



## POLICY STATEMENT

Policy Name	<b>Sexual Violence Prevention and Process</b>		
Policy #	<b>605</b>	Category	<b>Health, Safety and Security</b>
Policy Sponsor	<b>Associate Vice President, Human Resources</b>	Previous Revision Date	<b>October 4, 2019</b>
Policy Approved by	<b>President and CEO</b>	Revision Date	<b>September 7, 2023</b>
Procedures Approved by	<b>CFO &amp; Vice President, Administrative Services</b>	Review Date	<b>September 2028</b>

See the related [PROCEDURES](#).

### PURPOSE

Saskatchewan Polytechnic (Sask Polytech) strives to be a safe and positive space where members of the Sask Polytech community work, learn and express themselves in an environment free from sexual violence. This document sets out our policy and response protocol to sexual violence. It ensures that those who experience sexual violence are believed and their rights respected, that Sask Polytech has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

### SCOPE

This policy applies to all members of the Sask Polytech community, including but not limited to students, student groups, employees, volunteer staff and board members. This policy also applies to clients, visitors, business/training associates, employees of Sask Polytech's academic partners, anyone participating in a Sask Polytech-sponsored activity, any person carrying out duties or providing services within any of Sask Polytech's facilities or programs including contractors and their employees while they are engaged in activities related to the completion of the terms of their contract with Sask Polytech, and to members of the general public while on or in Sask Polytech property, facilities, or at Sask Polytech events.

This policy is intended to complement and be read in conjunction with other Sask Polytech safety policies and standards including, but not limited to, the related policies/documents identified in this policy.

### GUIDING PRINCIPLES

While no institution is immune to sexual violence, Sask Polytech recognizes its legal and moral responsibility to provide a learning, working, and living environment in which people can pursue their activities without fear.

Promoting the development of a learning, working, and living environment free of sexual violence requires a commitment by all members of the Sask Polytech community. Expression of this commitment can take many forms including participation in training programs, assisting in the conduct of risk assessments designed to minimize sexual violence, reporting sexual violence in the manner prescribed in the procedures, offering support to those who may be adversely impacted by sexual violence, and taking reasonable precautions to ensure personal safety.

## **POLICY**

Sexual violence is strictly prohibited and will not be tolerated. Individuals or groups who engage in sexual violence may be subject to disciplinary action including dismissal, suspension, expulsion, notice of trespass and criminal prosecution.

Where Sask Polytech becomes aware of incidents of sexual violence by a member of the Sask Polytech community or against a member of the Sask Polytech community, which occur on or off Sask Polytech property, Sask Polytech shall take all reasonable steps to ensure the safety of the Sask Polytech community.

All reported incidents of sexual violence will be investigated to the best of the administration's ability and in a manner that ensures procedural fairness.

All members of the Sask Polytech community have the right to make a complaint under either this policy or other applicable Sask Polytech policies. A complaint will be addressed only under one Sask Polytech policy. The Associate Vice President, Human Resources will decide whether a complaint will be determined based upon this policy or will be deferred in favour of another Sask Polytech policy/process.

This policy applies to the Sask Polytech learning, working, and living environments. For the purposes of this policy, sexual violence in the learning, working, and living environments includes, but is not limited to, sexual violence which occurs:

- at any Sask Polytech facility.
- at Sask Polytech-related functions including extracurricular activities
- in the course of learning or work-related functions outside of Sask Polytech.
- at learning or work-related conferences or training sessions.
- during learning or work-related travel.
- using the telephone, computer, any communication device, or social media which would impact Sask Polytech or its community.
- independent of Sask Polytech but which carries over or threatens to carry over to Sask Polytech facilities or activities (e.g., domestic violence).

We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender identity or relationship status. We also recognize that individuals who have experienced sexual violence may experience emotional, academic and/or other challenges.

We are committed to:

1. Assisting those who have experienced sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counseling and medical care, information about legal options and appropriate academic and other accommodation.
2. Ensuring those who disclose they have been sexually assaulted are treated with dignity and respect and are protected throughout the process of disclosure, investigation, and institutional response.
3. Addressing harmful attitudes and behaviours (e.g., adhering to myths of sexual violence) that reinforce the person who experienced sexual violence is somehow to blame for what happened.
4. Treating individuals who disclose sexual violence with compassion, recognizing that they are the final decision-makers about their own best interests.
5. Ensuring 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.

6. Engaging in appropriate procedures for investigation and adjudication of a complaint that are in accordance with Sask Polytech policies, standards, and applicable collective agreements, and that ensure fairness and due process.
7. Ensuring there are clear lines of communications among internal stakeholders.
8. Engaging in public education of sexual violence prevention strategies based on a trauma-informed platform.
9. Providing information to the Sask Polytech community about our sexual violence policies and protocols.
10. Providing appropriate education and training to the Sask Polytech community about responding to the disclosure of sexual violence.
11. Contributing to a campus culture that does not tolerate sexual violence.
12. Monitoring and updating our policies and protocols to ensure that they remain effective and in line with other existing policies and best practices.

No action shall be taken by Sask Polytech against anyone on account of anything done or omitted to be done in good faith in performance of a duty, responsibility, or authority established under this policy or applicable legislation. in respect to or by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done pursuant to the carrying out or supposed carrying out of any duty or responsibility under this policy.

Individuals who make bad faith allegations of sexual violence, which are knowingly false, fraudulent, or malicious, may be subject to discipline up to and including dismissal or expulsion from Sask Polytech.

This policy is not intended to affect any other legal rights that a member of the Sask Polytech community or Sask Polytech itself may have related to sexual violence, including but not limited to recourse to the criminal justice system or civil litigation to recover damages.

Any actions taken to enact this policy must comply with *The Local Authority Freedom of Information and Protection of Privacy Act* and accompanying Regulations.

## DEFINITIONS

**Age of consent for sexual activity:** 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 12 and under 16. Individuals who are 12 and 13 may consent to participate in sexual acts with other individuals who are less than two years older than themselves. Individuals who are 14 and 15 may consent to participate in sexual acts with a person who is less than five years older than themselves. Individuals who are 16 or 17 may consent to participate in 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/or persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats of any kind, 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 sexual acts.

**Consent:** It is the act of willingly agreeing to engage in specific sexual behaviour and requires that a person is able to freely choose to participate in the sexual activity in question. This means there must be a clear and ongoing exchange of affirmative words, which indicates a willingness to participate in mutually agreed upon sexual activity.

The Sask Polytech community is obligated to understand situations or conditions where consent is not given. This includes the following:

- Silence or non-communication must never be interpreted as consent.

- A person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious, incapacitated or otherwise unable to communicate.
- A person who has been threatened or coerced (e.g., is not agreeing voluntarily) into engaging in the sexual activity is not consenting to the sexual activity.
- A person who is drugged is unable to consent.
- A person may be 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.
- 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, or an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.
- Previous or historical consent does not mean that consent is deemed to exist for all future sexual activity.
- Consent to a sexual encounter does not amount to consent to all potential sexual activities in that sexual encounter. It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement.
- A person can withdraw consent at any time during a sexual encounter.
- It is 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 of the complainant 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 unconscious.
- The complainant is incapable of consenting to the activity for any reason other than being unconscious.
- The accused counsels or incites 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.
- 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.

**Cyber Sexual Violence/Harassment:** Cyber stalking, sometimes referred to as cyber bullying, refers to the use of information and technological communications to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to harm others. This includes the distribution of intimate images without consent.

**Member of the Sask Polytech Community:** Includes but is not limited to all employees, students, student groups, volunteer staff and board members.

**Sexual assault:** 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 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:** 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, sexual assault and the recording or distribution of intimate images without consent.

**Stalking:** It involves behaviours that occur on more than one occasion, and which collectively instill fear in the survivor or threaten the survivor/target's safety or mental health. Stalking can also include threats of harm to the target or the target's friends and/or family. These behaviours include, but are not limited to, non-consensual communications (e.g., 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 or another applicable term. Individuals might be more familiar with the term "victim". The use of the term survivor throughout this policy reflects that some who have experienced sexual violence 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.

**Violence:** Violence is any aggressive, threatening, or hostile act towards any person or group, directly or indirectly, that causes, or is likely to cause, physical or mental harm. This includes any verbal threat or conduct which gives a person or group reasonable cause to believe there exists a risk of injury to themselves or others.

## **RELATED POLICIES/DOCUMENTS**

[Appropriate Use of Information Technology Services 801](#)

[Code of Conduct 703](#)

[Harassment Prevention and Response 601](#)

[Health and Safety 602](#)

[Student Conduct \(Non-Academic\) 1211b](#)

[Violence Prevention and Response 604](#)

## **APPLICABLE LEGISLATION OR REGULATIONS**

*Criminal Code of Canada*

*The Local Authority Freedom of Information and Protection of Privacy Act*

*The Saskatchewan Employment Act*

*The Saskatchewan Human Rights Code, 2018*