

3.34 - Sexual Assault - Policy

Section: Human Resources
Subject: Sexual Assault
Policy: 3.34
Approved: September 14, 2015
Revised: June 14, 2018

This Policy applies to all members of the College community including: executives, directors, administrators, instructors, staff, students, contractors, service providers, individuals who are directly connected to any College initiatives, volunteers and visitors.

Purpose and Intent

All members of the Carlton Trail College community have a right to work and study in an environment that is free from any form of sexual violence. This document sets out our policy and response protocol to sexual violence. It ensures that those who experience sexual violence are treated with dignity and respect, are listened to without judgement and with acceptance of the disclosure as true. This Policy will also ensure that the College has the proper process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

Policy Statement

We are committed to reducing sexual violence and creating a safe space for anyone in our College community who has experienced sexual violence. The College is a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual violence.

All reported incidents of sexual violence will be investigated to the best of the administration's ability and in a manner that ensures due process. The College will make every effort to create an environment in which all individuals feel comfortable making a report, in good faith, about sexual violence that he or she has experienced or witnessed.

We recognize that sexual violence can occur between any individual regardless of sexual orientation, gender and gender identity or relationship status as articulated in the *Saskatchewan Human Rights Code*. We also recognize that individuals who have experienced sexual violence may experience emotional, academic or other difficulties.

We acknowledge and will be responsive to the intersecting forms of oppression based on gender, race, ethnicity, age, etc., that can increase the risk of sexual violence for some populations.

We are committed to:

- Assisting those who have experienced sexual violence by providing detailed information and support, including provision of and/or referral to counselling and medical care and appropriate academic and other accommodation.
- Ensuring those who disclose that they have been sexually assaulted are treated with dignity and respect, listened to without judgement and with acceptance of the disclosure as true, and their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response.
- Treating individuals who disclose sexual violence with compassion, recognizing they are the final decision-makers about their own best interests.
- Ensuring that on-campus investigation procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police.
- Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with College policies and standards, and that ensure fairness and due process.
- Increasing coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus.
- Engaging in public education and prevention activities, and providing information to the College community about sexual violence on campus.
- Providing appropriate education and training to the College community about responding to the disclosure of sexual violence.
- Contributing to the creation of a campus atmosphere in which sexual violence is not tolerated.
- Monitoring and updating our policies and protocols to ensure that they remain effective and in line with current best practices

3.34 - Sexual Assault - Procedure

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Definitions

Sexual Assault: Any type of unwanted sexual act committed by an individual against another that violates the sexual integrity of the individual to whom it is directed. Sexual assault is characterized by a broad range of behaviors 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 Violence: Any unwanted act, physical, verbal, or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual assault, sexual abuse, sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking and sexual exploitation. Neither a formal criminal charge nor a human rights complaint is necessary for this definition to operate for the purposes of this policy.

Sexual Harassment: Is a form of discrimination that is against the law. It's unwarranted sexual conduct that interferes with rights guaranteed by the *Saskatchewan Human Rights Code* and this policy. Sexual harassment may be verbal, physical or visual. It may be one incident or a series of incidents. It is always unsolicited and unwelcome behavior and can take many forms, including, but not limited to:

- sexual remarks
- "jokes" with sexual overtones
- sexual advance or invitation
- displaying offensive pictures or photographs
- threats
- leering
- physical touching like touching, patting or pinching or brushing against
- sexual and physical assault

Sexual harassment only refers to unwelcome behavior which the harasser knew, or should have known, would be unwanted.

Substance-Facilitated Sexual Assault: Refers to the use of alcohol and/or drugs to intentionally sedate or incapacitate another individual for the purpose of committing a sexual assault.

Sexual Cyber Harassment/Cyber Stalking: Often used interchangeably, cyber harassment and cyber stalking are defined as repeated, unsolicited, threatening behavior of a sexual nature by a person or group using cell phone or Internet technology with the intent to bully, harass and intimidate others. Such harassment can take place in any electronic environment where communication with others is possible, such as social networking sites, message boards, chat rooms and text messages.

Consent: The voluntary agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behavior 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:

- Consent is never implied and cannot be assumed. The absence of “no” does not mean “yes.”
- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if she/he is asleep, unconscious or otherwise unable to communicate.
- Consent cannot be given if a person is being coerced, pressured, threatened or bribed.
- A person who is drugged is unable to consent.
- A person may be unable to give consent if she/he has a developmental disability.
- 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.

It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.

Age of Consent for Sexual Activity: The age at which a person can legally consent to sexual activity. In Canada, children under the age of 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 and between the ages of 12 and 16. Twelve and 13-year-olds can consent to have sex with other youth who are

less than two 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 five years older. Youth 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.

Date Rape: Sexual contact that is forced, manipulated or coerced by a partner, friend or acquaintance.

Stalking: A form of criminal harassment prohibited by the Criminal Code of Canada. It involves behaviors 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 behaviors 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: A survivor is anyone who has experienced sexual assault. Individuals might be more familiar with the term "victim." The term "survivor" is used because a person having experienced sexual assault means that they've survived something — not that they've been victimized by it.

Disclosure: For the purpose of this document, a disclosure involves a student/staff member choosing to tell anyone about their experience of sexual violence (different from a complaint).

Complaint: A formal report that is made to authorities, such as the President and CEO, the VP Administration or the police, thereby initiating a legal or quasi-legal investigation process.

3.34 - Sexual Violence Response Protocol

If you have witnessed or experienced sexual violence, you may call the Sexual Assault Services of Saskatchewan (SASS) at any of the 24-hour crisis lines:

- Battlefords 1-306-445-0055 *Not 24-hours – business hours only*
- Kindersley/West Central 1-306-463-1860
- La Ronge 1-306-425-4090

- Lloydminster 1-306-825-8255
- Melfort/Northeast 1-800-611-6349
- Prince Albert 1-306-764-1039
- Regina 1-306-352-0434
- Saskatoon 1-306-244-2224
- Swift Current/Southwest 1-306-778-3386

There are nine crisis lines in Saskatchewan; you may want to choose a crisis line near you and learn about the services in your area.

The staff and volunteers on each line are trained in sexual assault response and can help you through your questions and concerns. They will assist you by providing all the resources and support you need. 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.

Witness of Sexual Violence

If you witness sexual violence, please call the Sexual Assault Services of Saskatchewan at any of the 24-hour crisis lines as outlined above. They will assist you by providing all the resources and necessary support.

If a member of the instructional or administrative staff of the College becomes aware of an allegation of sexual violence against another member of the College community, they are required to report the alleged incident to the President and CEO immediately.

Confidentiality

Confidentiality is extremely important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed and the College will do its best to respect the confidentiality of all persons.

Privacy Principles

- Every effort will be made to respect the wishes of the victim/survivor and protect the privacy of the victim/survivor's personal information, including identity, if the individual does not wish this information be shared.
- Every effort will be made to protect the privacy and anonymity of any person who discloses an incident of sexual violence.
- Subject to certain limited exceptions, before disclosing any reported information related to incidents of sexual violence, the express consent of the person making the report is required. This includes ensuring that the person fully understands the meaning of consent.

- The limits to confidentiality will be outlined to the victim/survivor or to the person making the report upon disclosure, or as soon as possible after disclosure.
- Before disclosing any reported information related to incidents of sexual violence, potential immediate safety concerns will be canvassed with the person making the initial report, and every effort will be made to address these safety concerns.

Privacy rights are not absolute and the College may be required to take immediate action. Confidentiality cannot be assured in the following circumstances:

- An individual is at imminent risk of self-harm.
- An individual is at imminent risk of harming another.
- There are reasonable grounds to believe that others in the College or wider community may be at risk of harm.
- There is a requirement to report to child welfare, where a child (someone under 19 years) is in need of protection.
- There is a requirement to comply with a court order for release of information.

If there is a requirement by the College to release the information without consent based on the above information, it shall only be released by the President and CEO. In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the victim would not be released to the public.

Where the College becomes aware of an allegation of sexual violence against one member of the College community by another, the College may have an obligation to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such allegations. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but the identities of the persons involved will not necessarily be shared.

If the survivor/victim makes a disclosure about the perpetrator, consent from the perpetrator is required before the information can be disclosed further by the person receiving the disclosure or report. However, laws allow such information to be shared without consent in the following circumstances: There are compelling circumstances that affect anyone's health or safety.

- To assist in an investigation or in making a decision to start an investigation.
- If the disclosure is for purposes for which the information was originally collected, and the disclosure is necessary for those purposes.
- Any expectations to maintain confidentiality must be clearly articulated in the protocol.

Disclosure and Support

A person may choose to confide in someone about an act of sexual violence, such as a student, instructor, teaching assistant, student advisor or an administrative staff member. An individual who has experienced sexual violence may also disclose to an instructor or administrative staff member when seeking support regarding another matter. A supportive response involves:

- Listening without judgment and accepting the disclosure as true.
- Communicating that sexual violence is never the responsibility of the victim.
- Helping the individual identify and/or access available on or off-campus services, including emergency medical care and counselling.
- Respecting the individual's right to choose the services they feel are most appropriate and to decide whether to report to the police or Sexual Assault Services of Saskatchewan at the numbers listed above.
- Recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited.
- Respecting the individual's choices as to what and how much they disclose about their experience.
- Making every effort to respect confidentiality and anonymity.

If a disclosure is made to an instructor or an administrative staff member by a student seeking support or academic accommodation, they should refer the student to a Student Advisor and work with the Student Advisor to ensure that the student receives all necessary academic and other accommodations if necessary.

As indicated above, if an instructor or administrative staff member of the College becomes aware of an allegation of sexual violence against another member of the College community, the instructor or administrative staff member is required to report the alleged incident to the President and CEO immediately.

Sensitive and timely communication with individuals who have experienced sexual violence and their family members (when an individual consents to this communication) is a central part of the College's first response to sexual violence.

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:

- Student support services to provide psychological and emotional support, assist with safety planning and make referrals to other services, including medical services.
- Instructors, staff and administrators to facilitate academic accommodations and other academic needs of those who have experience sexual violence.

- Human resources to assist with any incidents relating to staff.

Information about these resources is available at the following link: www.carltontrailcollege.com.

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

Where a complaint of sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have been the victims of 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, in certain circumstances, 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), if the College believes that the safety of other members of the College community is at risk.

Where the Respondent is a Student

Sexual violence is a violation of Carlton Trail College's *Sexual Assault Policy*. It is considered a serious offence and will be addressed in a manner that is consistent with other serious offences. Please see Page 11 of the Student Handbook for more details on each disciplinary process.

Where the Respondent is a Member of Instructors or Staff

Sexual violence is a violation of Carlton Trail College's *Sexual Assault Policy*. Allegations against Instructors and staff will be addressed in accordance with the procedures set out in this Policy, and in any applicable collective agreement, and/or other College policies. If the complaint is sustained following an investigation, Human Resources will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and/or policies regarding discipline.

Where the Respondent is a Third Party

Contractors, suppliers, volunteers or visitors who attend campus will be subject to complaints if they engage in prohibited conduct. All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with this Policy and the *Saskatchewan Human Rights Code*, including co-operating in investigations. Breach of the clause may result in penalties, cancellation or other sanctions.

Any allegation of sexual violence on campus where the complainant is unrelated to the College will be referred to the local police.

Multiple Proceedings

Where there is an ongoing criminal investigation, the College will work cooperatively with the local police in conducting its investigation.

Media Release

As per Carlton Trail Policy 4.14, only the Board Chair or the President and CEO are able to speak on behalf of the College.

Filing a Complaint

Sexual Assault Services of Saskatchewan listed above can also assist you with filing a complaint. If the alleged perpetrator is another member of the College community, you may file a complaint under this Policy.

Individuals who have experienced sexual violence may also wish to press charges under the Criminal Code. The Sexual Assault Services of Saskatchewan can also assist you with contacting the local Police.

More information on filing a complaint can be found at: www.carltontrailcollege.com

Other Resources and Supports Available

- Abused Women Information Line 1-888-338-0880
- Partners Family Services 1-306-682-4135
- Addiction Services 1-306-682-3249
- Avenue Community Centre (for Gay/Lesbian/Trans and other) 1-800-358-1833
- Food Bank 1-306-231-9970
- Humboldt Medical Clinic 1-306-682-2618
- Mental Health 1-306-682-5333
- Public Health 1-306-682-2626
- RCMP 1-306-682-2535
- Smoker's Help Line 1-877-513-5333
- Crisis Suicide Help Line 1-306-525-5333
- Health Line 811
- Kids Help Phone 1-800-668-6868

Related Policies, Procedures and Protocols

- Carlton Trail College Violence Policy 3.13
- Carlton Trail College Code of Conduct Policy & Procedure 3.2
- Carlton Trail College Code of Ethics Policy & Procedure 3.1
- Carlton Trail College Anti-Harassment Policy & Procedure 3.12
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3.34 - Sexual Assault - Appendix A

Section: Human Resources
Subject: Sexual Assault
Appendix: A

Dispelling the Myths and Misconceptions about Sexual Assault

Myth	Fact
Sexual assault can't happen to me or anyone I know.	Sexual assault can and does happen to anyone. People of all socioeconomic and ethnic backgrounds are victims of sexual assault. Young women, Aboriginal women and women with disabilities are at greater risk of experiencing sexual assault.
Sexual assault is most often committed by strangers.	Someone known to the victim, including acquaintances, dating partners, and common-law or married partners, commit approximately 86% of sexual assaults.
Sexual assault is most likely to happen outside in dark, dangerous places.	The majority of sexual assaults happen in private spaces like a residence or private home.
If an individual doesn't report to the police, it wasn't sexual assault.	Just because a victim doesn't report the assault, doesn't mean it didn't happen. Fewer than one in 10 victims report the crime to the police.
It's not a big deal to have sex with someone while she/he is drunk, stoned or passed out.	If a person is unconscious or incapable of consenting due to the use of alcohol or drugs, she/he cannot legally give consent. Without consent, it is sexual assault.
If the person chose to drink or use drugs, then it isn't considered sexual assault.	This is a prominent misconception about sexual assault. No one can consent while drunk. Some people drink to lose their inhibitions. If you're going to be drinking, consider discussing physical boundaries ahead of time, but know that consent can't truly be given in advance.
If the victim didn't scream or fight back, it probably wasn't sexual assault.	When an individual is sexually assaulted she/he may become paralyzed with fear and be unable to fight back. The person may be fearful that if she/he struggles, the perpetrator will become

Myth	Fact
If the victim does not fight back, the sexual assault is his/her fault.	more violent. If the person is under the influence of alcohol or drugs, she/he may be incapacitated or unable to resist.
If you didn't say no, it must be your fault.	People who commit sexual assault/abuse are trying to gain power and control over their victim. They want to make it extremely difficult, if not impossible, for their victim to say "no." A person does not need to actually say the word "no" to make it clear that she/he did not want to participate.
If a woman isn't crying or visibly upset, it probably wasn't a serious sexual assault.	Every person responds to the trauma of sexual assault differently. She/he may cry or be calm. She/he may be silent or very angry. His/Her behaviour is not an indicator of his/her experience. It is important not to judge a person by how she/he responds to the assault.
If someone does not have obvious physical injuries, like cuts or bruises, she/he was probably not sexually assaulted.	Lack of physical injury does not mean that a person wasn't sexually assaulted. An offender may use threats, weapons or other coercive actions that do not leave physical marks. The person may have been unconscious or been otherwise incapacitated.
If it really happened, the victim would be able to easily recount all the facts in the proper order.	Shock, fear, embarrassment and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma. Memory loss is common when alcohol and/or drugs are involved.
Individuals lie and make up stories about being sexually assaulted; and most reports of sexual assault turn out to be false.	<p>According to Statistics Canada, fewer than one in 10 sexual assault victims report the crime to the police. Less than 2% of sexual assault reports are false, the same false reporting rate as for all other major crimes.</p> <p>The number of false reports for sexual assault is very low, consistent with the number of false reports for other crimes in Canada. Sexual assault carries such a stigma that many people prefer not to report.</p>
It wasn't rape, so it wasn't sexual violence.	Any unwanted sexual contact is considered to be sexual violence. A survivor can be severely affected by all forms of sexual

Myth	Fact
	violence, including unwanted fondling, rubbing, kissing or other sexual acts. Many forms of sexual violence involve no physical contact, such as stalking or distributing intimate visual recordings. All of these acts are serious and can be damaging.
Persons with disabilities don't get sexually assaulted.	Individuals with disabilities are at a high risk of experiencing sexual violence or assault. Those who live with physical and mental limitations are more than two times more likely to be victims of sexual assault than those who are not disabled.
A spouse or significant other cannot sexually assault their partner.	Sexual assault can occur in a married or other intimate partner relationship. The truth is, sexual assault occurs ANY TIME there is not consent for sexual activity of any kind. Being in a relationship does not exclude the possibility of, or justify, sexual assault. A person has the right to say "no" at ANY point.
People who are sexually assaulted "ask for it" by their provocative behaviour or dress.	Nobody deserves to be sexually assaulted. Someone has deliberately chosen to be violent toward someone else; to not get consent. Nobody ever asks to be assaulted. No matter the mode of dress, amount of alcohol or drugs ingested, relationship between the survivor and the perpetrator, what the survivor's occupation is; sexual assault is always wrong.
Rape only happens to women.	The majority of sexual assaults are committed against women by men, but people of all genders, from all backgrounds could experience sexual violence.
Sexual abuse of males is rare.	Estimates show that one in eight men will experience some form of sexual violence during their lifetime. Sexual assault/abuse occurs in every economic, ethnic, age and social group.
If you got aroused, got an erection or ejaculated you must have enjoyed it.	It is normal for your body to react to physical stimulation. Just because you became physically aroused does not mean that you liked it, wanted it or consented in any way. If you experienced physical pleasure, this does not exclude the fact that sexual abuse happened or the effects or feelings of abuse.