

Policy Name	<b>Sexual Violence</b>		
Policy #	<b>603</b>	Category	HUMAN RESOURCES
Steward	Manager, Human Resources	Date Approved	February 1, 2024
Next Review Date		Date Reviewed or Revised	

**POLICY**

Suncrest College is committed to reducing sexual violence and creating a safe space for anyone in our College community who has experienced sexual violence. The College is 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.

All reported incidents of sexual violence will be investigated to the best of the administration’s ability and in a manner that ensures due process. The College will make every effort to create an environment in which all individuals feel comfortable making a report, in good faith, about sexual violence that he or she has experienced or witnessed.

We recognize that sexual violence can occur between any individual regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the *Saskatchewan Human Rights Code*. We also recognize that individuals who have experienced sexual violence may experience emotional, academic, and or other difficulties.

We acknowledge and will be responsive to the intersecting forms of oppression based on gender, race, ethnicity, age, etc., that can increase the risk of sexual violence for some populations.

**SCOPE**

This Policy applies to all members of the College community including Board of Governors, employees, students, contractors, service providers, individuals who are directly connected to any College initiatives, volunteers, and visitors, both on and off campus.

**PRINCIPLES**

**We are committed to:**

1. Assisting those who have experienced sexual violence by providing detailed information and support, including the provision of and/or referral to counseling and medical care and appropriate academic and other accommodation.
2. Ensuring those who disclose that they have been sexually assaulted are treated with dignity and respect, listened to without judgment and with acceptance of the disclosure as true, and their right to dignity and respect is protected throughout the process of disclosure, investigation, and institutional response.
3. Treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests.
4. Ensuring that on-campus investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police.
5. Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies and standards, and that ensure fairness and due process.
6. Increasing coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus.
7. Engaging in public education and prevention activities and providing information to the College community about sexual violence on campus.
8. Providing appropriate education and training to the College community about responding to the disclosure of sexual violence.
9. Contributing to the creation of a campus atmosphere in which sexual violence is not tolerated.
10. Monitoring and updating our policies and protocols to ensure that they remain effective and in line with current best practices.

## DEFINITIONS

**Sexual Assault:** Any type of unwanted sexual act committed by an individual against another that violates the sexual integrity of the individual to whom it is directed. Sexual assault is characterized by a broad range of behaviors that involve the use of force, threats or control towards a person which makes that person feel uncomfortable, distressed, frightened, threatened or that is carried out in circumstances in which the person has not freely agreed, consented to or is incapable of consenting to.

**Sexual Violence:** Any unwanted act, physical, verbal, or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual assault, sexual abuse, sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking, and sexual exploitation. Neither a formal criminal charge nor a human rights complaint is necessary for this definition to operate for the purposes of this policy.

**Sexual Harassment:** Is a form of discrimination that is against the law. It is unwarranted sexual conduct that interferes with rights guaranteed by the *Saskatchewan Human Rights Code* and this policy. Sexual harassment may be verbal, physical, or visual. It may be one incident or a

series of incidents. It is always unsolicited and unwelcome behavior and can take many forms, including, but not limited to:

- sexual remarks
- “jokes” with sexual overtones
- sexual advance or invitation
- displaying offensive pictures or photographs
- threats
- leering
- physical touching like touching, patting, or pinching or brushing against
- sexual and physical assault

Sexual harassment only refers to unwelcome behavior which the harasser knew, or should have known, would be unwanted.

**Substance-Facilitated Sexual Assault:** Refers to the use of alcohol and/or drugs to intentionally sedate or incapacitate another individual for the purpose of committing a sexual assault.

**Sexual Cyber Harassment/Cyber Stalking:** Often used interchangeably, cyber harassment and cyber stalking are defined as repeated, unsolicited, threatening behavior of a sexual nature by a person or group using cell phone or Internet technology with the intent to bully, harass and intimidate others. Such harassment can take place in any electronic environment where communication with others is possible, such as social networking sites, message boards, chat rooms and text messages.

**Consent:** The voluntary agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behavior and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

- Consent is never implied and cannot be assumed. The absence of “no” does not mean “yes.”
- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if she/he is asleep, unconscious, or otherwise unable to communicate.
- Consent cannot be given if a person is being coerced, pressured, threatened, or bribed.
- A person who is drugged is unable to consent.
- A person may be unable to give consent if she/he has a developmental disability.
- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.

- A person can withdraw consent at any time during the course of a sexual encounter.

It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.

**Age of Consent for Sexual Activity:** The age at which a person can legally consent to sexual activity. In Canada, children under the age of 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts. There are variations on the age of consent for adolescents who are close in age and between the ages of 12 and 16. Twelve and 13-year-olds can consent to have sex with other youth who are less than two years older than themselves. Youth who are 14 and 15 years old may consent to sexual involvement that is mutual with a person who is less than five years older. Youth 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

**Coercion:** In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

**Date Rape:** Sexual contact that is forced, manipulated, or coerced by a partner, friend, or acquaintance.

**Stalking:** A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviors that occur on more than one occasion, and which collectively instill fear in the victim or threaten the victim/target's safety or mental health. Stalking can also include threats of harm to the target's friends and/or family. These behaviors include but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; "creeping" via social media/cyber-stalking and uttering threats.

**Survivor:** A survivor is anyone who has experienced sexual assault. Individuals might be more familiar with the term "victim." The term "survivor" is used because a person having experienced sexual assault means that they have survived something — not that they have been victimized by it.

**Disclosure:** For the purpose of this document, a disclosure involves a student/staff member choosing to tell anyone about their experience of sexual violence (different from a complaint).

**Complaint:** A formal report that is made to authorities, such as the President and CEO, the Director of HR or the police, thereby initiating a legal or quasi-legal investigation process.

## RESPONSE PROTOCOL

If you have witnessed or experienced sexual violence, you may call the Sexual Assault Services of Saskatchewan (SASS) at any of the 24-hour crisis lines below or visit [www.sassk.ca](http://www.sassk.ca).

- Regina: 1-306-352-0434
- Saskatoon: 1-306-244-2224
- North East Outreach & Support Services Crisis Line: 1-800-611-6349

The staff and volunteers on each line are trained in sexual assault response and can help you with your questions and concerns. They will assist you by providing all the resources and support you need. It is often difficult to disclose and report incidents of sexual violence. It is entirely up to you if you choose to report the incident.

### **Witness of Sexual Violence**

If you witness sexual violence, please call the Sexual Assault Services of Saskatchewan at any of the 24-hour crisis lines as outlined above. They will assist you by providing all the resources and necessary support.

If a member of the instructional or administrative staff of the College becomes aware of an allegation of sexual violence against another member of the College community, they are required to report the alleged incident to the President and CEO immediately.

### **Confidentiality**

Confidentiality is extremely important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed and the College will do its best to respect the confidentiality of all persons.

### **Privacy Principles**

- Every effort will be made to respect the wishes of the victim/survivor and protect the privacy of the victim/survivor's personal information, including identity if the individual does not wish this information to be shared.
- Every effort will be made to protect the privacy and anonymity of any person who discloses an incident of sexual violence.
- Subject to certain limited exceptions, before disclosing any reported information related to incidents of sexual violence, the express consent of the person making the report is required. This includes ensuring that the person fully understands the meaning of consent.
- The limits to confidentiality will be outlined to the victim/survivor or to the person making the report upon disclosure, or as soon as possible after disclosure.
- Before disclosing any reported information related to incidents of sexual violence, potential immediate safety concerns will be canvassed with the person making the initial report, and every effort will be made to address these safety concerns.

Privacy rights are not absolute, and the College may be required to take immediate action. Confidentiality cannot be assured in the following circumstances:

- An individual is at imminent risk of self-harm.
- An individual is at imminent risk of harming another.
- There are reasonable grounds to believe that others in the College or wider community may be at risk of harm.
- There is a requirement to report to child welfare, where a child (someone under 19 years) is in need of protection.
- There is a requirement to comply with a court order for the release of information.

If there is a requirement by the College to release the information without consent based on the above information, it shall only be released by the President and CEO. In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the victim would not be released to the public.

Where the College becomes aware of an allegation of sexual violence against one member of the College community by another, the College may have an obligation to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but the identities of the persons involved will not necessarily be shared.

If the survivor/victim makes a disclosure about the perpetrator, consent from the perpetrator is required before the information can be disclosed further by the person receiving the disclosure or report. However, laws allow such information to be shared without consent in the following circumstances:

- There are compelling circumstances that affect anyone's health or safety.
- To assist in an investigation or in making a decision to start an investigation.
- If the disclosure is for purposes for which the information was originally collected, and the disclosure is necessary for those purposes.

Any expectations to maintain confidentiality must be clearly articulated in the protocol.

### **Disclosure and Support**

A person may choose to confide in someone about an act of sexual violence, such as a student, instructor, teaching assistant, student advisor or an administrative staff member. An individual who has experienced sexual violence may also disclose to an instructor or administrative staff member when seeking support regarding another matter. A supportive response involves:

- Listening without judgment and accepting the disclosure as true.
- Communicating that sexual violence is never the responsibility of the victim.

- Helping the individual identify and/or access available on or off-campus services, including emergency medical care and counselling.
- Respecting the individual's right to choose the services they feel are most appropriate and to decide whether to report to the police or Sexual Assault Services of Saskatchewan at the numbers listed above.
- Recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited.
- Respecting the individual's choices as to what and how much they disclose about their experience.
- Making every effort to respect confidentiality and anonymity.

If a disclosure is made to an instructor or an administrative staff member by a student seeking support or academic accommodation, they should refer the student to a Student Advisor and work with the Student Advisor to ensure that the student receives all necessary academic and other accommodations if necessary.

As indicated above, if an instructor or administrative staff member of the College becomes aware of an allegation of sexual violence against another member of the College community, the instructor or administrative staff member is required to report the alleged incident to the President and CEO immediately.

Sensitive and timely communication with individuals who have experienced sexual violence and their family members (when an individual consents to this communication) is a central part of the College's first response to sexual violence.

### **COLLEGE COMMUNITY ROLES AND RESPONSIBILITIES**

While everyone on campus has a role to play in responding to incidents of sexual violence, some campus members will have specific responsibilities which might include:

- Student support services to provide psychological and emotional support, assist with safety planning and make referrals to other services, including medical services.
- Instructors, staff, and administrators to facilitate academic accommodations and other academic needs of those who have experienced sexual violence.
- Human Resources to assist with any incidents relating to staff.

### **How will the College Respond to a Report of Sexual Violence?**

Where a complaint of sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have been the victims of sexual violence may wish to control whether (and how) their experience will be dealt with by the police and/or the College. In most circumstances, the person will retain this control. However, in certain circumstances, the College may be required to initiate an internal investigation and/or inform

the police of the need for a criminal investigation (even without the person's consent) if the College believes that the safety of other members of the College community is at risk.

### **Where the Respondent is a Student**

Sexual violence is a violation of Suncrest College's *Sexual Assault Policy*. It is considered a serious offence and will be addressed in a manner that is consistent with other serious offences.

### **Where the Respondent is an Employee**

Sexual violence is a violation of Suncrest College's *Sexual Assault Policy*. Allegations against employees will be addressed in accordance with the procedures set out in this Policy, and in any applicable collective agreement, and/or other College policies. If the complaint is sustained following an investigation, the Out-of-Scope Supervisor along with Human Resources will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

### **Where the Respondent is a Third Party**

Contractors, suppliers, volunteers, or visitors who attend campus will be subject to complaints if they engage in prohibited conduct. All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the *Saskatchewan Human Rights Code*, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

Any allegation of sexual violence on campus where the complainant is unrelated to the College will be referred to the local police.

### **Multiple Proceedings**

Where there is an ongoing criminal investigation, the College will work cooperatively with the local police in conducting its investigation.

### **Media Release**

As per Suncrest College policy 803 Public Relations, only the Board Chair or the President and CEO are able to speak on behalf of the College.

### **FILING A COMPLAINT**

Sexual Assault Services of Saskatchewan listed above can also assist you with filing a complaint. If the alleged perpetrator is another member of the College community, you may file a complaint under this policy.



Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code.

#### **LEGISLATIVE AND COLLECTIVE AGREEMENT REFERENCES**

[Criminal Code of Canada](#)

[Local Authority Freedom of Protection and Privacy Act](#)

[Saskatchewan Employment Act](#)

[Saskatchewan Human Rights Code](#)

#### **LINKS TO OTHER RELATED POLICIES, DOCUMENTS, AND WEBSITES**

601 Violence Threat Risk Assessment

702 Code of Ethics

602 Anti-Harassment