



Medicine Hat College Policy SEXUAL VIOLENCE

Policy #:	SD-01
Policy Authority:	Director, Human Resources and Dean of Student Services/Registrar
Executive Sponsor:	Vice-President, Academic
Approved by:	President and CEO
Effective Date	November 14, 2022
Next Mandatory Review Date:	November 14, 2025
Frequency of Review:	Every 3 years

1. POLICY OBJECTIVE

This policy sets out our institutional commitment and protocol for responding to sexual violence.

2. POLICY SCOPE

This policy applies to all Medicine Hat College (MHC) employees and students engaged in college related activities including work or study related travel, both on and off college premises. This includes but is not limited to interactions that are face-to-face, by telephone, or electronic communications.

It also applies to contractors while engaged in activities related to the terms of their contract both on and off college premises.

3. DEFINITIONS

- **Campus/Community Partner:** campus and community resources working in partnership to provide programs, services, and resources to support employees and students (e.g., Students Association, Faculty Association, Alberta Health Services, Sanare Centre.)
- **Consent:** 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 can freely choose between two options: yes and no. This means that there must be a clear and understandable agreement by words or conduct which indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following
 - (a) silence or non-communication must never be interpreted as consent where one party is in a position of trust, power, or authority. i.e., faculty member to student or administrator to direct report.
 - (b) a person is incapable of giving consent if they are asleep, unconscious, in a state of diminished judgement, or otherwise unable to communicate.

- (c) 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.
- (d) a person who is drugged is unable to consent.
- (e) a person may be unable to give consent when under the influence of alcohol and/or drugs.
- (f) a person may be unable to give consent if they have a mental disability.
- (g) 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.
- (h) a person can withdraw consent at any time during the course of a sexual encounter.
- (i) consent cannot be given on behalf of another person.
- (j) it is the responsibility of the parties involved in sexual acts to ensure clear and affirmative consent is freely given by all parties and should one of the participating parties withdraw their consent that it is adhered to immediately.
- (k) every person engaging in sexual acts must take all reasonable steps to ascertain the age of the other party(s) and that the other party(s) is/are consenting.

(Note: For the Criminal Code of Canada definition of “consent” see Appendix A.)

- **Disclosure:** when a survivor discloses to a college employee that they have experienced a form of sexual violence or when a secondary disclosure is received by a college employee.
- **Drug-facilitated Sexual Assault:** the use of alcohol and/or drugs, knowingly or unknowingly, (prescription or non-prescription) by a person to control, overpower, or subdue another person and commits a sexual assault on that person.
- **Formal Report/Complaint:** when a survivor files a formal report or complaint of an incident of sexual violence for the purposes of initiating some form of investigation.
- **MHC or the College:** Medicine Hat College.
- **Rape Culture:** a culture 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 survivors for their own abuse.
- **Secondary Disclosure:** when the survivor discloses to someone other than a college employee and that disclosure is then shared with a college employee.
- **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 survivor and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours including but not limited to 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. (Lack of a physical injury does not mean that a person was not sexually assaulted. Refer to Appendix B – Dispelling the Myths and Misconceptions About Sexual Assault.)

- **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 abuse and sexual assault. In this policy, sexual violence includes but is not limited to sexual assault, sexual harassment, drug facilitated sexual assault, and stalking (see Appendix A for additional access to definitions.)
- **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 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. For the purposes of internal investigations, the survivor will also be referred to as the complainant.

4. PRINCIPLES

4.1 MHC is committed to

- (a) the creation of a campus atmosphere where individuals have a right to work and study in an environment in which sexual violence is not tolerated;
- (b) ensuring those who disclose that they are survivors of sexual violence are supported, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response;
- (c) ensuring that employees and students who experience sexual violence are supported and their rights respected, that the college has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.
- (d) treating individuals who disclose sexual violence with respect, recognizing that they are the final decision makers (and where applicable, their legal guardian) about their own best interests; and
- (e) dispelling campus rape culture by addressing harmful attitudes and behaviours (e.g., adhering to myths of sexual violence that reinforce that the person who experienced sexual violence is somehow to blame for what happened.) Refer to Appendix B – Dispelling the Myths and Misconceptions about Sexual Assault.

4.2 MHC recognizes that sexual violence can occur between individuals regardless of sexual orientation, gender, gender identity, gender expression or relationship status as articulated in the Alberta Human Rights Act. We also recognize that individuals who have experienced sexual violence may experience emotional, academic and/or other difficulties.

5. DIRECTIVES

5.1 MHC will

- (a) assist those who have experienced sexual violence by providing reporting options including
 - criminal complaint – report/complaint made to the police in an effort to pursue criminal charges under the Criminal Code of Canada,

- non-criminal – report/complaint pursued on campus through our administrative policies,
 - civil complaint – obtaining legal counsel to pursue action through civil court, or
 - seeking support with campus/community partners without making a formal report/complaint.
- (b) provide detailed information and support, provision of and/or referral to counselling and medical care, information about appropriate academic and other accommodation;
 - (c) ensure that on-campus (internal) investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police;
 - (d) engage in appropriate procedures for investigation and adjudication of a complaint which are in accordance with college policies, standards, and applicable collective agreements, that ensure fairness and due process;
 - (e) ensure coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus;
 - (f) engage in public education and prevention activities;
 - (g) provide information to employees and students about MHC sexual violence policies and procedures; and
 - (h) provide appropriate education and training to employees and students about responding to the disclosure of sexual violence.

6. RESPONSIBILITIES

6.1 **Employees and Students** are responsible for

- (a) ensuring they understand and comply with this policy;
- (b) not retaliating against anyone who has made a complaint, given evidence or assisted anyone else in making a complaint;
- (c) reporting any incidents of sexual violence involving students to the Dean of Student Services/Registrar or designate. Reports involving employees will be referred to Director, Human Resources or designate; and
- (d) co-operating when requested, in the investigation and/or resolution of complaints under this policy.

6.2 **Student Services** are responsible for

- (a) managing and investigating incidents relating to students;
- (b) providing ongoing education and awareness for all students;
- (c) providing support to the survivor and respondent;
- (d) coordinating on and off-campus support and the provision of advice regarding support services available; and
- (e) involving local police service and RCMP as required in consultation with Safety and Security.

6.3 **Human Resources** are responsible for

- (a) managing and investigating incidents relating to employees;
- (b) collaborating with Student Services to establish on-going training and awareness for all employees;
- (c) consulting with and providing advice to supervisors and employees;
- (d) informing of the availability of EAP (Employee Assistance Program) services;

and

(e) advising members on their rights and responsibilities.

6.4 **AUPE and Faculty Association** are responsible for

(a) representing employees as required.

6.5 **Students' Association** is responsible for

(a) in collaboration with Student Services, providing education, support and awareness; and

(b) supporting and representing students as required.

6.6 **Safety and Security** is responsible for

(a) responding and following appropriate protocols as required;

(b) collaborating in the event of a disclosure and/or investigation; and

(c) liaising with local Police Service and RCMP as required.

6.7 **College Advancement and Community Relations** is responsible for

(a) coordinating communications with institutional leadership;

(b) developing an internal and external communication plan; and

(c) liaising with media.

6.8 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 health supports to provide psychological and emotional support, assist with safety planning, provision of options and 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 dropping courses; and
- residence staff to facilitate safe living arrangements to the best of their abilities.

7. APPLICABLE LEGISLATION/REGULATIONS

Criminal Code of Canada

Alberta Human Rights Act

Canadian Human Rights Act

Canadian Charter of Rights and Freedoms

Occupational Health and Safety Act

Freedom and Information and Privacy Act

8. RELATED POLICIES

HR-01: Respectful Work and Learning Environment

HR-05: Workplace Relationships

HS-01: Occupational Health and Safety

SD-04: Student Non-Academic Misconduct

HS-03: Alcohol Management

HR-10: Code of Conduct

8.6: Information Management Acceptable Use

9. RELATED PROCEDURES

PR-SD-01-01: Sexual Violence – Reporting and Responding

PR-HR-01-01: Respectful Work and Learning Environment Complaint Resolution
PR-SD-04-01: Student Non-Academic Misconduct
PR-HR-05-01: Workplace Relationships

10. RELATED INFORMATION

Appendix A – Definitions and Glossary of Terms (Courage to Act)
Appendix B – Dispelling the Myths and Misconceptions About Sexual Assault
Appendix C – Guide for Individuals Impacted by Sexual Violence
Appendix D – Guide for Employees Responding to a Disclosure of Sexual Violence
AUPE Agreement
Academic Calendar

ORIGINAL COPY SIGNED

Kevin Shufflebotham
President and CEO

ORIGINAL COPY SIGNED

Nancy Brown
Vice-President, Academic and
Provost

Date: November 23, 2022

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DOCUMENT HISTORY

February 2017	Policy approved
September 2019	Revised policy approved
November 2022	Revised policy approved