



PROCEDURES

Policy Name	Sexual Violence Prevention and Response		
Policy #	605	Category	Health, Safety and Security
Policy Sponsor	Associate Vice President, Human Resources	Previous Revision Date	October 4, 2019
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See the related [POLICY](#).

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 be 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 Saskatchewan Polytechnic (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 (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.

PROCEDURES

1.0 Reporting and responding to sexual violence:

In all instances of an emergency, the following steps should be followed:

1.1 Call 911 immediately (dial 9-911 from a SaskPolytech office phone)

AND THEN

1.2 Call the 24-Hour Commissionaire Desk for the applicable campus:

Moose Jaw:	306-691-8300
Prince Albert:	306-960-3995
Regina:	306-775-7777
Saskatoon:	306-659-4444

If **NOT** an emergency, incidents of sexual violence should be reported to the Campus Safety and Security (CS&S) manager:

Email: campussafetyandsecurity@saskpolytech.ca

Moose Jaw:	306-691-8278
Prince Albert:	306-765-1524
Regina:	306-775-7754
Saskatoon:	306-659-4455 or 306-659-6913

It may be difficult to disclose and report incidents of sexual violence. We strongly encourage immediate reporting if you are subject to, witness or have knowledge of sexual violence or have reason to believe that sexual violence has occurred or may occur.

Individuals who have experienced sexual violence may also wish to continue with the legal process under the *Criminal Code* through the local Police Service.

Sask Polytech will not impede an on-going police investigation. In coordination with internal stakeholders, departments will provide support to those directly involved as required.

2.0 What to do if you become aware of an incident of sexual violence

Becoming aware of an incident /sexual violence includes situations where you have witnessed an incident and/or circumstances where an incident has been disclosed to you.

A person (i.e., student, faculty, employee) may choose to confide in someone about an act(s) of sexual violence. An individual who has experienced sexual violence may also disclose to a member of the Sask Polytech community when seeking support and/or academic accommodation. Resources are noted in 3.0.

A supportive response involves:

- listening without judgement and accepting the disclosure as true.

- communicating that sexual violence is never the responsibility of the survivor.
- 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 or not to report to law enforcement or the appropriate CS&S manager.
- 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 disclosure is made to an employee by a student seeking support or academic accommodation, the employee should refer the student to Student Counselling Services to ensure the student receives all appropriate supports, which may include academic and other accommodations.

3.0 Sask Polytech Resources for individuals impacted by sexual violence

Several resources are available, including:

- Student Counselling Services
- Campus Health Centres
- Instructors or supervisors
- Indigenous Student Advisors
- International Student Advisors (for International Students)
- Employees may contact our EFAP provider: Homewood Health @ 1-800-663-1142

The following external Sexual Assault Help Lines are available:

Prince Albert Mobile Crisis Unit & Sexual Assault Centre – 24-Hour Line: 306-764-1093
 Regina & Area Sexual Assault Centre Crisis information Line: [306-352-0434](tel:306-352-0434)
 Regina Mobile Crisis Helpline 24-Hour Crisis Line: 306-757-0127
 Saskatoon Sexual Assault & Information Centre 24-Hour Crisis Line: 306-244-2224
 Saskatoon Crisis Intervention Service 24-Hour Crisis Line: 306-933-6200

4.0 ROLES and responsibilities of the Sask Polytech community

- 4.1 **Ensure immediate safety needs of the survivor are taken into consideration.**
- 4.2 Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to or to prevent sexual violence from occurring.
- 4.3 Report incidents to a **CS&S Manager** – see Procedure 1.0 Reporting and responding to sexual violence.

CS&S Managers will:

- Contact local Police Service or other resources in accordance with survivor's wishes.
- Ensure evidentiary components of investigation are addressed, as necessary.
- Conduct SaskPolytech investigation.
- Conduct threat assessment in accordance with Violence Threat Risk Assessment (VTRA) Standard, as required.
- Coordinate with external service providers in the survivor's best interests
- Coordinate Sask Polytech internal notification/response.
- Create survivor or institutional safety plan(s) as necessary.
- Coordinate applicable trauma-informed training for front line responders.

CS&S Managers will serve as the office of record for maintaining confidential reports of sexual violence and will track, report on and institute prevention measures, as appropriate.

- Reports will not include personal identification information, other than as required or permitted under this policy or *The Local Authority Freedom of Information and Protection of Privacy Act*, or other applicable legislation/legal requirements.
- Reports will include information about the time and location of an incident of sexual violence, as well as any other pertinent information as expressly permitted by the complainant.
- All records will be stored confidentially and be used only for tracking and reporting incidents, and for improving prevention and protection measures within the Sask Polytech community.

CS&S Managers will further provide education supports to the Sask Polytech community in terms of reporting processes and coordination of training for staff and faculty in sexual assault/sexual violence prevention and response.

Student Relations Coordinator, Counselling, the Respectful Workplace Consultant and Human Resource Consultant may also serve as support to survivors for both counselling and formal/informal investigations of sexual assault/sexual violence.

Student Services, in cooperation with Campus Safety & Security and other internal stakeholders, leads the coordination of prevention and awareness education.

5.0 COMPLAINTS

- 5.1 A complaint of any kind of sexual violence can be filed under this policy by any member of the Sask Polytech community.
- 5.2 Sask Polytech 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. All reasonable efforts will be made to ensure respondents are given reasonable notice, with full details of the allegations, and respondents will be provided with an opportunity to answer to the allegations made against them.
- 5.3 A complainant has the right to withdraw a complaint at any stage of the process; however, Sask Polytech may continue to act on the issue identified in the complaint to ensure the safety and well-being of the community.

6.0 Confidentiality

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. Sask Polytech 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:

- Where an individual is at imminent risk of harm or self-harm.
- Where are reasonable grounds to believe that an individual or individuals in the Sask Polytech community or the wider community may be at risk of harm.
- Where disclosure is required as a matter of procedural fairness or by law.

In such circumstances, information would only be shared on a “need to know” basis with all reasonable steps being taken to protect the confidentiality and sensitivity of the information.

7.0 Consequences for non-compliance

Sask Polytech has the discretion to determine the most appropriate procedure to investigate complaints under this policy. For greater clarity, Sask Polytech may engage an investigation procedure under this policy or another Sask Polytech policy, if in Sask Polytech's opinion there is a more appropriate investigation process for addressing a specific complaint or concern.

Investigations will lead to a decision, and consequences will follow in those instances where sexual violence is deemed to have occurred. A member of the Sask Polytech community who is found on the balance of probabilities to have committed or participated in a sexual violence will be subject to Sask Polytech's administrative processes and discipline systems:

- Students will face sanctions (up to and including expulsion and a ban from Sask Polytech) as determined under the Student Code of Conduct (Non-Academic) #1211b.
- Employees will face disciplinary action up to and including termination.

8.0 Protection from reprisals, retaliation, or threats

It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual for:

- Having pursued rights under this policy and/or applicable legislation
- Having participated or cooperated in an investigation under this policy and/or applicable legislation or
- Having been associated with someone who has pursued rights under this policy and/or applicable legislation.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

9.0 Unsubstantiated or vexatious complaints

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.

Disclosures or complaints that are found following investigation to be 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.

This policy and procedures are complementary to, and not substitutes for, the civil and criminal legal systems, *The Saskatchewan Employment Act* and *The Saskatchewan Human Rights Code, 2018*.