



## SEXUAL VIOLENCE POLICY

<b>POLICY #:</b>	<b>700.04.01</b>
<b>SECTION:</b>	Health, Safety and Environment
<b>ORIGINAL APPROVAL DATE:</b>	October 17, 2018
<b>LATEST APPROVAL DATE:</b>	<b>October 17, 2018</b>
<b>APPROVING AUTHORITY:</b>	Original signed by the President and CEO

### Purpose

All members of the Alberta College of Art and Design (ACAD) Community have a right to work and study in an environment that is free from any form of Sexual Violence.

ACAD does not tolerate Sexual Violence, and is committed to its prevention. ACAD is committed to maintaining a safe and positive space where members of the ACAD Community feel able to work, learn and express themselves in an environment free from Sexual Violence.

ACAD recognizes that Sexual Violence can occur between individuals regardless of sexual orientation, gender, gender identity or relationship status. ACAD also recognizes that individuals who have experienced Sexual Violence may experience emotional, academic or other difficulties.

Sexual violence and rape culture are societal issues that persist in and threaten our community. This policy sets out commitment statements that include safety, supports, prevention, training/education and awareness.

### Scope

This policy applies to all members of the ACAD Community.

This policy applies to conduct that occurs: on ACAD premises; or off ACAD premises where a member of the ACAD Community is involved in the business of ACAD or activities related to ACAD, or is formally representing ACAD.

ACAD will not investigate or act upon the criminal aspects of a complaint under this policy. It is the role of local law enforcement to speak to and act under the Criminal Code of Canada. ACAD will act on reports of sexual violence to determine if ACAD policy has been violated. An investigation by ACAD into the violation of this policy may occur concurrently with a criminal investigation.



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ACAD has policies and procedures in place that pertain to inappropriate behaviours on campus, specifically the Code of Conduct policy, the Respectful Workplace policy and procedure, and the Student Code of Conduct procedure. The Sexual Violence Policy will be read in a manner which operates in conjunction with, and not in conflict with, those policies and procedures. ACAD recognizes that sexual violence requires a unique set of principles and policy statements.

It is not the intent of this policy to discourage and/or prevent individuals from exercising any legal right they may have, including the right to file a complaint with the Alberta Human Rights Commission or pursue a criminal or civil remedy.

### Definitions

- ACAD Community:** Individuals who are directly connected to any ACAD activity and includes, without limitation, all persons employed by ACAD, members of ACAD's board of governors, students, agents, contractors, volunteers, visitors and suppliers of services.
- Complainant:** A member of the ACAD Community who has experienced Sexual Violence.
- Disclosure:** When an individual shares information about a personal experience of sexual violence to someone who did not previously know.
- Formal Complaint:** A statement submitted to the institution by a complainant who has experienced sexual violence and is seeking recourse pursuant to the violation of this policy.
- Respondent:** A person alleged to have violated the Sexual Violence Policy
- Sexual Assault:** Without limitation, any type of non-consensual sexual act that violates the sexual integrity of individuals and involves a range of behaviours from any unwanted touching to penetration. Sexual Assault is a criminal offence under the *Criminal Code*.



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**Sexual Harassment:** Without limitation, unwanted remarks, behaviours, or communications of a sexual nature and/or unwanted remarks, behaviours or communications based on gender or sexuality; where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwelcome.<sup>1</sup>

**Sexual Violence:** A broad term that refers to any non-consensual activity of a sexual nature that violates a person's sexual integrity. It is characterized by a continuum of aggression, harassment, and violence. Sexual Violence includes Sexual Assault, Sexual Harassment, incest, child sexual abuse, sexual intimidation, coercion, or threats, stalking, stealthing, indecent exposure, voyeurism, degrading sexual imagery, and distribution or recording of sexual images of a member of the ACAD community without their consent.

### Policy

#### 1 General

1.1 ACAD is committed to:

- 1.1.1 Contributing to the creation of a campus atmosphere in which Sexual Violence is not tolerated;
- 1.1.2 Addressing harmful attitudes and behaviours regarding Sexual Violence;
- 1.1.3 Supporting those who have been subjected to Sexual Violence by providing detailed information and resources, such as provision of and/or referral to counselling and medical care, and appropriate academic and other accommodation;

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<sup>1</sup> Employees and contractors are also subject to the Occupational Health and Safety Act (OHSA) of Alberta. OHSA defines Harassment as any single incident or repeated incident of objectionable or unwelcome conduct, comment, bullying action by a person that the person knows or out reasonable to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety and includes:

- (i) Conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and
  - (ii) A sexual solicitation or advance.
- but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site;
- (tt) "supervisor" means a person who has charge of a work site or authority over a worker;
- (yy) "violence" whether at a work site or work-related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.



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- 1.1.4 Ensuring that those who disclose that they have been subjected to Sexual Violence have their concerns taken seriously, and that their right to dignity and respect is protected throughout the process of this Policy and related Procedure;
  - 1.1.5 Providing information to members of ACAD Community about this policy;
  - 1.1.6 Providing appropriate education and training to members of ACAD Community about responding to the disclosure of Sexual Violence;
  - 1.1.7 Providing persons in charge of investigating allegations of Sexual Violence with specialized training;
  - 1.1.8 Monitoring and updating ACAD policies to ensure that they remain effective and in line with other existing policies, procedures and best practices; and
  - 1.1.9 Addressing formal complaints of Sexual Violence to the best of the administration's ability and in a manner that ensures due process.
- 1.2 The investigation processes referenced in this policy and the related procedures shall protect the rights of all individuals, and shall hold accountable individuals who have been found to have committed an act of Sexual Violence.
  - 1.3 ACAD encourages formal reporting of Sexual Violence. ACAD also respects the rights of individuals who have been subjected to Sexual Violence to choose the services and supports they feel are most appropriate, to decide whether to report to the police, and/or to decide whether to file a Formal Complaint with ACAD.
  - 1.4 ACAD's policies, procedures and discipline systems are independent of the civil and criminal justice systems. ACAD Community members alleged to have committed Sexual Violence may be subject to ACAD's processes and discipline systems in addition to the civil or criminal justice system.
  - 1.5 In the event of an emergency, contact the Security Office: 403-284-7672 or 403-680-1451 (cell phone). Security personnel are available 24 hours a day, 365 days of the year, to assist members of the ACAD Community by providing security services, as well as direction to the resources and support that may be needed.

## 2 Consent

- 2.1 Consent is an active, direct, voluntary, unimpaired, and conscious choice and agreement between individuals at or beyond the age of consent, to engage in the physical contact or sexual activity at issue. For further information, refer to the Criminal Code.



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- 2.2 It is the responsibility of the individual initiating or pursuing physical contact or sexual activity to obtain consent.
- 2.3 All sexual acts without consent constitute Sexual Violence.
- 2.4 The question of whether an individual has given consent to engage in the physical contact or sexual activity is informed by, without limitation, the following principles:
  - 2.4.1 Consent is not silence or the absence of 'no';
  - 2.4.2 Consent cannot be assumed or implied from previous consent to similar activities, body language, demeanour, or anything else;
  - 2.4.3 An individual is incapable of giving consent where the individual is: unconscious; under the age of consent, as defined in the *Criminal Code*; or otherwise unable to communicate;
  - 2.4.4 An individual who has been drugged is unable to consent;
  - 2.4.5 An individual's ability to give consent may be compromised when under the influence of alcohol and/or drugs;
  - 2.4.6 Consent may be revoked by an individual at any time; and
  - 2.4.7 Consent can never be obtained through an abuse of power, threat, intimidation, coercion, manipulation, misrepresentation, or other pressure.

### 3 Support

- 3.1 Support is available to individuals who have experienced Sexual Violence. A list of internal and external resources available is provided in Sexual Violence Policy Appendix A: Support Resources.
- 3.2 Supports are available to any ACAD Community member making a disclosure, irrespective of whether that individual also chooses to pursue a criminal complaint or formal complaint under this policy.

### 4 Confidentiality

- 4.1 ACAD recognizes that confidentiality is particularly important to those who have been subject to or have witnessed Sexual Violence.



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- 4.2 The confidentiality of all persons involved in a report of Sexual Violence, including the Complainant, the Respondent, and all witnesses, will be protected where possible. However, confidentiality cannot be assured in the following circumstances:
- 4.2.1 An individual is at imminent risk of self-harm; or
  - 4.2.2 An individual is at imminent risk of harming another; or
  - 4.2.3 There are reasonable grounds to believe that others in the ACAD Community may be at risk of harm; or
  - 4.2.4 Reporting or discovery of ACAD records is required by law; and/or
  - 4.2.5 Evidence of the alleged Sexual Assault is available in the public realm.
- 4.3 In such circumstances, only the amount of information necessary will be disclosed to persons or services deemed necessary to prevent harm.
- 4.4 ACAD will maintain annual statistics on disclosures and formal complaints for the purposes of community education, review of response mechanisms, and any legislated reporting that may be required. This data will not include any personal information that would identify a Community member.

### 5 Disclosure and Reporting Sexual Violence

- 5.1 A disclosure of sexual violence may be made to anyone within the ACAD community. A member of the ACAD community who receives a disclosure will encourage and/or support the individual to file a report to one of the dedicated areas of first response assistance. These offices are best suited as the first point of contact for anyone who has been subject to Sexual Violence and is seeking information about options for making a Disclosure, Formal Compliant or seeking support. These positions can assist individuals in accessing supports and in understanding each of the reporting options available:
- 5.1.1 The Registrar's Office, 403-284-6239, [registrar@acad.ca](mailto:registrar@acad.ca)
  - 5.1.2 Human Resources, 403-284-7639, [hr@acad.ca](mailto:hr@acad.ca)
  - 5.1.3 Counsellor, 403-284-7666, [counselling@acad.ca](mailto:counselling@acad.ca)
  - 5.1.4 Security Office, 403-284-7672 or 403-680-1451(c), [security@acad.ca](mailto:security@acad.ca)



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- 5.2 Members of the ACAD community can choose only to disclose their experience and seek guidance, supports, and resources. Individuals may also make a formal complaint in regards to a violation of this policy; however, they will not be required to do so. This decision rests solely with the individual who has experienced sexual violence.
- 5.3 Anyone who receives a disclosure should provide information on resources available in Sexual Violence Policy Appendix A: Support Resources to the individual that has disclosed experiencing or witnessing sexual violence.

### 6 Formal Complaint of Sexual Violence

- 6.1 Members of the ACAD Community who have been subject to, have witnessed or have knowledge of Sexual Violence are encouraged to report the incident as soon as they are able.
- 6.2 Formal complaints can be submitted via the Sexual Violence Reporting Form available on the ACAD website, or generated through:
  - 6.2.1 The Registrar's Office via the Student Conduct Procedure or Code of Conduct Incident Report Form
  - 6.2.2 Human Resources via the Respectful Workplace Procedure or Code of Conduct Incident Report Form
  - 6.2.3 Security Office via Incident Report Form or Code of Conduct Incident Report Form
- 6.3 A Complainant has the right to withdraw a Formal Complaint at any stage of the process. However, ACAD may be required to act, even without the Complainant's consent, if ACAD believes that the safety of members of the ACAD Community is at risk.

### 7 Investigation of a Formal Complaint of Sexual Violence

- 7.1 Where a Formal Complaint of Sexual Violence has been reported, ACAD will protect and respect the rights of the members of the ACAD Community, to the extent possible, whether they are a Complainant or a Respondent.
  - 7.1.1 The complainant may request face to face protection during the investigative process.
- 7.2 ACAD will ensure procedural fairness in dealing with all Formal Complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge. Respondents will be given reasonable notice, will be apprised of the substance of the allegations, and will be given an opportunity to answer the allegations made against them.



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- 7.3 Where the Respondent is a member of the ACAD Community, an investigation will be conducted by ACAD. A third party investigator may conduct an investigation, as deemed appropriate in the circumstances by ACAD.
- 7.4 Where a Formal Complaint against the Respondent is substantiated through investigative process, ACAD will take appropriate action.

### **8 Unsubstantiated Complaints**

- 8.1 If a Complainant, in good faith, makes a Formal Complaint that is not supported by evidence gathered during an investigation, that Formal Complaint will be dismissed.

### **9 Vexatious Complaints**

- 9.1 A Formal Complaint that is found to be frivolous, vexatious, made in bad faith, or made to purposely annoy, embarrass or harm the Respondent may result in sanctions and/or discipline against the Complainant in accordance with applicable policies and procedures.

### **10 Retaliation, Reprisals and Sanctions**

- 10.1 Individuals will not retaliate, engage in reprisals, or threaten to retaliate against a Complainant or other individual for making a complaint, for having participated or cooperated in an investigation or for having been associated with someone who has pursued their rights under this policy, its related procedures or otherwise. Anyone engaged in such conduct may be subject to sanctions and/or discipline.

### **Related Documents**

100. Board of Governors: Code of Conduct Policy
300. Academic Administration: Student Code of Conduct Policy
400. Human Resources: Respectful Workplace Policy





## SEXUAL VIOLENCE POLICY APPENDIX A: SUPPORT RESOURCES

### Student Resources

ACAD Security	403-680-1451 (c) 403-284-7672
Calgary Police Services	403-266-1234
ACAD Registrar	403-284-6239
ACAD Counselling Office	403-284-7666
SAIT Health Services Clinic 8:00am - 4:30pm   Monday to Friday NR041 Senator Burns Building SAIT Campus	403-284-8000
ACAD Students Association Office	403-284-7625

### Employee Resources

Homewood Health Employee and Family Assistance Program	1-800-663-1142
Calgary Police Services	403-266-1234
ACAD Human Resources Office	403-284-7639
SAIT Health Services Clinic 8:00am - 4:30pm   Monday to Friday NR041 Senator Burns Building on SAIT Campus	403-284-8000

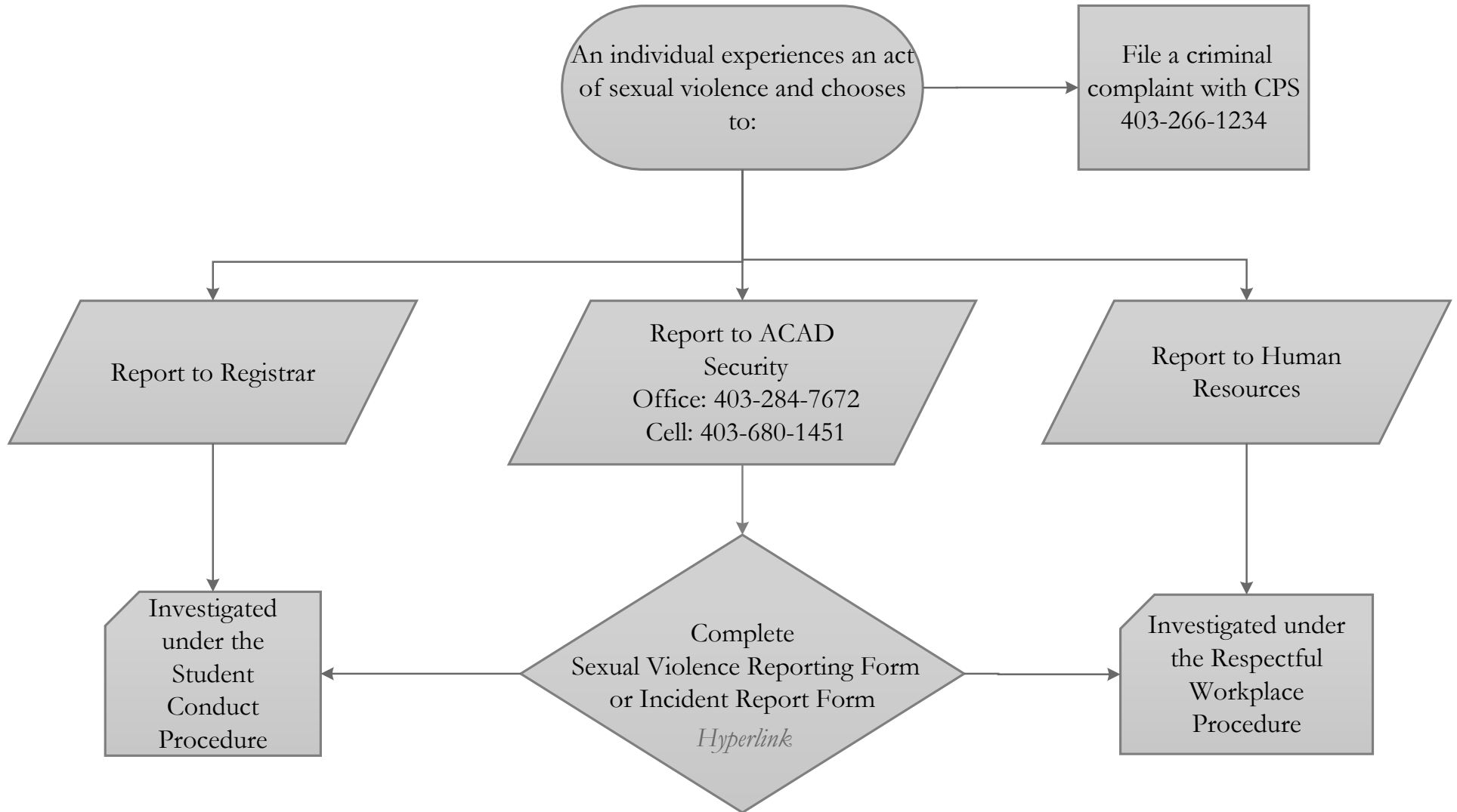


## SEXUAL VIOLENCE POLICY APPENDIX A: SUPPORT RESOURCES

### Alberta Sexual Assault Centres

Region	Sexual Assault Centre	24 hr crisis line	Office Phone
Bonnyville	Dragonfly Sexual Assault Services		780-815-4456
Calgary	Calgary Communities Against Sexual Abuse	1-877-237-5888	403-237-5888
Calgary	Calgary Sexual Assault Response Team	811 (Healthlink) 1-888-237-5888	403-955-6030
Calgary	STI Clinic		403-955-6700
Edmonton	Sexual Assault Centre of Edmonton	1-780-423-4121	780-423-4102
Edmonton	University of Alberta Sexual Assault Centre		780-492-9771
Fort McMurray	Waypoints: Sexual Assault Program	1-780-791-6708	780-743-4691 ext. 6708
Grande Prairie	Pace, Grande Prairie & Area's Community Support, Sexual Assault, and Trauma Centre	1-888-377-3223	780-539-6692
Lethbridge	Sexual Violence Action Committee	403-320-1881 1-866-296-0447	403-327-5724
Lloydminster	Lloydminster Sexual Assault & Information Centre	1-306-825-8255	306-825-8255
Medicine Hat	Southeastern Alberta Sexual Assault Response Committee	1-800-661-7949	403-548-2717
Red Deer	Central Alberta Sexual Assault Support Centre	1-866-956-1099	403-340-1124
Sherwood Park	Saffron Centre	1-888-416-7722	780-449-0900
Stettler	Association for Communities Against Abuse	1-866-807-3558	403-742-3558

## SEXUAL VIOLENCE POLICY APPENDIX B: CRITICAL PATH FOR REPORTING SEXUAL VIOLENCE





## SEXUAL VIOLENCE POLICY APPENDIX C: SEXUAL VIOLENCE REPORT FORM

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Any member of the Alberta College of Art and Design (ACAD) Community who has experienced or witnessed sexual violence can choose to use this form to formally report the incident to ACAD. A report initiates a formal process under ACAD's Sexual Violence Policy.

Once you submit this form, the Security Office will receive, review the form and refer matters involving students to the Registrar's Office and matters involving employees/contractors to Human Resources. One of these offices will contact you directly to confirm the information on this form and next steps.

**If you are currently in an emergency situation, please dial 911.**

- 1. Are you reporting an incident of sexual violence that you experienced or that you witnessed?** *Please choose one:*

I experienced an incident of sexual violence

I witnessed an incident of sexual violence

- 2. Information about individual making report (i.e. Complainant, Witness):**

Your Full Name:

I am (check all that apply):

Student

Staff

Faculty

Volunteer

Alumni

Other:

Type of Sexual Violence which you are reporting (Please check all that apply). *We recognize that it may be difficult to label an experience of sexual violence. You are not required to label your experience in order to file a report.*

Sexual Assault

Sexual Harassment

Stalking

Indecent Exposure

Voyeurism

Cyber Harassment

Sexual Exploitation

Other:



## SEXUAL VIOLENCE POLICY APPENDIX C: SEXUAL VIOLENCE REPORT FORM

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Please provide the contact information for your preferred method of contact (phone, email or both). *Please note that if you do not provide a contact method, we cannot follow up.*

Phone:

Email:

If phone number provided, can message be left?                      Yes                      No

### 3. Incident Date and Time:

### 4. Incident Location:

### 5. Information about individual alleged to have breached the Sexual Violence Policy (i.e. Respondent)

Is the respondent a current member of ACAD? (i.e. student, staff or faculty)  
*Please choose one:*

Yes                                      No                                      I don't know

If known, what is the Respondent's role at ACAD (check all that apply)?

Student                                      Staff                                      Faculty

Volunteer                                      Alumni                                      Other:

### 6. Signature *(Please print and sign):*

Once complete, this form is considered confidential.  
Please provide to ACAD Security Services in a sealed envelope.

The personal information provided in this form is collected under the authority of the Alberta *Freedom of Information and Protection of Privacy Act* (FOIP Act) – Section 33(c). This information will be used to process and respond to the information in this form. Questions regarding the collection, use, or disclosure of this Personal Information can be directed to the FOIP Coordinator at FOIP@acad.ca or 403-284-7687.