



Title of Policy	Sexualized Violence Prevention and Response
Policy Number	4.8.8
Category	4 - Human Resources
Approval Body	Board of Governors
Policy Sponsor	Vice President, Academic & Applied Research & Executive Director, Human Resources
Operational Lead	Director of Student Affairs
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CONTEXT AND PURPOSE

College of the Rockies (the College) is committed to providing all members of the college community with a safe and secure environment free from all forms of sexualized violence. The College will ensure that those impacted by sexualized violence are supported when addressing any disclosures or reports under this policy.

The purpose of this policy is to instill and cultivate institutional, collective, and individual responsibility for creating an environment in which consent and respect are understood to be foundational principles and practices at College of the Rockies, specifically by:

- Implementing and actively promoting education and training programs to the College community that are pertinent to this policy. This includes programs aimed at awareness and prevention of sexualized violence that support complainants and those impacted by sexualized violence in a trauma-informed manner;
- Creating a safe and supportive environment in which the barriers faced by complainants and those impacted by sexualized violence in disclosing or reporting sexualized violence are minimized, and where those who perpetrate sexualized violence are held accountable for their actions;
- Providing supports to complainants and those impacted by sexualized violence; and
- Responding to and addressing disclosures or reports of sexualized violence.

SCOPE

1. All members of the college community who are complainants or those impacted by sexualized violence may access support under this policy. However, legal authority to investigate under this policy is limited to circumstances where all the following apply:
 - a. the allegation must be made against an individual who was a member of the college community at the time of the alleged sexualized violence,
 - b. the alleged conduct must fall within the definition of sexualized violence, and
 - c. the alleged conduct must have a real and substantial connection to College of the Rockies.
2. College of the Rockies does not have the jurisdiction to investigate allegations against a person who is not a member of the college community or otherwise affiliated with the College. However, under certain circumstances, the College can revoke visitors’ access to College of the Rockies property.

3. Where a respondent is no longer a member of the college community, an investigation may still ensue; however, the College may have limited ability to investigate and apply disciplinary action.
4. In circumstances involving a significant lapse of time, procedural challenges may arise that can impact the College's ability to complete an investigation.
5. In exceptional circumstances, incidents that have substantial connection to the College and adversely affect the complainant's course of learning, teaching, or work, may fall within the scope of this policy.
6. This policy is not intended to supersede or interfere with collective agreements or with prevailing laws.
7. Anyone who has experienced sexualized violence has the right to pursue criminal or civil legal avenues whether or not they choose to proceed under this policy. Interim measures may be applied while a criminal process is underway even if the College's investigation has been deferred pending outcome of the criminal process.

DEFINITIONS

College Community: Members include:

- a. Registered College of the Rockies students, past and present;
- b. All College employees;
- c. Contractors and third parties required by contract to comply with College of the Rockies policies and procedures;
- d. Members of the Board of Governors; and
- e. All other persons granted access to College of the Rockies property or resources.

College-related Activity: includes an activity or event conducted under the authority of the College at any location, on or off campus. All activities on the College's campuses are College-related unless they are conducted under the control of a person, organization, association, or group that is separate from the College.

Complainant: The person who has filed a formal report to the College alleging a violation of this policy.

Consent: An active, direct, voluntary, un-coerced, ongoing, unimpaired, and conscious choice and agreement between individuals to engage in sexual activity. Consent can be withdrawn at any point.

Discipline: Action taken to address unacceptable student or employee conduct which may include any conduct that has the effect of disrupting the learning or working environment, or that is a threat, or perceived to be a threat, to the safety of other students, employees, or members of the College community, whether conducted on or off campus (e.g. field trip, practicum).

Disclose or Disclosure: The sharing of information regarding an incident of sexualized violence with a member of the College Community. A disclosure doesn't initiate an investigation unless a report is made. However, under certain conditions the College may be required to investigate in cases where there is a substantial risk of harm to a community member or when a minor is involved. The person impacted by the alleged violence is not required to participate in the process.

Procedural Fairness: Provides parties with a fair process in resolving disputes. The concept requires transparency, equal communication, and fairness.

Rape Culture: A culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing sexual violence and by blaming those impacted for their own abuse.

Report: A written statement of facts including a record of the dates, times, and nature of any incidents, and names of witnesses, if applicable. The report must contain sufficient detail to allow the College to assess the incident and conduct an investigation, if required. A report can be made by a person who has experienced sexualized violence or who has been a witness to sexualized violence.

Respondent: The person who is alleged to have violated this policy.

Sexualized Violence: Refers to any sexual act or act targeting a person's sexuality, whether the act is physical, verbal, or psychological in nature, which is committed, threatened, or attempted against a person without the person's consent.

Note: Reference to a person applies regardless of gender, sexual orientation, or gender identity.

Sexualized Violence can include but is not limited to:

1. **Sexual Assault:** Any form of sexual contact without consent from all parties, and can include:
 - a. Acquaintance sexual assault: sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance; and
 - b. Drug-facilitated sexual assault: the use of alcohol and/or drugs by a person to control, overpower or subdue a person for sexual purposes.
 - c. Stealthing: the act of removing any protective barrier (i.e. condom, latex dam) during sex without the consent of a partner.

2. **Sexual Exploitation:** The involvement of a young person (a person 16 years of age or more and under the age of 18) in the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation includes involving a young person in creating pornography and sexually explicit websites.

3. **Sexual Harassment:** Usually involves a course of unwanted remarks, behaviours, or communications of a sexual nature and/or a course of unwanted remarks, behaviours or communications based on sex, sexual orientation, gender identity, or gender expression where the person responsible for the remarks, behaviours, or communications knows or ought reasonably to know that these are unwanted. A single incident may, in certain circumstances, constitute harassment. Sexual harassment includes, but is not limited to:
 - a. sexual solicitations, advances, remarks, suggestive comments and gestures (including songs and chants);
 - b. the inappropriate display of sexually suggestive images or objects;
 - c. non-consensual posting and/or distribution of sexually explicit pictures, video, aggressive comments, or slurs on any form of social media;
 - d. unwanted physical contact of a sexual nature; and
 - e. sexual conduct that interferes with an individual's dignity or privacy.

4. **Stalking:** A form of harassment involving behaviours that occur on more than one occasion and which collectively instill fear in a person or threaten a person's safety or mental health. Stalking, in the context of this policy, pertains to harassment where the behaviours are of a sexual nature, including those by a current or former intimate partner. Stalking can also include threats of harm to a person's friends and/or family. These behaviours include, but are not limited to:
 - a. non-consensual communications (face-to-face, phone, email, social media);
 - b. threatening or obscene gestures;
 - c. surveillance, sending unsolicited gifts, "creeping" via social media/cyber-stalking; and
 - d. uttering threats.
5. **Indecent Exposure:** The act of intentionally showing one's sexual organs in public.
6. **Voyeurism:** The practice of gaining sexual gratification by secretly observing unsuspecting individuals.
7. **Technology-Facilitated Sexualized Violence (TFSV):** Any form of sexualized violence that occurs online is considered technological-facilitated sexualized violence. TFSV refers to a wide range of unacceptable, violent, and abusive behaviours, where technology is used as a central tool to carry out these behaviours. These behaviours can include online sexual harassment, online threats of sexual violence, trolling, non-consensual distribution of intimate images, and many other harmful behaviours that occur online and/or are facilitated through the use of technology.
8. The attempt to commit an act of sexualized violence as defined above.
9. The threat to commit an act of sexualized violence as defined above.

Trauma-Informed: An approach that incorporates the understanding of the impact that sexualized violence can have on a person's life, to minimize possible re-victimization, and to support recovery and empowerment.

POLICY STATEMENTS

- A. Sexualized violence and the condoning of rape culture is unacceptable and is prohibited conduct at College of the Rockies.
- B. The College is committed to providing comprehensive and inclusive sexualized violence education. Through these initiatives, the College is committed to promoting a culture of consent.
- C. The College recognizes that people's experiences will be affected by factors such as their access to power and privilege, their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language. It also recognizes that the College is an environment in which power imbalances are inherent, and that sexualized violence is a significant and systemic social and campus issue that can affect anyone at the College. The College will take this into account when carrying out its responsibilities under this policy.
- D. The College will promote a culture that supports and facilitates the disclosure or report of sexualized violence under this policy, understanding and acknowledging that those who have experienced sexualized violence may be traumatized by their experience.
- E. The College is committed to reducing barriers to disclosing and reporting, and to taking a survivor-centred and trauma-informed approach when responding to disclosures and reports, and when conducting investigations.

- F. The College is committed to procedural fairness. All parties involved in a disclosure, report or investigation have the right to be provided information about the process, seek clarification about the process, and be accompanied by a support person of their choice at all stages of the process.
- G. The College will provide support services and accommodations to members of the college community who have been directly impacted by sexualized violence.
- H. The College will support the rights of people who make disclosures to choose whether to access support, make a report or to pursue external processes such a criminal or civil action. However, in cases where there is a significant risk of harm to any person's health and safety, the College may have an obligation to investigate or advise a third party.
- I. Complainants and those impacted by sexualized violence may seek immediate assistance but the College recognizes not everyone impacted by sexualized violence will be ready to disclose or report immediately after an incident of sexualized violence.
- J. College supports are available to assist complainants and those impacted by sexualized violence in ensuring physical safety, obtaining medical care or emotional support, or preserving evidence. Information on accessing assistance and external and internal resources is in the Procedures document.
- K. The College recognizes that some complainants and people directly impacted by sexualized violence may be reluctant to disclose or report sexualized violence for a variety of reasons. One reason may be a fear of being disciplined for alcohol or substance use. The College aims to create an environment where complainants and people impacted by sexualized violence feel comfortable disclosing or reporting it. As a result, the College will not subject any individual who discloses or reports sexualized violence to disciplinary action for alcohol or substance use occurring at or near the time of the incident(s).
- L. The College may, upon request or on its own initiative, put interim measures in place to address a disclosure or report of sexualized violence while matters are under investigation or review by the RCMP or outside agency.
- M. Student respondents may appeal any discipline that is imposed on them under this Policy in accordance with the terms of Policy 2.5.3 Student Appeal.

Employees may appeal any decision or discipline that is made or imposed on them under this Policy in accordance with their collective agreements, Human Resources Policies, and College Board Policies.

RELATED POLICIES AND SUPPORTING DOCUMENTS

Legislative and Collective Agreement References:

- BC *Sexual Violence and Misconduct Act*, [SBC 2016], chapter 23
- BC *College and Institute Act*, [RRSBC 1996], chapter 52
- BC *Freedom of Information and Protection of Privacy Act*, [RSBC 1996], chapter 165
- BC *Human Rights Code*, [RSBC 1996], chapter 210
- *Criminal Code*, R.S.C., 1985, c. C-46
- CUPE Local 2773 Collective Agreement
- College of the Rockies Faculty Association Collective Agreement and Common Agreement

Policies:

- [1.1.5 Code of Ethics](#)
- [2.4.4. Student Conduct](#)
- [2.5.3 Student Appeal](#)
- [4.8.2 Abuse and Violence in the Workplace](#)
- [4.8.6 Discrimination, Bullying and Harassment](#)
- [4.8.10 Investigations](#)
- [8.1 Use of Information Technology](#)

Other Supporting Documents and Resources:

- Student Housing Handbook and Licence Agreement
- College of the Rockies – Homestay Program Agreement for Host Families
- See the following link for internal and external resources to assist those who have experienced sexual violence: <https://cotr.bc.ca/student-services/student-support/sexualized-violence/sexualized-violence-policy/>

Acknowledgements

College of the Rockies acknowledges and expresses gratitude for the use of some of the language within this policy from the following institutions and resources:

- North Island College;
- Toronto Metropolitan University;
- Preventing and Responding to Sexual Misconduct at British Columbia Post-Secondary Institutions: A guide for developing policies and actions, BC Ministry of Advanced Education;
- *Sexualized Violence Incident Expert On Call Post Secondary Institution Policy and Procedure Review*.