to if you have experienced sexual violence.

Complainant: The person who makes a report of sexual violence. This is the person who experiences the sexual violence.

Consent: When someone willingly agrees and wants to participate in a specific sexual activity. A person who consents, freely and clearly agrees to the type of sexual activity and can withdraw their consent at any time. They are not forced or pressured to say yes.

Criminal Sexual Violence: Any kind of sexual violence that is a crime under the Criminal Code of Canada.

Disclose or Disclosure: When a person tells someone that sexual violence has happened to them.

Formal Report: A written or spoken statement about sexual violence at the College. If a learner makes a formal report, they will give it to Learner Success Services. If an employee makes a formal report, they will give it to Human Resources.

Learner: Someone who is a registered student at the College. A learner may be registered for credit or non-credit courses.

Real and Substantial Link: When a reasonable person would think there is a connection between the way a learner behaves and the College. This can include any location on or off campus, either in person or online.

Respondent: The person identified in a formal report as the person who has allegedly committed the sexual violence and violated the policy. Allegedly means that it has not been proven.

Safety: When people are free from violence and are not likely to be hurt, physically, emotionally, or mentally.

Sexual Assault: When sexual activity is done to someone without their consent. Sexual assault can be done by one person or by more than one person. Sexual assault can include any unwanted or attempted sexual acts. It can include touching or penetration. It can also include force, threats, or control that makes someone feel scared, upset, or threatened. Sexual assault is a crime under the Criminal Code of Canada.

Sexual Harassment: Can be any unwanted sexual advances, attention, comments, jokes, gestures, sounds or actions that make a person or persons feel unsafe, uncomfortable, intimidated, or degraded in their work, studies or living environment. Sexual harassment can be many acts or just one act if it is bad enough. The person using harassing behaviours or actions should know that it is unwanted and is making someone feel uncomfortable, even if they claim to have only been joking or didn't mean to offend. Sexual harassment can include:

- comments, jokes, or teasing
- showing pornography or other sexual material
- repeatedly asking someone for dates
- making sexual advances
- leering (looking at someone in a sexual way) or making sexual gestures

Sexual Violence: Is any violence, physical or psychological (emotional or mental), that is done sexually to someone against their will. Sexual violence can include sexual assault, sexual harassment, stalking, indecent exposure (taking off your clothes in front of someone without their consent), voyeurism (watching someone take off their clothes or do something sexual without their consent), taking or showing someone disrespectful sexual pictures, and sharing sexual pictures or recordings of someone without their consent.

Sexual Violence Officer: This is an employee at Learner Success Services who is the primary contact between the College and a learner who discloses sexual violence.

Stalking: This is when someone repeatedly tries to contact another person against their will. Stalking makes someone feel scared about their safety or the safety of others around them. Stalking can be physical. This includes watching, following, making threatening gestures, and sending unwanted gifts. Stalking can be online. This includes continuously commenting or contacting on social media, or sending letters, text messages, emails, or phone calls. Stalking can also happen through a third person.