

Title of Policy	Sexualized Violence Prevention and Response
Policy Number	4.8.8
Effective Date	May 2023

### GUIDELINES/STEPS

These procedures explain the steps you can take to notify the College of the Rockies (College) of an incident of sexualized violence. They also explain the process the College will follow in cases of sexualized violence. Terms used in these procedures are defined in the policy.

#### **A. Sexualized Violence Disclosures and Reporting Options:**

If you have experienced or witnessed sexualized violence, or you know sexualized violence has occurred or may occur, you may pursue any of the following options:

1. Make a disclosure (informal notification to the College)
2. Make a report (formal notification to the College)
3. Report to Community-based Victim's Services
4. Report to the RCMP or other authorities
5. Make a Third Party Report (report through a third party so you remain anonymous)

The College recognizes that individuals who have experienced sexualized violence may wish to maintain control over whether and how the College will deal with their experience. For example, you may decide you want to make a disclosure, and then later elevate the notification to a report. The choice on how to notify the College is yours to make.

**Note: call 911 if you require emergency assistance.**

#### **B. Make a Disclosure**

- B. 1 A disclosure is an informal notification to the College that sexualized violence has occurred or that there is reason to believe it may occur.
- B. 2 You can make a disclosure to any employee of the College or support person on campus (e.g., counsellor, manager, community leader in student housing, security, College instructor, and/or Human Resources).
- B. 3 By making a disclosure that you have experienced sexualized violence, you may obtain supports (e.g., counselling) and where appropriate, reasonable accommodations. The individual receiving the disclosure may need to coordinate with other campus community members in order to determine reasonable accommodations.
- B. 4 The College will not formally investigate a disclosure unless the College believes there is an imminent risk of harm to someone or there is a legal requirement to do so. If you want the College to investigate the sexualized violence, you need to make a report to the College (see below).

### **C. Make a Report**

- C. 1 A report is a formal complaint to the College of sexualized violence, made by the person who experiences the sexualized violence.
- C. 2 If you are considering filing a report and have questions about the process, we recommend you reach out to College counsellors.
- C. 3 It is helpful to file a report as soon as possible after the incident of sexualized violence. A delay in filing a report could affect the investigation and the outcome. However, the College recognizes that individuals who have experienced sexualized violence may need some time before they are prepared to file a report.
- C. 4 Student reports must be submitted either online at <https://forms.cotr.bc.ca/sexualized-violence-reporting/> or in writing to the Director of Student Affairs or designate (the Director). The report must contain sufficient information of the allegations of sexualized violence to allow the College to conduct an investigation. This includes:
  - 1. the date, time, and location of the alleged sexualized violence;
  - 2. the names, and if available, contact information, of any individuals involved; and
  - 3. the names, and if available, contact information, of any witnesses.
- C. 5 When the College receives the report, it will begin a formal investigation. You may obtain supports (e.g., counselling) and where appropriate, reasonable accommodations.
- C. 6 You may withdraw the report at any time. Note, however, if you withdraw a report, the College may still proceed with an investigation.

### **D. Report to Community-based Victim's Services**

- D. 1 Victim services are available to anyone who has experienced sexualized violence in British Columbia. It is not necessary for you to report sexualized violence to police to access these services.
- D. 2 If you are unsure about whether or not to report sexualized violence or would like to talk to someone, you can call or text VictimLinkBC. It is a 24-hour, B.C. toll- free information, support, and referral service for victims. You will find a safe and confidential service where you can discuss your experience and decide what you want to do. They will not discuss your situation with anyone else without your knowledge and permission, except as required by law (such as in cases of child abuse or neglect or a crime that is about to be committed).

Regardless of whether you choose to make a report to police, VictimLinkBC can refer you to a victim service program in your local community.

### **E. Report to the RCMP**

- E. 1 The College strongly encourages anyone who experiences or witnesses sexualized violence that they believe is a crime to file a report with the RCMP.

- E. 2 The College will cooperate with any criminal investigation arising from a report to the extent it is reasonable to do so and is permitted by law.
- E. 3 An individual making a report to the RCMP is not required to involve or inform the College.
- E. 4 If you advise the College that you intend to make a report to the RCMP, a support person on campus can help you with it.
- E. 5 The College may be required to initiate an investigation and/or report of alleged sexualized violence to the RCMP without your consent in certain cases:
  - 1. if the allegation involves sexualized violence involving a minor;
  - 2. if the law requires the College to investigate; or
  - 3. if the College believes there is a risk to the health or safety of a member of the College community. If the College initiates an investigation or informs the RCMP about alleged sexualized violence without your consent, the College will notify you that it has done so.

#### **F. Third Party Report**

- F. 1 Third Party Reporting allows those impacted by sexualized violence to report the crime anonymously through a third party such as Summit Community Services Society (Summit). Summit also provides free counselling, support and advocacy and accompaniment to individuals who have experience sexualized violence. A designated member of the RCMP will receive a report about the crime, but they won't know who the victim/survivor is (unless you decide to come forward at a future time). Those reporting must be 19 or older.
- F. 2 Only victim service workers in community-based victim service programs (like Summit) can file third party reports. Police-based victim service programs do not allow third party reporting. Summit can assist in explaining the process of Third-Party Reporting, provide support in filling out all forms, and forward these forms to the RCMP.
- F. 3 If you live outside of the College Region, call VictimLinkBC at 1-800-563-0808 for community-based victim service options in your area.

**Suggestion:** Make an appointment with the counsellor on campus so that you can learn more about Summit Community Services Society and their role. You don't need to disclose your experience in order to access information and get a sense of whether their services are right for you.

## **G. Confidentiality**

- G. 1 Confidentiality is an important principle in creating an environment where those who have experienced sexualized violence feel safe to disclose and seek support. The privacy and confidentiality of all members of the college community involved in any disclosure of sexualized violence will be protected to the extent possible; however, disclosure of information may be made if:
1. The sharing of personal information is necessary for the protection of health or safety of individuals and/or the college community;
  2. The sharing of personal information is required or authorized by law;
  3. It is necessary to ensure procedural fairness in an investigation or other response to a report;  
or
  4. The person the information is about has provided written consent to the release of the personal information.

## **H. Protection from Retaliation**

- H. 1 It is contrary to this policy for anyone to retaliate, engage in reprisals, or threaten to retaliate against a person disclosing an incident, making a report, a witness, or other individual for:
1. Having pursued options/rights under the policy or any other relevant Provincial or Federal legislation;
  2. having participated or co-operated in a disclosure or report under this policy; or
  3. having been associated with someone who has pursued rights under this policy.
- H. 2 Anyone engaged in such conduct may be subject to discipline according to College policies and agreements listed in the policy.

## **I. Interim Measures**

- I. 1 Prior to the commencement of an investigation or resolution process, the College may impose interim measures. The purposes of these interim measures are to:
1. Ensure the safety, both physical and psychological, of the persons involved and the safety of the College's learning, working, and student housing environment.
  2. Prevent retaliation against participants in the investigation process.
  3. Prevent further sexualized violence and/or prevent the College's ability to conduct a thorough investigation.
- I. 2 The College may impose non-disciplinary conditions on a person alleged to have committed sexualized violence. Such conditions may be imposed in response to a disclosure or report.
- I. 3 The need for interim measures, and which measures are imposed, will be determined on a case-by-case basis, taking into account the circumstances of each situation.
- I. 4 Any decision to impose interim measures will not be construed as a decision or discipline against the complainant or respondent and will not be weighed against the respondent in a discipline process. Interim measures will remain in effect for as long as is reasonably required pending the outcome of an investigation or appeal process.

- I. 5 The complainant and/or respondent may request, in writing, a review of the imposed interim measures.
- I. 6 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.

## **J. How the College Responds to Disclosures**

- J. 1 When you make a disclosure of sexualized violence to an employee of the College or support person on campus, you can expect the employee or support person to:
  1. listen without judgment;
  2. communicate that sexualized violence is not your fault;
  3. help you identify and/or access available services on or off campus, such as emergency medical care or counselling;
  4. respect your right to choose the services you feel are most appropriate, and to decide whether to make a complaint or a report;
  5. recognize that disclosing sexualized violence can be traumatic, and that your ability to recall the events may be limited or otherwise impacted;
  6. respect your choice about how much you disclose about your experience; and
  7. make every effort to respect your confidentiality and anonymity.

College employees who receive a disclosure or who otherwise become aware of sexualized violence are required to notify the Director (e.g. campus manager, Manager of Student Life, etc.). They will not disclose your identity (or the identity of anyone else involved) unless required for College purposes or to protect the health and safety of any individual.

The Director who receives the information will assess it and determine whether there is a risk to anyone's health or safety. If so, they will take steps to protect those at risk. If not, the College will not formally investigate a disclosure unless required by law.

If you ask for support or academic/workplace accommodation when you make a disclosure, the Director will meet with you to discuss your request and work with you and any instructors, as needed, to meet your needs. The Director will keep the information confidential as far as possible.

## **K. How the College Responds to Reports**

### **K. 1 Ensuring Health and Safety**

When the Director receives a report, their first priority is to ensure the health and safety of those involved and of all members of the college community. To do this, the Director may:

1. meet with anyone necessary to determine whether there is a threat to the health or safety of any member of the College;
2. take appropriate action to ensure the health and safety of any member of the college community; and
3. contact the RCMP. The Director will maintain the confidentiality of individuals involved as far as possible.

## K. 2 Reviewing the Report Against a Student

If you submit a report against another student, the Director will take the following steps:

1. Review the report to ensure it contains enough detail to carry out an investigation.
2. Contact you and give you the opportunity to provide further details.
3. If there is enough detail, initiate an investigation following the College's Investigation policy.

The College will provide you with a copy of the relevant procedures at the start of the investigation.

At any time before or during an investigation, the College may take interim measures to address any concerns about the wellbeing of any member of the College, while minimizing the impact on other individuals involved and upholding the principle that a person is presumed innocent until found guilty.

## K. 3 Investigating the Report

When the Director determines an investigation should proceed, they will notify the Vice President Academic and Applied Research (VPAAR) in deciding the next steps depending on their assessment of the report. They will either:

1. carry out the investigation;
2. delegate someone else at the College who has the knowledge and expertise to carry out the investigation internally; or
3. engage an external investigator to carry out the investigation.

The Director will advise everyone involved in the report that an investigation is proceeding and who the investigator will be. They will also notify those involved that the investigator will contact them, and offer the option of seeking support in relation to the report and/or investigation.

The investigator will determine the investigation process, considering:

1. the sensitive nature of a complaint of sexualized violence; and
2. the interests of all those involved.

The investigation process will include, but will not be limited to:

1. allowing you, as the person who made the report, an opportunity to participate in the investigation and to provide further information;
2. notifying the person accused of the allegations against them; and
3. providing the person accused an opportunity to respond to the allegations.

Where requested by an investigator, all members of the college community are required to cooperate and fully participate in an investigation. If they do not, they may be disciplined. This may include being dismissed or expelled.

#### K. 4 After the Investigation

Once the investigation is complete, the investigator will write a report that will state whether the report has been proven. If the investigator is someone other than the Director, they will give the report to the Director.

The Director will notify those involved whether the report was found to be substantiated.

**If the report is not substantiated**, the person accused will not have any disciplinary actions imposed.

**If the report is substantiated**, the College will determine appropriate actions, which may include:

1. steps to ensure the health, safety and well-being of the individual who experienced the sexualized violence. This may include but not limited to:
  - a. academic accommodations;
  - b. transfer or removal from classes, or restrictions on the individual who carried out the sexualized violence; and/or
  - c. other steps to eliminate or limit contact between the person who made the complaint and the individual who carried out the sexualized violence.
2. where the individual who carried out the sexualized violence is a student or employee of the College, discipline, up to being dismissed or expelled;
3. where the individual who carried out the sexualized violence is not a student or employee of the College but is connected in some way (e.g., a contractor, volunteer, visitor on campus), sanctions or any other action the College deems appropriate.

#### L. Accommodations

- L. 1 A student who has experienced sexualized violence at a College or non-College related activity, and who is seeking an accommodation, should discuss this with the individual they disclose or report to. The individual receiving the disclosure or report may need to coordinate with other campus community members in order to determine reasonable accommodations.
- L. 2 Accommodations may include but not limited to; exam deferral, an extension on an assignment, withdrawing from a class, changing location of studies to another campus or online, assistance with a safe place to stay.
- L. 3 A student requesting an accommodation under this policy is not required to file a report of sexualized violence to receive an academic accommodation.

#### M. Appeals

- M. 1 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.