



POLICY #009

SEXUAL VIOLENCE AND MISCONDUCT

April 1, 2022

Name of Policy

Date amended

LAST REVISION DATE: June 01, 2020

REVIEW REQUIREMENTS: Every two (2) years

APPROVED BY: President

Policy Purpose & Summary

Glenn College values and promotes the health, safety and well-being of individuals and the community. The College does not tolerate sexual violence and misconduct. The purpose of this policy is to affirm the College's commitment to maintaining and enhancing a safe and healthy environment for all members of the Glenn College Community and to state the College's commitment to addressing Sexual Violence and Misconduct by:

- a. Recognizing the diversity of the College Community and understanding that each person will be affected differently by Sexual Violence and Misconduct, based on the intersection of multiple identities such as: sex; sexual orientation; gender identity and expression; Indigenous, racial or ethnic background; migration status;
language; ability; faith; age; socio-economic status and previous experiences of trauma, including but not limited to generational and historical trauma; and that acts of Sexual Violence and Misconduct may also be acts of sexism, racism, ableism, homophobia, and/or transphobia;
- b. Recognizing the significant impact that broader social attitudes and beliefs about sex, sexuality, and gender identity and expression that normalize Sexual Violence and Misconduct, have on all of us;
- c. Providing coordinated and comprehensive training and education for reducing, preventing, and responding to Sexual Violence and Misconduct for members of the Glenn College Community;
- d. Providing safe, accessible, and timely confidential assistance and support, referrals, and information to members of the College Community who are affected by Sexual Violence and Misconduct;
- e. Providing coordinated and comprehensive trauma-informed support for members of the College Community affected by Sexual Violence and Misconduct;
- f. Investigating reported incidents of Sexual Violence and Misconduct where appropriate;



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g. Ensuring clear and fair processes for managing and investigating Reports of Sexual Violence and Misconduct and, where appropriate, for establishing consequences and discipline.

Policy Statement

All students and staff of Glenn College are entitled to study and work in an environment that is free from Sexual Misconduct. The College considers Sexual Misconduct to be a serious violation of an individual's fundamental rights. Members of the College community who engage in Sexual Misconduct may be subject to a range of disciplinary measures, up to and including suspension, dismissal or expulsion from the College. Members of the College community who experience and report Sexual Misconduct will be provided with support by the College and assistance with accessing additional support services both on and off the Campus.

Scope

This Policy applies to all members of the Glenn College community, which includes students, employees, guests and visitors. The Policy is intended to address and eliminate Sexual Misconduct which occurs within the context of Glenn College and activities and which interferes with an individual's employment or studies at the College. Behaviour which occurs separate from any College-related activities and which is unrelated to an individual's employment or studies at the College is not covered by this Policy.

This Policy is not intended to be used in situations where Sexual Misconduct is of a violent nature. In the event of violent incidents, law enforcement authorities will be contacted and support will be provided to the victim. The College does reserve the right to conduct an investigation and take appropriate steps in the event of violent situations, if necessary to protect the safety of the College community.

Definitions

Consent: The voluntary agreement to engage in the sexual activity in question and to continue to engage in the activity. Voluntary agreement to engage in the activity or to continue to engage in the activity must be communicated through words or conduct, and can be revoked at any time. No consent is obtained where a person is incapable of consenting, for example, by intoxication or where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.

Sexual Misconduct: To constitute Sexual Misconduct, behaviour may be a single serious incident or may be repeated or persistent behaviour. Sexual Misconduct is any form of sexual contact without a person's consent, including the threat of sexual contact without consent. Sexual



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Misconduct may include one or more of the following:

- Sexual assault
- Sexual exploitation
- Sexual harassment
- Criminal harassment (Stalking)
- Indecent exposure
- Voyeurism
- The distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video
- The attempt to commit an act of sexual misconduct
- The threat to commit an act of sexual misconduct

Sexual Harassment: Sexual harassment refers to unwanted communications or actions that are sexual in nature, and are offensive, intimidating or humiliating. It can take many forms including verbal, written or visual. Sexual harassment may include any of or all of the following conditions:

- Conduct or comment of a sexual nature made by a person who knows or ought to reasonably know that such conduct or comment is unwanted or unwelcome
- Expressed or implied promise or a reward for complying with a request of a sexual nature
- Actual reprisal or an expressed or implied threat of reprisal or refusal to comply with a request of a sexual nature
- Actual denial of an opportunity or an expressed or implied threat of denial of opportunity for refusal to comply with such a request
- The conduct or comment is intended to, or has the effect of, creating an intimidating or hostile environment
- Differential treatment of a former or current intimate partner where a power relationship exists
- Examples of sexual harassment include, but are not limited, to the following



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- Remarks or innuendos regarding an individual's appearance, clothing or sexual life
- Unwelcome questions or sharing a personal information regarding a person's marital status, sexuality, sexual activity, sexual orientation, or gender/transgender issues
- Persistent, unwelcome sexual flirtations, advances, propositions, invitations or requests
- Sexually suggestive, obscene or degrading comments or gestures
- Displaying or circulating sexually graphic or derogatory pictures or written materials
- Use of online activities such as email, text messaging or social networking to initiate or participate in any of the above behaviours
- Leering, ogling or sexually oriented gestures
- Inappropriate and unnecessary touching

Sexual Assault: Sexual assault is any form of sexual contact that occurs without any freely given consent. Sexual assault includes any form sexual contact where consent has not been given (i.e., non-consensual touching that is sexual in nature, forced penetration). Sexual assault includes date rape or acquaintance rape, which happens between acquaintances, friends or between people who are dating. There are three levels of sexual assault in the Criminal Code of Canada.

- Level 1: any forced sexual contact without bodily harm
- Level 2: forced sexual contact causing or threatening to cause bodily harm or using a weapon (imitation or real)
- Level 3: forced sexual contact that causes aggravated bodily harm or endangers the life of the victim or others

Criminal Harassment (Stalking): Criminal harassment, which includes stalking, is prohibited by the Criminal Code of Canada. Criminal harassment prohibits deliberate conduct that is psychologically harmful to others. For stalking to be criminal harassment, here's what's required:

A person does one or more of the following things:

- repeatedly follow you, or anyone you know
- repeatedly communicate with you, or anyone you know, directly or indirectly
- repeatedly watch you, or anyone you know, or lurk around your home, workplace, or any other place you happen to be



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- engage in any threatening conduct directed at you or a member of your family
- The person knows that their conduct is harassing you or they are reckless about whether their conduct is harassing you. Reckless means they know their conduct may harass you, but they don't care
- The person's conduct causes you to reasonably fear for your safety or the safety of someone you know. Your fear has to be reasonable.

A person can be stalking even if they don't physically hurt anyone or damage any property. The law is designed to protect psychological, emotional, and physical safety. Stalking may start with conduct that seems more annoying than dangerous. Often, the conduct is legal and even socially acceptable, if it's just an isolated incident. But when it's repeated, it may scare the victim. Conduct such as following someone, or sending gifts or letters, may become intimidating if done continually and against the person's wishes.

Sexual Exploitation: Sexual exploitation is the sexual abuse of children and youth through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation includes involving children and youth in creating pornography and sexually explicit websites.

Jurisdiction

The Glenn College Sexual Violence and Misconduct Policy will be triggered if all of following criteria are met:

- Both of the parties (the Complainant and the Respondent) are students, employees, guests or visitors
- The last incident of alleged misconduct occurred within the preceding six (6) months
- The behaviour occurred in the context of a College related activity (e.g., on Glenn College property or at a Glenn College sponsored event)
- The behaviour, if true, would constitute a contravention of the Policy by meeting a definition of Sexual Misconduct as stated in the policy

Procedural Fairness



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The College will deal with allegations of Sexual Misconduct in a procedurally fair, unbiased and timely manner. Complainants and Respondents shall be advised of the procedures available to them and will be provided with a copy of this Policy.

The Parties shall be advised of the allegations and responses of both the Complainant and Respondent and shall be accorded reasonable opportunity to provide comments in support or defense of their own positions. Both the Complainant and Respondent have a reasonable right to respond to any information gathered during the investigation that will be utilized in determining a finding of Misconduct/Harassment or No-Misconduct/Harassment.

For a complaint to be considered under this Policy, it must be submitted within six (6) months of the date of the last alleged incident of Sexual Misconduct. The Regional Director may consider an extension to file a complaint past the six (6) month limit, if reasonable grounds for such an extension exist in extenuating circumstances.

Interim Relief

The College or Authorized Representative may take whatever interim measures he or she deems necessary to protect the College community, pending the completion of an investigation into a Sexual Misconduct complaint. Such measures may include, but are not limited to:

- No-contact between the Complainant, Respondent, Witnesses or other parties
- Ordering the Complainant, Respondent, Witnesses or other parties to cease and desist from engaging in a particular type of behaviour
- Restricting access to a specific areas of campus
- Suspending one or both of the Parties from the College pending investigation
- Reassignment of supervision/assessment duties in cases where the Respondent is an instructor or employee

Specific conditions to be included in the interim provisions will be dependent upon the circumstances of each case and the level of risk to the Complainant. All parties will be advised that the interim protection provisions, implemented by the College, are not to be confused with a legal protection order obtained through the Criminal Justice System.



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Confidentiality and Anonymity

Allegations of Sexual Misconduct may require the disclosure of sensitive and personal information, which is protected from unauthorized disclosure by applicable privacy legislation. In order to encourage persons who have been subject to Sexual Misconduct to come forward, and to protect the rights and reputations of the Complainant and the Respondent throughout the investigation process, Glenn College will attempt to ensure that confidentiality is maintained except where disclosure is necessary for the purposes of investigating and resolving the complaint or where required by law.

Confidentiality must, however, be distinguished from anonymity. If a Complainant wishes to proceed with a Formal Investigation by the College, procedural fairness requires that the Respondent be made aware of the nature of the complaint, including the identity of the Complainant.

All parties and witnesses to a complaint will endeavour to maintain confidentiality throughout the Formal Investigation procedures. Investigators will stress the confidentiality of the investigation with all persons involved in the process, including the Complainant, Respondent and Witnesses. Individuals involved in the investigation process who are found to have breached confidentiality may be subject to discipline.

The limits to confidentiality will be outlined to the Complainant as soon as possible after disclosure. The Complainant will be advised that privacy rights are not absolute and the College may be required to take immediate action, such as contacting the police, in relation to a disclosure of Sexual Misconduct or violence in the following circumstances:

- There are reasonable grounds to believe that others in the College community may be at significant risk or harm based on the information provided
- An individual is at imminent risk of severe or life-threatening self-harm
- An individual is at imminent risk of harming another person
- There is a legal requirement to report
- There is a requirement to comply with a court order for release of information

The College has the authority to make the decision to release information without consent in the above circumstances. If a decision is made to release information without consent, only information relevant to the health or safety concern in question will be released. The Complainant will be informed of any decision to release personal information.

Subject to the exceptions listed above, consent from the Respondent would be required before



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this information could be disclosed further by the person receiving the disclosure or report. Provincial privacy laws allow such information to be shared without consent in the following circumstances:

- If 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 the purposes for which the information was originally collected and the disclosure is necessary for these purposes

In some instances, the College may need to alert the College community to incidents or potential threats by sexual predators. These alerts will be communicated in multiple formats and media to ensure accessibility by all members of the College community. The alerts will not identify the Complainant but will include the following information:

- Date and time that the disclosure or report was made
- The College employee to whom the disclosure or report was made
- Date and time that the incident occurred
- Location where the incident occurred
- Information about the incident
- Non-identifying information about the perpetrator (i.e., gender, approximate age, ethnicity, height, weight, hair colour, eye colour, what the perpetrator was wearing, distinguishing marks)
- Information on how to access support services

Training and Education

The College will ensure that Sexual Misconduct education and training, including prevention, responding to disclosures, bystander intervention and making effective referrals to local community-based response services, is provided to Campus Directors, the Executive Vice President, the College President, appointed Investigators and all potential first responders.

The College will initiate and maintain a program to ensure that members of the College community are made aware of this Policy, are educated on the scope of Sexual Misconduct and that information and materials regarding sexual health, safety and community-based resources are displayed and made readily available to members of the campus community.