

**CEGEP HERITAGE COLLEGE
POLICY #44**

**CONCERNING
Prevention of Sexual Violence**

ADOPTED:

January 23, 2019

REVISED:

June 18, 2019

ADMINISTRATORS:

Director of Student Services
Director of Human Resources

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

Preamble

Cégep Heritage College is committed to providing an environment where members of the College community can study and work free of sexual violence. Sexual Violence can result in serious negative impacts on an individual's physical, psychological, emotional, and spiritual health and well-being.

Sexual violence will not be tolerated and will be treated with the seriousness it deserves. Cégep Heritage College acknowledges the trauma of sexual violence and encourages the efforts of individuals to seek support and receive appropriate services.

Legal foundations for this policy are found in the Quebec National Assembly Bill 151, *An Act to prevent and fight sexual violence in higher education institutions* (CQLR, chapter P-22.1), in the Canadian Charter of Rights and Freedoms, the various collective agreements, other local working conditions documents, with the Quebec Charter of Human Rights and Freedoms, and with the *Act Respecting Access to Documents Held By Public Bodies And The Protection of Personnel Information* (Chapter, A-2-1).

ARTICLE 1¹

Purpose

The purpose of this Policy is to articulate Cégep Heritage College commitment to a safe, supportive, and healthy environment and to confirm its commitment to provide support to those members affected by sexual violence. The main objectives of the policy are the following:

- Lay out the College's commitment to countering rape culture and preventing sexual violence;
- Provide information about the supports and services available at Heritage and in the community;
- Publicize the College's process for responding to incidents and complaints of sexual violence;
- Provide accommodation for students or employees' who have special needs

¹ Information retrieved from Vanier College. Used with permission.

following the reporting of an incident or a decision resulting from a complaint, in order to limit the impact on their education or professional work;

- Meet the requirements of Bill 151.

ARTICLE 2

Application

This policy *Concerning Prevention of Sexual Violence* applies at all times to all members of the College community as well as to any person doing business with the College or College community, such as, but not limited to, an employee, a student or an individual who enters into a working or service relationship (such as volunteer or outside contracts, etc.) with the College on or off College premises.

This policy also applies to pedagogical, social or sports activities organized by members of the College community that take place off campus, such as, but not limited to, integration and welcoming activities, student trips and parties. It also applies to the associated online activities of members of the College community.

While sexual violence has an impact on all members of society, sexual violence and its consequences may disproportionately affect individuals whose membership in certain social groups exposes them to systemic discrimination and systemic barriers to opportunity on various intersecting grounds such as gender, gender identity and expression, sexual orientation, racialization, religious or cultural affiliation, age, Indigeneity, national or ethnic origin, immigration status, disability/ability, medical conditions such as HIV status, or socio-economic status. Such factors can also have an impact on a victim's needs and choices with regard to recourse.

ARTICLE 3

Provisions

3.1 Prevention, Education & Awareness

3.1.1 Training

In order to make known the phenomenon of sexual violence and to talk about it openly to combat it, the College will develop and implement an education strategy. Awareness-raising, prevention, and training activities will be offered and mandatory for all

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

members of the College community and will address issues of sexual violence, legal information, bystander intervention, promote a culture of consent and encourage survivors/victims to access support.

These activities will be adapted to the target audiences of the college community and take into account their role in the institution. External partners, resources, and support will be accessed and invited to assist with these activities, as necessary.

Mandatory annual training activities will be organized each year for all members of the College community (i.e.: students, personnel, coaches).

3.1.2 Safety Measures to Counter Sexual Violence

The College will:

- outline security measures implemented by the institution to ensure the personal safety of the members of its community;
- provide for measures aimed at improving security on campus and within the institution.

Safety measures will include:

- making known the contact details of security services;
- displaying an emergency number and having emergency buttons for assistance in various locations;
- installing security devices, and; organizing methods for improving security such as: improving parking lots lighting system, having a buddy-system for off-campus activities, making safety planning a priority when planning events, etc.

3.1.3 Code of Conduct

It is forbidden:

- to commit any form of sexual violence against a member of the College community;
- to coerce, pressure or intimidate a student to participate in college social activities. Participation in student orientation, social team building, and welcoming activities is strictly voluntary.

- to participate in the “hazing” of students – such as harassment, humiliation, compulsory participation in demeaning activities. Any allegations of such behaviors will be investigated and appropriately dealt with as per College Policy 24 - *Standards of Student Conduct* and Procedure 6 - *Breaches of the Rules of Student Conduct*.
- for an employee to enter into an intimate relationship (amorous or sexual) with a current student of the College, even if there is consent, while the member of the community is in a pedagogical authority function or might be in the near future. Any relationship that existed prior to the student being admitted to the College or the employee being hired at the College must be declared to the Director of Human Resources and to Director of Student Services.
- not to declare existing or new intimate relationship (amorous or sexual) with an employee which could create a conflict of interest.
- for an employee to abuse their position of authority over a student, or an employee, including, but not limited to, the psychological manipulation of students to one’s own ends, the offering of favours to students, the exertion of pressure on students to violate this policy, or the attempted seduction of a student.

3.2 Support Services & Disclosure

The College encourages the efforts of individuals to seek support and receive appropriate services. To this end, any victim of sexual violence can expect, whether or not they choose to submit an official complaint, to be:

- Treated with compassion, dignity and respect;
- Provided with timely safety planning and assistance;
- Informed about on and off campus support services, including health and counselling services and resources available to them;

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

- Provided with non-judgmental and sympathetic support;
- Offered with academic and/or workplace accommodations as appropriate to minimize and address related difficulties and struggles;
- Granted with academic and/or workplace accommodations to ensure safety and prevent further unwanted contact with the alleged perpetrator, if the alleged perpetrator is a member of the campus community;
- Without being directed, victims determine whether and to whom they wish to disclose or report their experience including:
 - Whether or not to disclose to a support person and seek out personal counselling;
 - Whether or not to pursue college and/or criminal avenues of recourse;
- Safeguarded from questions and comments that imply judgment or blaming the victim;
- Protected from questions and comments that minimize or make excuses for the behaviours of the alleged perpetrator or insinuations that the victim/complainant has a share of responsibility for what happened to them;
- Shielded from prejudice questions about gender identity, and/or sexual orientation, including assumptions based on gender presentation and/or failing to use the preferred pronouns as identified by the survivor/victim and/or witness (i.e., misgendering);
- Accompanied by a person who provides support throughout the entire process.

3.3 Sexual Violence One-Stop Service (SVOSS)

The Sexual Violence One-Stop Service (SVOSS) is the point of service for immediate and comprehensive response to disclosures, reports, and complaints of sexual violence, including implementing appropriate accommodations, psychosocial support, and providing accompaniment to victims and third-party victim/complainants through avenues of official complaints

investigations and criminal reporting. However, any complaint of sexual violence made against the Director General must be directed to the College Board Chair who will assign an external resource person to the victim/complainant for support and assistance.

When a victim confides that an act of sexual violence has occurred, all members of the College community must refer the victim/complainant to the Sexual Violence One-Stop Service who will provide support to the victim and give them the help that she/he needs.

All services and resources available for sexual violence will be made available in a known and easily accessible location for students and all personnel.

The Sexual Violence One-stop Service (SVOSS) is managed by an internal resource whose expertise is in the field of Social Services and more specifically related to sexual violence.

Its function is to support victim of sexual violence and to assist those who need help, support and/or those who wishes to lodge a complaint. The internal resource person will also assist the alleged perpetrator to access resources if needed. The responsibilities of the Sexual Violence One-Stop Service (SVOSS) resource person are:

- to put in place in collaboration with the victim a plan to ensure her/his safety;
- to provide support through listening, psychosocial support, accompaniment measures and referrals to specialized services to those who express the need;
- to provide the victim/complainant with a copy of this policy, to inform the victim/complainant of her/his rights and the possible avenues of recourse (i.e.: legal, or filing a complaint under this policy);
- to assist, at the victim/complainant's request, in the preparation of a formal written complaint and to forward the complaint to the Director of Human Resources in the case of employees or in the case of a student-to-student

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

- complaint, to the Director of Student Services. However, any complaints of sexual violence made against the Director of Student Services or the Director of Human Resources must be directed to the Director General. If the complaint is against the Director General, the complaint must be directed to the College Board Chair who will undertake immediate intervention where the circumstances warrant, including by ensuring the victim/complainant is provided with psychological support;
- to coordinate preventative and educational awareness projects;
 - to submit an annual report, while maintaining confidentiality, to the Prevention of Sexual Violence Committee. This report should include the types of complaints, the nature of relationships (for example, teacher/student) and the outcome of each reported case. This annual report will then be forwarded to the Director General.

In cases of physical violence, the resource person must ensure that the victim/complainant has received the appropriate medical treatment. In such a case, the resource person will support the victim/complainant if she/he decides to contact the police for investigation. With the consent of the victim, they will also refer the victim/ complainant to the Director of Human Resources Services (for employees) or to the Director of Student Services (for students) and/or to external resources such as Le CALAS, etc. In the event that the complaint is against the Director of Student Services or the Director of Human Resources, the victim/complainant will be referred to the Director General.

The College will respond to any request as soon as possible, without exceeding 7 working days.

3.4 Filing an official complaint

There is no time limit for reporting sexual violence or filing an administrative complaint.

The victims can, at any time, file a complaint with the police, regardless of whether or not they have reported the situation to the Sexual Violence One-Stop Service (SVOSS).

Anyone wishing to transmit information relating to an alleged breach of this policy, a report, disclosure or complaint (hereinafter, information) with respect to a member of the College community may do so through the Sexual Violence One-Stop Service (SVOSS).

Upon receipt of the information, the Sexual Violence One-Stop Service (SVOSS) will:

- Assess the situation and select the appropriate intervention and mitigation measures in collaboration with College officials, and in consultation with the victim/complainant. This can take many forms, including:
 - implementation of accommodation measures;
 - intervention in the work of study environment;
 - referral, accompaniment, and transmission of information to the victim/complainant;
 - filing of a formal complaint.

The details related to the complaint must remain private¹ between all parties involved as long as the investigation is on-going and the appropriate and formal recommendations have not been implemented. This does not prevent the parties concerned from talking to a support resource person. All complaints must be handled with tact and discretion.

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

¹ The use of social media is not considered a private means of communication.

At the request of the complainant, the Sexual Violence One-Stop Service (SVOSS) resource person may assist her/him with the drafting of the complaint; however, the description of the events must remain that of the complainant. The victim/complainant can decide to withdraw her/his complaint, stop, and/or resume the process at any time unless there is a risk of harm to them or to the College community.

At the same time, the Sexual Violence One-Stop Service (SVOSS) resource person will evaluate the situation and make some recommendations to prevent a similar situation from arising in the future. As a first step, the admissibility of a complaint will be verified. The purpose of this evaluation is to ensure compliance with the scope of the policy.

If the complaint is inadmissible, the complainant is informed of it and the reasons why it is deemed inadmissible. This does not affect the services provided by the Sexual Violence One-Stop Service (SVOSS).

If the complaint is found to be admissible, the College (Director of Student Services for Students and the Director of Human Resources for employees) will appoint an external investigator. If the complaint is against the Director of Student Services or the Director of Human Resources, the Director General will appoint an external investigator. If the complaint is against the Director General, the College Board Chair will appoint an external investigator. The author of the complaint is notified of the identity of the investigator. The findings of the investigation are forwarded to the appropriate person and a decision is made as per the procedure related to Policy #44. The person concerned will be informed that a decision has been made.

Follow-up in the implementation of the measures will be carried out by the College Administration.

In all cases, at any stage in the process, the individual may speak confidentially to an in-house resource person at the College (Psychologist, Adapted Services Counsellor, Social Work Technician, etc.) or to a specialized external resource (i.e.: CALAS, etc.).

In any event, complaints received at the Sexual Violence One-Stop Service (SVOSS) must be processed within 90 calendar days.

3.5 Investigation

Once a complaint has been filed, the College (or the College Board Chair in the case of a complaint against the Director General) will hire an external investigator who will:

- collect all the facts relevant to the investigation;
- interview the victim/complainant, the respondent, the witnesses and any other interested parties;
- require that the person involved with the investigation maintain the strictest level of confidentiality and that they sign a pledge of discretion, however, this does not prevent the victim/complainant or alleged perpetrator from seeking support or advice from a professional resource person during this process;
- provide a sufficiently detailed account of the exchange between one party and the other party in order to allow for reply or rebuttal;
- gather all the documents required in support of the facts;
- conclude its deliberations and render a detailed confidential report within thirty (30) days of the conclusion of its investigation;
- prepare a written report to be forwarded as per the procedure related to Policy #44;
- issue recommendations to the College with regard to interim measures only, when justified by the circumstances, to prevent the situation from repeating itself while the investigation is ongoing.

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

3.6 Measures to Protect Individuals Who Report Sexual Violence

The College recognizes that some individuals may be hesitant to disclose or report sexual violence in cases where they were under the influence of alcohol or narcotics or were incapacitated at the time the sexual violence took place. A complainant acting in good faith will receive the same support and services as any other complainant of sexual violence.

The College will implement all necessary measures to protect individuals who are filing complaints, reports, and making disclosures against reprisals from the community.

As such, the College will not tolerate any retaliation or prejudice towards anyone unveiling, reporting or submitting a complaint or towards anyone who has been involved with the implementation of the Policy.

It is forbidden to incite a victim or witness to keep silent about their experiences or knowledge of sexual violence for a reason such as safeguarding the College's reputation.

Threats of retaliation are also prohibited. Anyone who retaliates against a person who:

- has disclosed or has reported a situation related to sexual violence;
 - has lodged a complaint under this Policy;
 - has collaborated in the collection of information;
 - or has testified during an investigation,
- might be subject to administrative and/or disciplinary measures.

3.7 Confidentiality

The internal resource person at the Sexual Violence One-Stop Service (SVOSS) who receives the information must keep it confidential, except with the express or implicit permission of the person who provided the information. A pledge of discretion form needs to be signed by all parties involved. This does not prevent the victim/complainant or alleged perpetrator from seeking support or advice from a professional resource person.

Confidentiality is a vital criteria in creating a safe, trustworthy and supportive environment for those who have experienced sexual violence. The privacy and confidentiality of all members of the Cegep Heritage College community involved in any disclosure, report, or complaint will be protected, unless obligated by law or professional duty to convey information to appropriate authorities in situations where:

- An individual may be at serious and imminent risk of self-harm;
- An individual may be an imminent risk of harming another;
- There is reason to believe that other members of the broader community may be at risk of harm;
- Evidence of sexual violence is made available in the public realm (i.e. video shared publicly on social media);
- There is suspected abuse of a minor (under the age of 18 y.o., as defined by the Youth Protection Act, Article 38).

The information may be conveyed only to the person or persons concerned and to those who may assist them. Thus, confidential and personal information may only be disclosed to an individual, including the victim/ complainant, if it concerns them personally. Confidentiality also extends to an alleged perpetrator to a complaint.

During the processing of reporting or complaining, the victim/complainant must be informed of the outcome of the process, however, in the event that the College decides to impose penalties on the alleged

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

perpetrator, the nature of the penalties cannot be disclosed to the victim/complainant in accordance with the *Act respecting Access to documents held by public bodies and the Protection of personal information*.

Members of professional orders must respect their code of ethics.

The Director of Human Resources and the Director of Student Services are responsible for maintaining the confidentiality of all information they receive in the exercise of their duties under this policy. However, if the complaint is directed against the Director of Student Services or the Director of Human Resources, the Director General assumes the responsibility, or if the complaint is directed against the Director General, the College Board Chair assumes the responsibility. The keeping of files, the use of the information contained therein and the destruction of files or parts thereof are subject to the applicable laws governing such matters and the relevant collective agreements.

All reports other than the confidential detailed written report of the external resource prepared by any individual and/or committee mentioned in this policy will identify the parties by number or letter and under no circumstances by name.

3.8 Consequences in Responses to Sexual Violence

Failure to comply with this Policy may result in administrative and/or disciplinary action, up to and including dismissal as per the provisions of the collective agreements in place.

In the context of its contractual relations with a third party, the College may terminate any contract without notice for non-compliance with this policy. This policy will be presented to all third-party contractors with the College and third parties will have to agree to comply with it.

The policy can provide for multiple sanctions, such as:

- a verbal or written warning on file, suspension, exclusion or dismissal;
- obligation to participate in extra training activities related to sexual violence;
- ban on entering the institution or its premises.

3.9 Prevention of Sexual Violence Committee

In order to solicit input from all sectors of the College community, the Prevention of Sexual Violence Committee will oversee the development, review and implementation of Policy #44 Concerning Prevention of Sexual Violence.

3.9.1 Membership of the Committee

Director of Student Services and Director of Human Resources (ex officio Co-Chairs), along with:

- the Manager of Student Life;
- a non-teaching professional representative;
- a faculty representative;
- a support staff representative;
- a student representative.

This does not preclude the addition of members in each category of personnel or additional student representation who will act as resources if needed.

3.9.2 Functioning of the Committee

A minimum of two meetings will be scheduled per academic year or as need be. The Committee's mandate will be:

- to monitor the process of responding to complaints;
- to compile, in consultation with the Director of Student Services and the Director of Human Resources, prior to the start of each academic year, a list of resource and persons who may provide psychological and other support services, etc.;

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

- to report on its activities to the Director General and meet the accountability requirements of this policy.

3.10 Accountability

The College reports on the application of this policy in its annual report. This accountability reporting must include the following:

- the prevention and awareness-raising measures implemented, including the training activities offered to students;
- the training activities taken by senior management, staff members and student association representatives;
- the safety measures implemented;
- the number of complaints and reports received and the timeframe in which they were processed;
- the actions taken and the nature of the penalties applied;
- the consultation process used in developing or amending the Policy.

3.11 Dissemination of the policy

The College will ensure that the Policy is easily accessible and communicated to students upon admission and at the beginning of each semester.

The College will also provide for the dissemination of this policy to all of its staff upon their hiring and during different activities or awareness campaigns organized at the College throughout the year.

ARTICLE 4

Roles and Responsibilities

All members of the Cégep Heritage College Community have a shared responsibility for creating and maintaining a learning and working environment free from sexual violence. This means not engaging in, allowing, or condoning behaviour contrary to this policy, and safely and appropriately intervening when witnessing possible situations of sexual violence.

4.1 The Board of Governors

The Board of Governors adopts the present policy and any revisions thereto.

4.2 The College Board Chair

The College Board Chair is responsible for receiving complaints of sexual violence made against the Director General.

The Board Chair is also responsible for assigning an external resource person to the victim/complainant for support and assistance and will appoint an external investigator following the submission of an official complaint made against the Director General and will ensure the proper follow-up.

4.3 Director General

Is responsible for the application of the present policy.

4.4 Sexual Violence One-Stop Service (SVOSS)

The responsibilities of the Sexual Violence One-Stop Service (SVOSS) resource person are:

- to put in place in collaboration with the survivor/victim a plan to ensure her/his safety;
- to provide support through listening, psychosocial support, accompaniment measures and referrals to specialized services to those who express the need;
- to provide the victim/complainant with a copy of this policy, to inform the victim/complainant of her/his rights and the possible avenues of recourse (i.e.: legal or filing a complaint under this policy);
- to assist, at the victim/complainant's request, in the preparation of a formal written complaint and to forward the complaint to the Director of Human Resources in the case of employees or in the case of a student-to-student complaint, to the Director of Student Services. However, any complaints of sexual violence made against the Director of Student Services or the Director of Human Resources

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

must be directed to the Director General and any complaints of sexual violence made against the Director General must be directed to the College Board Chair who will assign an external resource person to the victim/complainant for support and assistance.

- to undertake immediate intervention where the circumstances warrant, including by ensuring the victim/complainant is provided with psychological support;
- to coordinate preventative and educational awareness projects;
- to submit an annual report, while maintaining confidentiality, to the Prevention of Sexual Violence Committee. This report should include the types of complaints, the nature of relationships (for example, teacher/student) and the outcome of each reported case. This annual report will then be forwarded to the Director General.

4.5 Academic Dean/Associate Academic Deans

- are responsible for the promotion and support of the present policy to the teaching community;
- support workshops and training programs related to the present policy.

4.6 Director of Student Services

- refers all students wishing to make a complaint to the “Sexual Violence One-Stop Service” (SVOSS);
- is responsible for the promotion and support of the present policy to the student community;
- is responsible for the administration with the Director of Human Resources of the present policy;
- ensures that communication to students takes into account the purpose of the present policy;
- ensures that all students participate in mandatory annual training activities;
- follows-up to ensure that complaints are handled diligently and within the given time frame.

4.7 Director of Human Resources

- refers all employees wishing to make a complaint to the “Sexual Violence One-Stop Service” (SVOSS);
- is responsible for the promotion and support of the present policy to College personnel;
- is responsible for the administration with the Director of Student Services of the present policy;
- ensures that communication to personnel takes into account the purpose of the present policy;
- supports all parties involved so they may assume their roles and responsibilities in applying the present policy;
- follows-up to ensure that complaints are handled diligently and within the given time frame;
- ensures that all personnel participate in mandatory annual training activities;
- ensures that all employment policies and practices comply with the present policy.

4.8 Administrators

Support the present policy and promote in their respective services a respectful environment. They also:

- supervise the application of this policy;
- take the mandatory training sessions provided for in the Act and offered by the College;
- ensure the policy is applied and carry out the accountability activities provided for by the Act;
- are responsible to inform contractors/guests/visitors/volunteers related to their respective sector of activities, about this policy
- ensure the accountability provided for in this policy and in the Act;
- performs any other responsibility entrusted by the College.

4.9 Prevention of Sexual Violence Committee

- informs and educates the College community on the present policy;
- may organize workshops and training or awareness activities related to the present policy;
- receives the report on the efficiency of the present policy and related procedure;
- makes recommendations about the present policy;

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

- keeps abreast of developments related to the present policy.
- reports on its activities to the Director General and meet the accountability requirements of this policy.

4.10 Director of Building Services

The College has a working relationship with outside firms. Since the personnel of these firms also work on campus, they have a role to play in preventing and countering sexual violence.

To ensure the compliance of this policy, the Director of Building Services will:

- inform all contractual companies working on campus;
- ensure contracts drawn up with subcontractors indicate that all individuals performing on-campus work activities must comply with the policy;
- ensure that the full policy is available to the contractual resources.

4.11 External Investigation Resources

Once a complaint has been filed, the College (Director of Student Services for students and the Director of Human Resources for employees or the Director General if the complaint is made against the Director of Student Services or the Director of Human Resources. If the Complaint is made against the Director General, it will be the College Board Chair will hire an external investigator who will:

- collect all the facts relevant to the investigation;
- interview the complainant, the respondent, the witnesses and any other interested parties;
- require that the persons involved with the investigation maintain the strictest level of confidentiality and that they sign a confidentiality undertaking or agreement;
- provide a sufficiently detailed account of the exchanges with one party to the other party in order to allow for reply or rebuttal;

- gather all the documents required in support of the facts;
- conclude its deliberations and render a detailed confidential report within thirty (30) days of the conclusion of its investigation;
- prepare a written report to be forwarded as per the procedure related to Policy #44;
- issue recommendations to the College with regard to interim measures only, when justified by the circumstances, to prevent the situation from repeating itself while the investigation is ongoing.

4.12 Other Authorized Staff

In addition to the responsibilities of all members of the College community, Faculty, Support Staff, Professional Staff, Activity Leaders, Coaches, those in authority must:

- a) When a situation of sexual violence is brought to their attention, refer the person, to the Sexual Violence One-Stop Service (SVOSS) or share the information to the Sexual Violence One-Stop Service resource person for follow-up.
- b) Apply immediate accommodation measures within the limits of the role and functions assigned to them by the College

4.13 Accredited Employee and Student Associations

Representatives of the student association will:

- ensure compliance with this policy in all activities of the student association;
- put in place a secure framework for social or welcoming activities;
- participate in selecting and publicizing training and awareness-raising activities;
- will participate in mandatory annual training activities;
- collaborate with the College in the application of the policy;
- will designate one representative to sit on the Prevention of Sexual Violence Committee.

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

4.14 Cégep Heritage College Community

All members of the Cégep Heritage College Community are responsible for being aware of the present policy.

They must also:

- become familiar with this policy and its content;
- respect its requirements, obligations and the code of ethical conduct;
- be aware of the importance of taking action when witnessing a potential situation of sexual violence;
- report any incident of sexual violence they witness to the Sexual Violence One-Stop Service (SVOSS) (see section 3.5) or to College security as soon as possible
- provide a victim who has confided in them with the contact details of available resources;
- participate in the various training and prevention activities organized in connection with this Policy;
- cooperate in investigations of instances of sexual violence.

ARTICLE 5 Revision

The present bylaw/policy will be reviewed at least every five (5) years, or when deemed necessary.

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

GLOSSARY

Alleged Perpetrator

A person who is considered as having committed an act of sexual violence against another individual (against another nonconsenting individual).

Abuse of authority

Abuse of authority consists of using authority conferred by position, or by sense of entitlement, in an appropriate and illegitimate manner, which compromises the employment or the learning of an individual, and which harms or prevents their work or study.

Abuse of authority can take the form of acts, threats, or insinuations by a person in a position of authority, which negatively affects the work or study conditions of an employee or a student.

The threat of dismissal, layoff, refusal to renew the employment contract, demotion, transfer, the loss of work-related privileges or important modifications thereto without a just reason, all constitute an abuse of authority.

The threat of manipulating student grades constitutes an abuse of authority.

Abuse of power

Abuse of power consists of using power conferred by position, or by sense of entitlement, in an inappropriate and illegitimate manner, which compromises the employment or the learning of an individual, and which harms or prevents their work or study and personal integrity.

Abuse of power can take the form of acts, threats, or insinuations by a person in a position of power, which negatively affects the work or study conditions of an employee or a student.

Bullying constitutes an abuse of power, as does the attempt to inflict stress upon a person by placing them in a situation with the objective of displaying their weaknesses.

Bystander Intervention:

A philosophy and strategy for the prevention of all types of violence. It encourages individuals to be proactive and to safely help those around them by intervening when they are witness to situations involving violence. Intervention may include, checking in with the parties involved, creating a distraction, asking the person involved to stop, reporting the situation to an authority, enlisting others for help.

College Board Chair:

The Board Chair (Vice Board Chair in the absence of the Chair) chairs all meetings of the Board. He/she exercises all other duties or powers delegated by the Act and the Regulations, by College bylaw or policy, or by resolution of the Board. For a more complete description, please refer to By-law #1 Concerning the Administration of the College.

College Community

A student, employee or an individual who enters into a working, study or service relationship (including volunteers) with the College, on or off College premises.

College Personnel

A person employed by Cégep Heritage College either on part-time or full-time, on a temporary or permanent basis.

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

Complaint

A complaint is the formal process of reporting sexual violence to Cégep Heritage College or to a legal body (ex.: the police, Human Rights Commission, etc.). The purpose of an administrative complaint is to have the sexual violence officially recognized, and sanctions imposed on the perpetrator.

Complainant

Within this Policy, the term “complainant” refers to an individual who initiates a complaint procedure.

Consent¹

Consent requires the voluntary agreement to engage in sexual activity. An individual must actively and willingly give consent to sexual activity. Simply stated, sexual activity without consent is sexual assault. "No one consents to being sexually assaulted." Consent:

- Is never assumed or implied;
- Is not silence or the absence of "no";
- Cannot be given if the person is impaired by alcohol or drugs, is unconscious or asleep;
- Can never be obtained through threats or coercion;
- Can be revoked at any time;
- Cannot be obtained if the perpetrator abuses a position of trust, power or authority;
- Might not be given properly if an individual has a condition that limits her or his verbal or physical means of interaction, in such instances, it is extremely important to determine how consent will be established.
- Is invalid if the person is legally too young to consent.

In Canada, the legal age of consent for sexual activity is 16 years. A sexual relationship between a person in a position of trust or authority and a person under the age of eighteen (18) is illegal and therefore abusive, even though the person may have consented to the relationship.

For the purposes of this policy, consent is invalid in the presence of a relationship of direct authority, a helping relationship or a teaching relationship between a staff member and a student community member.

Cyber sexual Violence ^{2 3}

Cyber sexual violence is using social media and communication technologies for the purpose of damaging a person's feelings, self-esteem, reputation and mental health through the following few examples:

- Cyber-harassment and cyber-stalking: monitoring or disruption online communications, making threats, stealing personal information or spreading false accusations
- Distributing sexual recordings, images or messages without consent in order to harass or shame the targeted individual
- Luring and online exploitation of minors by adults who establish contact with children over the Internet for the purpose of committing a sexual offence
- Online sexual assault: constant threats of sexual assault
- Sextortion: “sexual blackmail” in which a person is threatened with the electronic distribution of sexual images or information.

¹ <https://www.uottawa.ca/sexual-violence-support-and-prevention/consent>

² Adapted from: <https://www.uottawa.ca/sexual-violence-support-and-prevention/cybersexual-violence>

³ <http://owjn.org/2016/08/sexting-and-the-law-about-sharing-intimate-images/>

HERITAGE COLLEGE POLICY #44

CONCERNING PREVENTION OF SEXUAL VIOLENCE

It can also be spreading rumours online, sending damaging messages, photos or videos, impersonation and much more.

If a sexual picture/video is taken, shared or posted online without the permission of the person in the picture/video, it is against Canadian criminal law. For youth under 18 years old, taking and sharing sexual images can also be against the law, even if the youth agrees to have the images shared with others. It can be considered child pornography.

Disclosure

Within the meaning of the Policy “disclosure” means that a person reveals that he or she has been the victim of sexual violence. Disclosure does not necessarily lead to a complaint.

With regard to accountability reporting under the Act, disclosure is treated like reporting.

External Resources

Organizations outside the College who provide assistance for victims or perpetrators, of acts covered by this policy. They help victims overcome the physical, mental and social consequences of such incidents, and help to re-educate and re-tool willing perpetrators with appropriate behaviours and beliefs. The professional services they provide are confidential.

Harassment

Harassment encompasses any reprehensible conduct, whether unintentional or intentional, having the effect of ridiculing or humiliating or targeting the person’s emotional and physical safety. Harassment is usually systematic and repetitive, and has an undesired effect; harassment violates an individual’s right to dignity and to the physical or psychological integrity of his or her person. It is normally vexatious, malicious or menacing, and it is of such nature that it compromises an individual’s legal right or has the effect of creating an unfavorable work or study environment. One isolated act can constitute harassment where it is severe and where it continues to produce undesirable effects in the future.

Harassment is discriminatory where it is based on one of the criteria enumerated under section 10 of the Charter of Human Rights and Freedoms, namely race, color, sex, gender identity or expression, pregnancy, sexual orientation, civil status, age except in the manner permitted by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Sexual harassment is conduct characterized by repeated and undesired words, acts or gestures with a sexual connotation, whether unintentional or intentional which by nature attack the dignity of the physical or psychological integrity of the person or lead to unfavorable working and learning conditions or dismissal. One isolated act can constitute harassment where it is severe and where it continues to produce undesirable effects for the future or human rights.

Sexual harassment may take a variety of forms including, but not limited to:

- persistent manifestations of sexual interest on the part of someone who knows or can reasonably know that such interest is not wished;
- verbal advances already refused and nevertheless repeated without the consent of the person who is the object of those advances;
- insistent and undesired propositions of a sexual nature;
- systematic or incessant sexual remarks or comments;
- non-consensual physical advances such as but not limited to, touching, caressing, brushing against, pinching or kissing;
- remarks, comments, allusions, jokes or insults of a sexual nature, which are repeated or continual and which disturb the atmosphere of work or study;

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

- an explicit or implicit promise of reward or favorable treatment in return for complying with requests of a sexual nature;
- an implicit or explicit threat of retribution or unfavorable, hostile, unjust or discriminatory treatment, upon refusal to submit to a request of a sexual nature, or the reprisals which effectively follow such a refusal;
- voyeurism or exhibitionism;
- attitudes or acts of physical aggression or assault with the intention of imposing an undesired sexual intimacy;
- a sexual relationship that involves an abuse of power in a relationship of trust or authority;
- persistent, unwanted contact or attention after the end of a consensual relationship;
- sexually degrading language used to describe a person under any circumstances;
- all other offensive manifestations of a sexual nature.

Individual who Enters into a Working or Service Relationship with the College

A person employed by Cégep Heritage College on a contractual or sub-contractual basis or a person who acts as volunteer for the College.

Relationships

Consensual Relationships:

In a consensual relationship, those involved feel perfectly free in their actions, the consent is reciprocal and a refusal is taken seriously and respected. Sexual harassment begins when one no longer feels free to act as one wishes. Anyone who is unsure that a situation involves sexual harassment should seek advice from *our internal resource person at the Sexual Violence One-Stop Service (SVOSS) or from other internal resources* located in Student Services.

Relationship of Authority:

A relationship of authority exists between two individuals who occupy different hierarchical levels in the organization. For example, the relationship between an immediate superior and a member of his or her team or a teacher-student relationship.

Helping Relationship:

The helping relationship is a relationship of psychological and professional support of a person in distress and in need of support. It includes the relationship that is established with *as examples*: psychologists, social workers, adapted services counsellors, technicians, guidance counsellors, education advisors, *communication advisor, etc.*

Intimate Relationships:

Intimate relationships include both amorous and sexual relationships.

This Policy does not affect the obligation incumbent upon any person to report to the Director of Youth Protection any situation that endangers the security or development of a child within the meaning of the provisions of the Youth Protection Act (RLRQ, c. P-34.1).

Teaching Relationship:

The teaching relationship can be understood as the “the sum total of exchanges, reciprocal influence, actions and reactions between teachers and students” (Weigand and Hess, 2007, p. 1). The function of this relationship is to train, to teach and to educate (Marsollier, 2004).

This definition includes the relationships between a student and a teacher, but also with any individual who helps the learner acquire knowledge or competencies (instructor, tutor, lab technician, coach, etc.).

Reporting

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

Within the meaning of the policy, “reporting” means that a person provides information regarding alleged sexual violence. Reporting does not necessarily lead to a complaint.

Senior Management

The members of Senior Management at Cégep Heritage College are the Director General, the Academic Dean, the Director of Human Resources, the Director of Student Services, the Director of Finances and the Director of Building services.

Sexual Assault

Sexual assault is an act that is sexual in nature, with or without physical contact, committed by one or more individual(s) without the consent of the victim(s), or in some cases, through emotional manipulation or blackmail. It is an act that subjects another person to the perpetrator’s abuse of power, through the use of force or coercion, or through implicit or explicit threats. Sexual assault is an attack on a person’s basic rights, particularly their rights to physical and psychological integrity and to personal security.

This definition applies regardless of the age, sex, culture, religion and sexual orientation of the victim or sexual abuser, regardless of the type of sexual activity and the location or the living environment in which it was done and regardless of the nature of the relationship between the victim and the sexual aggressor.

Sexual Misconduct

Sexual misconduct refers to gestures of a sexual nature made within the context of a professional relationship within the meaning of the Professional Code.

Sexual Violence¹

Sexual violence can take any form, such as physical or verbal aggression, harassment, or abuse of power or authority.

Sexual violence refers to any form of violence committed through sexual practices or by targeting sexuality. This concept also refers to any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviors or attitudes with sexual connotations, including by a technological means.

It includes sexual misconduct, harassment and cyber sexual violence, and sexual assault.

This definition applies regardless of the age, sex, gender, culture, religion, sexual orientation or gender identity of those involved (victim or perpetrator), regardless of the type of sexual gesture or the living environment in which it was made, and regardless of the nature of the relationship between the victim and the perpetrator.

Sexual Violence One-Stop Service (SVOSS)

The Sexual Violence One-Stop access to service created in Section 3.5.

Sports Activities

College sports activities encompass non-professional, collegiate level competitive sports and games requiring physical skill, and the systems of training that prepare student-athletes for competition performance.

Student Association Representative

Student Association Representatives, are students that have been elected on the Heritage College Student Association Executive to represent student interests.

¹ <https://www.uottawa.ca/sexual-violence-support-and-prevention/definitions>

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

Union Representative

A union representative is an employee of Cégep Heritage College who represents and defends the interests of her/his fellow employees as a union member.

Violence

Violence encompasses acts or threats done or uttered by an individual or a group of individuals, which violate, in an intentional or unintentional manner, the integrity or the physical or psychological security of an individual or group of individuals. Violence can take any form, such as physical or verbal aggression, harassment, or abuse of power or authority.

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

Related Document(s)

This document is to be used in conjunction with:

- By-Law #1 Concerning the General Administration of the College
- Canadian Charter of Rights and Freedoms
- Quebec Charter of Human Rights and Freedoms.
- Policy 6 - A Respectful Environment Free of Discrimination and Harassment
- Policy 24 - Standards of Student Conduct
- Procedure 6 - Breaches of the Rules of Student Conduct
- Procedure 16 - Respectful Workplace Free of Discrimination and Harassment
- Procedure 40 – Concerning Safe Disclosure
- Cégep Heritage College Code of Ethical Conduct (February 2017)
- Act Respecting Access to Documents Held By Public Bodies And The Protection of Personnel Information (Chapter A-2-1)
- Bill 151 - An Act to prevent and fight sexual violence in higher education institutions

HERITAGE COLLEGE POLICY #44 CONCERNING PREVENTION OF SEXUAL VIOLENCE

Appendices/Annex #

- Process related to Policy #44