



Sexual Assault and Sexual Violence Policy

This document is the parent policy for any College procedures or regulations. Questions regarding this policy are to be directed to the identified Policy Administrator.

Policy Statement:

The Board supports all members of the Northern Lakes College community in the right to work and study in an environment that is free from any form of sexual violence. This policy protocol to sexual violence, helps ensure that those who experience sexual violence are believed and their rights are respected. Northern Lakes College has a process of investigation that protects the rights of individuals, and holds individuals who have committed an act of sexual violence accountable.

Sponsor:	Governance
Policy Owner:	President & CEO
Policy Administrator:	Executive Director, Human Resources and Health & Safety
Approved By:	Board of Governors
Approval Date:	August 24, 2017
Effective Date:	August 24, 2017

Objective:	<p>Sexual assault and sexual violence are unacceptable and will not be tolerated. We are committed to preventing and addressing sexual violence and creating a safe space for anyone in our College community who has experienced sexual violence. The College is expected to be 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.</p> <p>Principles:</p> <ol style="list-style-type: none"> 1. The College is committed to maintaining a healthy and safe learning and working environment. Reported incidents of sexual violence will be taken seriously, investigated and appropriate actions taken. 2. The College is committed to maintain a College free of discrimination and harassment, and strive to foster an atmosphere of healthy attitudes and behaviors toward sexuality, sex and gender roles. We will not tolerate behaviors that contributes to a hostile and inequitable learning and working environment. 3. College staff will respect the respondent’s right to privacy while evaluating the obligation to protect the safety and wellbeing of the broader community. Respondents will be treated with fairness and respect for their dignity, receiving full and prompt cooperation and support. 4. College staff will work diligently at the College, and with our community partners, on education, awareness, policies and resources to ensure that our campuses foster the ability work, learn, and express oneself in a positive and safe environment.
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Guidelines:

1. 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. It is this Policy's intention to make individuals feel comfortable about making a report in good faith about sexual violence that they have experienced or witnessed.
2. The College will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy. Respondents will be given reasonable notice, with full details of the allegations and provided with an opportunity to answer to the allegations made against them. Notice should occur within three working days of receipt of complaint. This timeline is dependent upon the nature of the complaint.
3. Complainants will have the right to learn or work in an environment free from any residual effects from a complaint.
4. We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, gender identify or relationship status as articulated in the Alberta Human Rights Code. We also recognize that individuals who have experienced sexual violence may experience emotional, academic or other difficulties. Support for the complainant includes referral to counselling and medical care, information about legal options, and appropriate academic and other accommodations.
5. A complainant has the right to withdraw a complaint at any stage of the process. However, the College may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or legal obligations.
6. If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed by the College. Frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the respondent may result in sanctions and/or discipline against the complainant.
7. It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual who is part of an investigation or has pursued their rights under this Policy or the Alberta Human Rights Code.
8. Confidentiality is particularly 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 does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses. However, confidentiality cannot be assured in the following circumstances:
 - A. An individual is at imminent risk of self-harm; and/or
 - B. An individual is an imminent risk of harming another; and/or

	<p>C. There are reasonable grounds to believe that others in the College or wider community may be at risk of harm; or</p> <p>D. As required by law to do so.</p> <p>In such circumstances, information would only be shared if obligated under the College’s legal obligation and/or its policies to investigate such allegations. In such cases, the College administrators associated with the incident will be informed on a “need to know” and confidential basis.</p>
<p>Definitions:</p>	<p>Sexual Violence is any violence, physical or psychological, carried out without consent through a sexual act or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their consent.</p> <p>Sexual Assault is nonconsensual sexual actions done by an individual(s) to another. It includes any unwanted sexual acts and can involve a range of behaviours from unwanted touching to penetration through the use of force, threats, control of another person that makes someone feel fearful, distressed, or threatened or is carried out in a way that an individual is not able to freely consent. Sexual consent is determined by lack of consent, and not by the act itself. Sexual assault is a criminal offense under the Criminal Code of Canada.</p> <p>Consent is the voluntary agreement to engage in the sexual activity in question. It is an active, direct, voluntary, unimpaired and conscious choice and agreement between individuals at the age of consent to engage in physical contact or sexual activity. At any time during the sexual activity consent can be withdrawn and consent cannot be given by another person.</p> <p>Complainant is the person who brings forward information that a violation of a policy may have occurred. Within the context of sexual violence, it is any individual who experienced the violation.</p> <p>Respondent is the person alleged to have violated the Sexual Assault and Sexual Violence Policy.</p> <p>Disclosure is when an individual shares information about a personal experience of sexual violence to someone who did not previously know.</p> <p>Coercion within the context of sexual violence, coercion is an unreasonable and persistent pressure for sexual activity. Coercion can be through emotional manipulation, blackmail, threats to family, pets or friends, or the promise of rewards or special treatment, to persuade someone to do something that they would otherwise not, such as being sexual or performing sexual acts.</p> <p>Stalking is unwanted and persistent behavior pursuing contact and/or harassing another in person or online.</p> <p>Age of consent for sexual activity is a youth 16 years’ old who may legally consent to sexual acts with someone who is not in a position of trust or authority. If the College becomes aware of sexual violence or sexual assault involving a student under the age of consent or a student in a high school sponsored program, Northern Lakes College is legally bound to report the violation to the police.</p>

Related Northern Lakes College Documents:	Governance – Safe Disclosure Policy Human Resources – Harassment Policy Governance – Sexual Assault and Sexual Violence Procedure Northern Lakes College Emergency Response Plan
Related External Information:	Alberta Human Rights Legislation Alberta Occupational Health and Safety Code Criminal Code of Canada (R.S.C., 1985, c. C-46) Freedom of Information and Protection of Privacy Act Preventing Violence and Harassment at the Workplace Guide
Stakeholders Consulted:	Academic Council: Mar 2017 Employee Management Advisory Committee: Apr 26, 2017 NLC Students Association: Feb 2017 Operations Policy Review Committee: Mar 21, 2017 Student Wellness Committee: Jan 2017
Next Review Date:	August 24, 2022
Revision History:	August 24, 2017: NEW