

Policy Name	Sexual Assault and Sexual Violence		
Policy #	605	Category	Health, Safety and Security
Approved by	Senior Management Council	Issue Date	October 28, 2016
Policy Sponsor(s)	Human Resources	Review Date	SEE POLICY REVIEW DATE OR AS NEEDED

See the related [POLICY](#).

DEFINITIONS

Acquaintance sexual assault: Includes partner, friend, date, peer, colleague or anyone already known to the person. Sexual gender-based violence is most often perpetrated by an acquaintance. The term “date rape” is interchangeable with “acquaintance sexual assault.”

Age of consent for sexual activity: The age at which a person can legally consent to 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 the ages of 12 and 16. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 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 5 years older. Youths 16 and 17 years old may legally consent to sexual acts with someone who is not in a position of trust or authority.

Bystander: For the purposes of sexual violence prevention, a bystander is anyone who is neither a victim nor an offender, but who could potentially get involved to make a difference. It refers to anyone who is in a position to intervene before, during or after the sexual act.

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.

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

- 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 they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.

- A person is usually 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.
- 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.
- 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, an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.
- It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also 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:

Consent: The voluntary agreement 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 incapable of consenting to the activity;
- the accused induces 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; or
- 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.

Drug-facilitated sexual assault: The use of alcohol and/or drugs (prescription or non-prescription) by a perpetrator to control, overpower or subdue a victim for purposes of sexual assault.

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

Sexual assault: A criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim 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 and sexual assault.

Stalking: A form of criminal harassment prohibited by the *Criminal Code* of Canada. It involves behaviours 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 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. Individuals might be more familiar with the term “victim”. We use the term survivor throughout this policy where relevant because some who have experienced sexual assault 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.

PROCEDURES

1. REPORTING AND RESPONDING TO SEXUAL ASSAULT/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 situation, incidents of sexual assault/sexual violence should be reported to the campus Health, Safety & Security Manager:

Moose Jaw:	Lee Pearce	306-630-8550	email: lee.pearce@saskpolytech.ca
Prince Albert:	Darcy Mychan	306-941-7995	email: darcy.mychan@saskpolytech.ca
Regina:	Deborah Lebert	306-539-2129	email: deborah.lebert@saskpolytech.ca
Saskatoon:	Stacey Mamer	306-290-9981	email: stacey.mamer@saskpolytech.ca

It is often difficult to disclose and report incidents of sexual assault/sexual violence. Reporting an incident is not mandatory; however, we strongly encourage immediate reporting if you are subject to, witness or have knowledge of a sexual assault/sexual violence, or have reason to believe that sexual assault/sexual violence has occurred or may occur.

A number of other resources are available to you including:

- Student Counseling Services
- Campus Health Centres
- Instructors or supervisors
- Employees may contact our EFAP provider: Homewood Health @ 1-800-663-1142

If you are in crisis and need to talk to someone right now, Sexual Assault Services of Saskatchewan (SASS) are available at www.sassk.ca, or by phone:

Moose Jaw Area:	1-800-214-7083
Prince Albert Area:	1-306-764-1011
Regina Area:	1-306-352-0434
Saskatoon Area:	1-306-244-2224

2. ROLES AND RESPONSIBILITIES OF THE SASKATCHEWAN POLYTECHNIC COMMUNITY

2.1 Ensure immediate safety needs of victim are taken into consideration

2.2 Report incident to campus Health, Safety & Security Manager.

Health, Safety & Security Managers will:

- Contact local Police Service or other resources in accordance with victim's wishes
- Ensure evidentiary components of investigation are addressed as necessary
- Conduct SaskPolytech Investigation
- Conduct Threat Assessment in accordance with VTRA Standard, as required
- Liaise with external Service providers in the victim's best interests
- Coordinate SaskPolytech internal notification/response.
- Create victim or institutional Safety Plan(s) as necessary
- Coordinate applicable training for front line responders.

Health, Safety & Security Managers will serve as the office of record for maintaining confidential reports of sexual assault/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 of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- Reports will include information about time and location of an incident of sexual assault/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 Saskatchewan Polytechnic community.

Health, Safety & Security Managers will further provide education supports to the Saskatchewan Polytechnic community in terms of reporting processes and coordination of training for staff and faculty in sexual assault/sexual violence prevention and response.

Student Services, the **Harassment Prevention Consultant** and **Human Resources** may also serve as support to survivors for both counseling and formal/informal investigations of sexual assault/sexual violence.

Student Services, in cooperation with Health, Safety & Security and other campus partners, leads the coordination of prevention and awareness education.

3. FILING A COMPLAINT

Complaints should be filed with the campus Health, Safety & Security Manager.

Individuals who have experienced sexual assault/sexual violence may also wish to press charges under the *Criminal Code* through the local Police Service.

4. WHAT TO DO IF YOU BECOME AWARE OF AN INCIDENT OF SEXUAL ASSAULT/SEXUAL VIOLENCE

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

A person may choose to confide in someone about an act of sexual assault/sexual violence, such as a student, instructor, or employee. An individual who has experienced sexual assault/sexual violence may also disclose to employees when seeking support and/or academic accommodation. A supportive response involves:

- listening without judgement and accepting the disclosure as true;
- communicating that sexual assault/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 counseling;
- respecting the individual's right to choose the services they feel are most appropriate and to decide whether or not to report to the police or Saskatchewan Polytechnic Health, Safety & Security Managers;
- 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; and
- 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 Counseling Services to ensure the student receives all appropriate supports, which may include academic and other accommodations.

5. CONSEQUENCES FOR NONCOMPLIANCE

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

- Students will face sanctions (up to and including expulsion and a ban from Saskatchewan Polytechnic) as determined under the Student Conduct policy #1211.
- Employees will face disciplinary action up to and including termination.

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