

SEXUAL VIOLENCE PROCEDURE (STUDENT)

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

| | |
|---------------------------------|------------------------------------|
| Functional Category: | Operations |
| Parent Policy: | Sexual Violence Policy |
| Approval Date: | May 21, 2020 |
| Effective Date: | May 21, 2020 |
| Procedure Owner: | Chief, Customer Experience Officer |
| Procedure Administrator: | Director, Customer Care |

Overview:

All members of the NorQuest College (college) community have a right to work and study in an environment that is free from sexual violence. This document sets out the procedures for student members of the college community who have experienced sexual violence to disclose, file a formal report, and access resources and supports.

Authority to establish this procedure is derived from the [NorQuest College Board of Governors Policy No. 5](#), which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

Procedures:

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; however, you are strongly encouraged to do so. A number of resources are available to you at NorQuest. Information about these resources is available below; or you can use the link to go directly to the Health and Wellness [Sexual Violence webpage](#).

Anyone who has experienced sexual violence has the right to:

- be believed to be disclosing in good faith,
- be treated with dignity and respect,
- expect confidentiality when disclosing an incident of sexual violence within the limits outlined in the Sexual Violence policy,
- receive information about on- and off-campus services and resources,
- decide whether or not to access available services and to choose the services that they feel will be most beneficial,
- decide whether to report to the Office of Student Judicial Affairs, campus security, and/or local police,
- participate in any investigation undertaken by the college,
- expect reasonable and necessary academic accommodations,
- be advised of the investigation process and choose whether or not to participate.

If You Have Experienced Sexual Violence

If you are in imminent danger or in case of an emergency, contact 911.

For on-campus support outside of regular business hours, please call Security at 780-644-6225 or go to the security office on your campus. Students at regional campuses and learning sites should direct any concerns to the main office.

During regular operating hours, NorQuest students may access any of the following resources at the downtown campus:

| Resource | Contact |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Centre for Growth and Harmony (psychologists, social workers, nurses) | 780-644-6155 wellness@norquest.ca |
| Office of Student Judicial Affairs | 780-644-6490 osia@norquest.ca |
| Security | 780-644-6225 780-991-4573 |

After experiencing sexual violence, it may be difficult to know what to do. Since every person's experience is unique, only you know what is right for you. A student has a right to access these services, whether they wish to disclose or file a formal report.

Confidentiality and Privacy

Each member of the college community has a right to privacy, and to have confidential information held in the strictest confidence by NorQuest College. Personal information will be collected, used, and disclosed in accordance with the *Criminal Code of Canada*, *Human Rights Act*, *Freedom of Information and Protection of Privacy (FOIP) Act*, and *Health Professions Act (HPA)*.

If You Would like to Disclose

Although you may talk to anyone, there are people on campus who are trained to listen and provide you with support. To receive support and resources with or without filing a formal report or a police report, you can contact the Centre for Growth and Harmony.

If You Would like to File a Formal Report

If the respondent is a member of the college community, a formal report can be filed through the Office of Student Judicial Affairs.

If You Would like to File a Police Report

Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code. Security personnel can assist you with filing a police report.

Roles and Responsibilities of the College Community

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:

- On-campus supports to provide psychological and emotional support, to assist with safety planning, and to make referrals to other services, including medical services;
- Employees to facilitate academic accommodations and other academic needs of those who have experienced sexual violence, e.g. extensions on assignments, continuing studies from home, and modify course load;
- Security to assist with reporting, and to collaborate with local police where appropriate;
- Office of Student Judicial Affairs to assist with reporting and advise parties on their rights, responsibilities, and the procedures for adjudicating reports of sexual violence.

Contact information for these services is listed above.

How Will the College Respond to a Report of Sexual Violence?

Once the college becomes aware of an incident of sexual violence, the college may coordinate services through the Campus Assessment Risk Evaluation (CARE) Team.

The college understands that individuals who have experienced 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, 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, for example if the college believes that the safety of other members of the college community is at risk.

The college, at the complainant's request, may also refer a report of sexual violence to the police, where the persons involved are not members of the college community or in circumstances where the college is unable to initiate an internal investigation under this Policy.

Where the Respondent is a Student

Sexual violence is a violation of student rights and responsibilities, as outlined in the Student Judicial Affairs policy. If the complaint is sustained following an investigation, the college will decide on the appropriate disciplinary actions consistent with the non-academic misconduct procedure.

Where the Respondent is an Employee

Sexual violence is a violation of the Code of Conduct and the Respectful Workplace Learning and Learning Environment policy, and will be investigated accordingly. If the complaint is sustained following an investigation, the college will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

Where the Respondent is not a Student or Employee

Other parties who are not students and employees, including but not limited to contractors, suppliers, volunteers, vendors, and visitors, who attend on campus will be subject to complaints if they engage in prohibited conduct. The college will take appropriate action given the circumstances of the complaint to ensure the safety of the college community.

Multiple Proceedings

Where criminal and/or civil proceedings are commenced with respect to the allegations of sexual violence, the college may conduct its own independent investigation into such allegations, and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the college will cooperate with the local police.

Definitions:

Academic Accommodations: reasonable modifications made to the academic environment that help to remove barriers related to the functional impact of physical or mental impairment. The determination of academic accommodations is made through consultation between the student and the college, while preserving the integrity of the academic standards and learning outcomes of the material in question. Examples of academic accommodations include, but are not limited to, extra time

and/or isolation during testing, extensions on assignments, and the use of technology to assist in the delivery of course material.

Age of consent for sexual activity: the age at which a person can legally consent to sexual activity with someone who is not in a position of trust or authority. In Canada, children under 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 between the ages of 12 and 16. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 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 5 years older. Youths 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.

Complainant: a member of the college community who has disclosed or reported an incident of sexual violence.

Consent to engage in sexual activity: the voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, 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:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgement cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs.
- A person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts.
- 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.
- A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Note: For information purposes only, the Criminal Code defines "consent" as follows: the voluntary agreement to engage in the sexual activity in question. No consent is obtained, where

- the agreement is expressed by the words or conduct of a person other than the complainant;
- the complainant is incapable of consenting to the activity;
- the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Disclosure of sexual violence: when a survivor shares information about an experience of sexual violence to an individual who did not previously know. The survivor can disclose to a college official to access support from the college as outlined in the sexual violence policy, and can expect confidentiality within the limits outlined in the policy.

Drug-facilitated sexual assault: the use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

Formal Report: a written statement to the institution to seek recourse pursuant to the violation of policy.

Harassment: Means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety. This may include (i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and (ii) a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site."

Harassment can occur between peers, students, student to faculty, faculty to student, persons in position of power, and between other individuals. Examples of harassment include (but are not limited to): gestures; remarks; jokes; taunting; innuendo; display of offensive materials; offensive graffiti; threats; verbal or physical assault; unwarranted imposition of academic penalties; hazing; stalking; shunning or exclusion.

Member of the college community: Any student, faculty, administrative or staff member of the college, member of the public serving in a recognized capacity for the college, and employee of an agency contracted by the college.

Respondent: any individual against whom an allegation of misconduct has been made under this procedure.

Sexual assault: a criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours 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 Harassment: unwelcome sexual advanced, requests for sexual favours, or other verbal or physical conduct of a sexual nature. Incidents of sexual harassment include but are not limited to, situations when:

- Such conduct has the purpose or effect of interfering with a student's academic performance or an employee's work performance, or creating an intimidating, hostile, or offensive learning or working environment;
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or of the teaching and learning process; or
- Submission to or rejection of such conduct is used in employment or academic decisions affecting that employee or student.

Examples of sexual harassment include but are not limited to comments or conduct of a sexual nature such as leering, "dirty" jokes, gestures, pictures pornographic materials, comments, suggestions, innuendos, requests or demands of a sexual nature. It can occur through the use of technology as well as in person. The behaviour need not be intentional in order to be considered sexual harassment.

Sexual violence: a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual harassment and sexual assault.

Stalking: a form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviours 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 behaviours 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: some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term "victim". We use the term "survivor" throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

| |
|---------------------------------------|
| |
| Related NorQuest College Information: |
| Related External Information: |
| Next Review Date: |
| Revision History: |

Trauma-Informed Support: an approach to providing services to people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the impact that trauma has played in their lives.

- [Code of Conduct Policy](#)
- [Non-Academic Misconduct Procedure](#)
- [Respectful Workplace and Learning Environment Policy](#)
- [Sexual Violence Policy](#)
- [Sexual Violence Procedure \(Employees\)](#)
- [Sexual Violence webpage](#)
- [Student Judicial Affairs Policy](#)

- [Alberta Human Rights Act](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Health Information Act](#)

June 2024

May 2017: new
 June 2018: reviewed and updated
 August 2019: Compliance Office template & reorganization update
 December 2019: update to the definition of Harassment
 May 2020: reviewed