

# SEXUAL VIOLENCE POLICY

TITLE OF THE POLICY			
Effective Date	October 18, 2022	Policy Type	Administrative
Responsibility	Director, Human Resources Associate Dean, Student Life	Related Policies	Respectful Workplace Policy, Violence Prevention Policy, Student Rights and Responsibilities.
Approval Authority	Board of Governors	Review Schedule	2 years

1. **Policy Statement:**

The Sexual Violence Policy (the **"Policy"**) is created to ensure that all Members of the Northwestern Polytechnic (NWP or "institution") Learning Community have the ability to study, work, and live in a campus environment free from Sexual Violence.

2. **Scope:**

This Policy applies to all members of the NWP Learning Community. All members of the NWP Learning Community will be offered appropriate support with respect to issues of sexual violence, regardless of their role in the institution or the role of the person against whom an allegation is made.

3. **Reason for Policy:**

The purpose of this policy is to outline NWP's commitment to addressing sexual violence and rape culture through survivor support, awareness, education, training and prevention programs, the appropriate handling of sexual violence reports or complaints, and fostering and promoting a culture of consent.

4. **Definitions:**

- a) **Adjudication:** The process of making an official decision after a report or complaint of sexual violence is made.
- b) **Complainant:** Member of the NWP Learning Community who has disclosed or reported an incident of sexual violence experienced by that individual.
- c) **Consent:** The active, ongoing, informed and voluntary agreement to engage in physical contact or sexual activity. Consent cannot be given by someone who is incapacitated (such as by drugs or alcohol), unconscious, or otherwise unable to understand and voluntarily give consent.

- d) **Disclosure:** When an individual shares information about a personal experience of sexual violence incident to the NWP Learning Community. This is the first stage before an official report is filed. (See definition for Report)
- e) **Gender Based Violence:** Any sexual act or act targeting a person's sexuality, gender identity and gender expression, whether the act is physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consent, and includes but not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, cyber harassment, and sexual exploitation. Gender-based violence also includes domestic violence, physical abuse, emotional and psychological abuse, and financial abuse.
- f) **Northwestern Polytechnic Learning Community Member:** Students, Student groups, NWP employees, contractors, appointees, volunteers, alumni and invited guests.
- g) **Procedural Fairness:** Provides parties with a fair process in resolving disputes. The concept requires transparency, equal communication, and fairness.
- h) **Rape Culture:** A culture in which the discourse, social practices, media images, and societal institutions implicitly or explicitly condone sexual assault by normalizing or trivializing sexual violence and by blaming survivors for abuse committed against them.
- i) **Report:** A report or complaint of an incident of sexual violence for the purposes of initiating investigation/adjudication on or off campus.
- j) **Sexual Assault:** Any kind of sexual contact without mutual consent.
- k) **Sexual Harassment:** A course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks, actions that promote gender-based violence, or behaviours or communications based on gender identity, gender expression, or sexual orientation, where the individual responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwanted or demeaning.
- l) **Sexual Violence:** Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature that is committed, threatened or attempted against a person without the person's consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature.
- m) **Student:** refers to an individual who has been admitted to NWP on either a part-time or a full-time basis.
- n) **Survivor:** An individual who has been subjected to sexual violence. They are referred to as a complainant when they file a report or complaint under this policy. For the purposes of this policy, the term "survivor" is used. People who have been subjected to sexual violence have the right to choose how they want to be referred to. There is a lot of debate over the use of victim or survivor; in the end it is up to the individual to choose how they want to be referred to.

## 5. Sexual Violence Policy

NWP is a diverse community. Sexual Violence impacts all genders, but it does not impact equally. The concept of intersectionality recognizes that each of us belongs to many different social groups and has many different identities. Some of these identities are in the margins and some are in the mainstream of society. Intersectionality recognizes that we're not one identity. As a result, efforts to address issues of Sexual Violence needs to be grounded in an understanding that each person's experience will be affected by many factors such as their sex, ancestry, race, ethnicity, language, ability, faith, age, socioeconomic status, sexual orientation, and gender identity.

This policy is guided by the following principles:

- a) NWP recognizes that the institution plays a significant role in raising awareness/ educating NWP community about sexual violence, providing support to survivors, and creating a clear process for disclosure and filing a report. NWP is committed to providing and maintaining an environment in which sexual violence is recognized to be unacceptable and is not tolerated.
- b) NWP is committed to making available programs and resources to educate its community on the prevention of and response to sexual violence.
- c) NWP is committed to ensuring that those who disclose an experience of sexual violence are believed, and that their right to dignity and respect is protected throughout the process of disclosure, fact finding and institutional response.
- d) NWP is committed to treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests and will be included in every step of the decision-making process.
- e) NWP is committed to responding to and addressing incidents and complaints of sexual violence involving its students, staff, and faculty, and to ensuring that those members of the community who are affected by sexual violence receive the necessary support.

## 6. Consent

The institution will work to promote a consent culture on campus based on the following principles:

- a) Consent is active, not silent or absence of "no". Consent cannot be assumed or implied.
- b) Consent must be freely given. It cannot exist under conditions of coercion. Consent cannot be obtained through implicit or explicit threats of violence, abuse of power, trust or authority, or threat of releasing sensitive information.
- c) Consent to one sexual act does not imply consent to a different sexual act.
- d) Consent is an ongoing process and can be rescinded or withdrawn when a person expresses, by words or conduct, a lack of agreement to continue to engage in the activity.
- e) Consent is required regardless of the parties' relationship status or sexual history together.
- f) Consent cannot be given by a person who is incapacitated by alcohol or drugs or who is unconscious or otherwise incapable of providing consent.
- g) Impaired judgment on the part of the person accused that leads them to think or believe there was consent is not an excuse for an act of sexual violence.
- h) It is the responsibility of the person who wants to engage in physical contact or sexual activity to make sure that they have consent from the other person(s) involved.

In Canada, the Criminal Code sets the age of consent to sexual activity at 16 years, with some exceptions. By law, an individual under the age of 18 cannot consent where there is a relationship of trust, authority, or dependency such as an instructor, coach, tutor, or mentor.

All sexual acts without consent constitute sexual assault and are a violation of this Policy.

## 7. Disclosure

7.1 A disclosure does not result in a report being made and does not initiate a legal process to address the alleged sexual violence incident. If complainant wants to move forward to formalize the disclosure, the complainant must file a formal report (See section 9).

7.1.1 The decision to disclose and the decision to report are separate decisions. The institution recognizes that such disclosures are often shared in confidence, that the complainant may have an expectation of confidentiality, and that in many cases confidentiality is essential for complainants to come forward.

7.1.2 The person to whom the disclosure is made may consult with Director, Human Resource or Associate Dean, Student Life for advice. These individuals are expected to hold such information in confidence, except as directed by the complainant or as indicated by the provisions in the "Confidentiality and Privacy" section of this Policy.

## 8. Confidentiality and Privacy

8.1 The institution will treat disclosures and reports of sexual violence incident in a confidential manner and in accordance with the Freedom of Information and Protection of Privacy.

The institution will limit sharing of information to those within NWP who need to know the information for the purposes of implementing this Policy, including providing accommodation, interim conditions, and interim measures, and facilitate third-party investigation and address the decision/recommendation resulting from the third-party investigation. For example, where a Complainant wishes to make a report, fairness to the respondent will require disclosure of the Complainant's identity and the material allegations being made.

8.2 Confidentiality cannot be maintained where information needs to be disclosed to another party include where:

- there is an imminent risk to the health and safety of another individual,
- procedural fairness or legislation requires a person or body to be provided information; or
- where NWP is unable to initiate an investigation under this Policy.

8.3 Whether NWP can maintain confidentiality in each circumstance will be determined on a case-by-case basis by the institution, in consultation with any other parties deemed relevant. In circumstances where confidentiality cannot be maintained, the confidential information will be disclosed only to those parties, and only to the extent necessary, to comply with the source of the obligation.

Any breach of confidentiality will be communicated to parties involved.

## 9. Reporting

9.1 A report may be filed at any time in-person, by phone or online. A person who is not an NWP Learning Community Member may also file a report if the incident concerns a person who is a Member of the Northwestern Polytechnic Community. The NWP encourages any person who has been subject to sexual violence to file a report.

9.2 A person who has witnessed, become aware of, or who believes on reasonable grounds that an incident of sexual violence has occurred by or against a member of the NWP Learning Community is also encouraged to report. Anonymous report will be accepted and reviewed by the institution however, the institution's ability to take action to address the Complaint or resolve the Complainants concern may be limited. The person subject to sexual violence will be informed.

9.3 Members of the NWP Learning Community who have experienced sexual violence, or who are aware of other persons who have, are encouraged to access, consult, and share the NWP's accommodation and support resources. See Appendix 1 for additional details.

9.4 An individual who has filed a report has the right to withdraw a report at any time. However, NWP may continue to act on the allegations identified in the report where necessary to comply with its legal obligations and the obligations set out in this Policy.

Reports may be filed with the following the following individuals:

- a) Associate Dean, Student Life
- b) NWP Psychologist
- c) Director, Human Resources
- d) NWP Security
- e) Executive Director, Students' Association
- f) Indigenous Liaison Coordinator
- g) Associate Dean, International Education

9.5 Individuals who are part of the complaint process will have sensitivity training. The institution will develop an annual education strategy that includes campaigns, training sessions, workshops, print and online resources.

9.6 A report is filed, NWP will exercise due care to protect and respect the rights of the person filing the report and all other persons directly affected by the report, subject to the obligations of this Policy.

9.7 Neither party is required to attend any face-to-face meetings during this process unless they both agree to do so. This facilitated process may result in a written agreement that could include behavioural expectations, agreement to no contact, or an apology.

9.8 Reporting sexual violence to the institution does not prevent a person from reporting through the criminal justice system (i.e., police) or through other available processes. Equally, reporting through police or other mechanisms does not prevent a person from also reporting to the institution.

9.9 NWP will take reasonable steps to protect Complainants and others who participate in an institution process that is addressing allegations of sexual violence from retaliation, including but not limited to: advising individuals in writing of their duty to refrain from committing an act of reprisal, and sanctioning individuals for a breach of that duty. NWP may also address the potential for reprisals by providing an accommodation appropriate in the circumstances. Threats of or acts of retaliation will be treated as incidents of Sexual Violence.

9.10 Complainant who is a minor will not face disciplinary action for consumption of drugs and alcohol associated with the incident.

9.11 Reports that are filed will be sent to the Department of Human Resources to facilitate a third-party investigation.

## 10. Investigation

10.1 Once a report is received by Department of Human Resources, if complaint does fall within the NWP jurisdiction, then there will be a third-party investigation. This helps to ensure that the investigation is unbiased.

10.2 Third party investigation is a process where a neutral party not affiliated with NWP is retained to investigate the complaint. A neutral third-party conducts interviews and gathers evidence to determine what events took place and make recommendations to address those events. Independent investigations must respect the rights and need for procedural fairness for all parties involved. Third party investigators conducting the investigation will have sensitivity training

Third party investigation will produce formal report available to all parties involved. The formal report will provide the following:

- The incident or issues investigated, including dates.
- Parties involved.
- Key factual and findings, including sources referenced.
- Institution policies or guidelines and their applicability to the investigation.
- Recommendations to move forward.

10.3 If the incident involves a student, then the third-party formal report is received by Provost. Faculty and Staff formal report is received by Director, Human Resources. The recommendations provided by the third-party will be evaluated and decision will be made on further action to address report recommendations. Implementation plan of the endorsed actions will be the responsibilities of the appropriate parties (i.e., Provost and/or Department Human Resources).

10.4 The following records will be kept on file with Department of Human Resources:

- a) Original Report
- b) Third party Investigation materials and final recommendations
- c) Decision and implementation plan

10.5 The following parties may access to these files:

- a) Complainant
- b) Respondent
- c) The parties implementing the actions

## 10.6 Interim Measures during Investigation and Decision-Making Process

In some instances, it may be necessary to implement interim measures, which are temporary measures put in place to protect the parties and the community, during the investigation and decision making process. The following interim measures may include:

- a) Changes within NWP housing if the parties are residents
- b) Restrictions to access campus or parts of campus
- c) No contact/communication orders
- d) Employment/workplace restrictions
- e) Changes to class and/or section enrollments

## 11. Decision and Appeal Process

### 11.1 Grounds for Appeal

11.1.1 A Complainant/respondent subject to sanctions following a decision under the Policy may appeal the finding of breach of the Policy and/or the sanctions imposed by the Provost/ VP, Corporate Services if one or both of the following applies:

- a) A serious procedural error was made during processing of the complaint that caused prejudice to the respondent and/or might have affected the outcome.
- b) If either party feels with the outcome decision/procedural fairness is inadequate, a formal request of appeal can be filed.

11.1.2 The complainant/respondent requesting a formal appeal, will submit a request to the Provost or VP, Corporate Services.

## 12. Responsibilities:

### All members of the NWP Learning Community:

- i. Make themselves aware of the policy and their responsibilities under the policy.
- ii. Participate in the wide variety of education and training programs made available on campus.
- iii. Respect an individual's right to confidentiality if an incident of sexual violence is disclosed to them.
- iv. Make themselves aware of the services listed in Appendix A of this Policy so that they might refer individuals looking for specific types of assistance and support.
- v. Report to Community Safety and Security if they witness sexual violence and do not know the Survivor or become aware of an incident that promotes rape culture.

### The Executive:

- i. Maintain and communicate an ongoing commitment to addressing the issue of sexual violence at NWP.
- ii. Foster a consent culture on campus through provision of regular training for staff and students.

**The Associate Dean, Student Life:**

- i. Oversee the Student Rights and Responsibilities Policy.
- ii. Work in close partnership with the Provost, and the Director, Human Resources on the interpretation and application of this Policy.
- iii. Ensure that the appropriate supports and services for Survivors are put in place in the many units reporting to the Provost.

**The Director, Human Resource:**

- i. Work in close partnership with the Provost and students on the interpretation and application of this Policy.
- ii. Ensure that appropriate supports are in place for Survivors who are employees of the institution through human resources benefits programs and the Employee Family Assistance Program (EFAP).
- iii. Collaborate with the Provost to ensure that training opportunities are made available for all faculty, staff and other employees and contractors related to sexual violence and the processes for handling incidents and complaints.
- iv. Work with the Department of Human Resources, the Provost and managers and supervisors to support workplace accommodations required in response to incidents of sexual violence at NWP.

**The Provost:**

- i. Work in close partnership with the Associate Dean, Student Life; and the Director, Human Resources on the interpretation and application of this Policy.
- ii. Ensure appropriate supports are in place for Survivors who are academic staff of the institution, liaising with Human Resources regarding available programs or offerings that assist Survivors.
- iii. Work with Deans, Chairs and Directors and Human Resources to support workplace accommodations required in response to incidents of sexual violence at NWP.

**The Manager, Enterprise Risk:**

- i. Provides appropriate services and supports such as safety planning, assisting Survivors who chose to report to police, referral of community services, assisting with investigations and application of sanctions where appropriate.
- ii. Ensures that all Security staff are trained in working with survivors of sexual violence, trauma-informed services and processes, and the impact of identities on how an individual experiences sexual violence.

**Faculty and Academic Departments:**

- i. Provide reasonable academic accommodations and/or considerations to students impacted by sexual violence.

**Student-Led Governing Bodies:**

- i. Maintain an ongoing commitment to peer-to-peer sexual violence education, training and support, and promotion of a consent culture at all events.
- ii. Work in collaboration with the NWP administration to communicate student sexual violence concerns and solutions.

- iii. Develop student-led campaigns and initiatives about sexual violence and consent culture.

## Appendix A

### Support and Services

Individuals who disclose that they have experienced sexual violence will be provided support services and will be always treated with dignity and respect by the institution and its representatives. A person affected by sexual violence is not required to report an incident or make a complaint about sexual violence under the formal complaint process of this Policy. To obtain support and services, please see the information below.

The supports and services available to obtain information about sexual violence and/or support are as follows:

- **Support and services available from the NWP:**

#### Internal:

- Associate Dean, Student Life: [studentlife@nwpolytech.ca](mailto:studentlife@nwpolytech.ca) (1-780-539-2238)
- Director, Human Resource: [HRDepartment@nwpolytech.ca](mailto:HRDepartment@nwpolytech.ca) (1-780-539-2853)
- NWP, Psychologist: [MentalHealth@nwpolytech.ca](mailto:MentalHealth@nwpolytech.ca) (1-780-539-2069)
- Associate Dean, International Education: [International@nwpolytech.ca](mailto:International@nwpolytech.ca) (1-780-539-2911)
- NWP Security: [security@nwpolytech.ca](mailto:security@nwpolytech.ca) / [fairviewsecurity@nwpolytech.ca](mailto:fairviewsecurity@nwpolytech.ca) (1-780-539-2700) /1-780-835-6664 \*Fairview\*)

#### External:

- Alberta Health Services (AHS) Addictions Help Line: 1-866-332-2322
- Bullying Help Line: 1-888-456-2323
- Catholic Family Services Society of Grande Prairie: 1-780-532-9381
- Crisis Services Canada: 1-833-456-4566 (toll free) (or text 45645 between 2pm – 10pm Alberta time)
- Fairview Crossroads: 1-877-835-2120
- Family Violence Info Line: 310-1818
- Health Link: 811
- Integrated Crisis Access Team (ICAT): 587-259-5513
- Indigenous Mental Health Help: 1-855-242-3310
- Kids Help Phone: 1-800-668-6868 (up to age 20; available to all Canadians)
- Mental Health Help Line: 1-877-303-2642 (available to all Alberta residents)
- Northreach Society: 1-780-538-3388
- Odyssey House Shelter for Women & Children 24-hour Crisis Line: 1-780-532-2672
- Pace: Pace Community Support, Sexual Assault, and Trauma Centre: 1-780-539-6692