

Approval Authority: Board of Governors**Last Approved:** December 22, 2021**Administrative Responsibility:** AVP, Students**Next Review:** 2024-2025

SCOPE

This policy has been developed in response to the Sexual Violence and Misconduct Policy Act (the Act) passed by the BC provincial government May 19, 2016. In accordance with the Act, this policy outlines the Nicola Valley Institute of Technology's (NVIT) position on sexual violence and the response procedures for any incident occurring on or off campus involving any member of the NVIT community. In the event of a disclosure, complaint, or report the Institute will take necessary and appropriate action to protect the safety and welfare of the NVIT community and learning environment. This may include taking necessary and appropriate action in cases where a member of the NVIT community is accused of serious conduct, and there is a clear nexus to the NVIT community regardless of where the conduct occurred or is alleged to have occurred.

POLICY

Sexual violence is not tolerated by the Nicola Valley Institute of Technology. The Institute's procedures for prevention, education and response to incidents of sexual violence is articulated in this Policy. Members of the NVIT community who disclose experiences of sexual violence will be respected in their choices as to how to proceed, this includes, but is not limited to, stopping at disclosure, seeking restorative processes, and reporting to RCMP or other policing bodies of jurisdiction. It is the right of those who experience sexual violence to decide whether to access available services and, if so, which services to access and whether to report to police or campus personnel. Disclosures are private and confidential and subject to BC's Freedom of Information and Protection of Privacy Act (FIPPA). NVIT community members who are confirmed to have committed an act of sexual violence will be held accountable by the Institute, and will be subject to disciplinary action up to and including expulsion or termination. Action may be determined in accordance with federal and provincial laws such as the Criminal Code of Canada, and institutional policies including but not limited to:

- **B.2.6 Human Rights**
- **B.2.8 Conflict of Interest**
- **B.2.9 Health and Safety**
- **B.4.1 Acceptable Computer Use**
- **B.2.13 Consenting Relationships**
- **C.1.6 Individual Conduct**
- **Personnel: Code of Conduct**
- **NVIT/NVITEA Collective Agreement**

PURPOSE

NVIT is committed to providing a safe and supportive environment for all members of the NVIT community. The intent of the Sexual Violence Policy is to provide a unified approach to the prevention of and response to incidents of sexual violence. Its purpose is to:

- Promote a safe campus environment in which sexual violence is not tolerated;
- Ensure that those who have experienced sexual violence are supported in a fair and respectful manner; and
- Ensure that incidents of sexual violence are responded to appropriately in a timely manner.

OBJECTIVES

NVIT's response to incidents of sexual violence has the following objectives:

- To take reasonable steps to mitigate the safety risk to individuals within the NVIT community;
- To provide appropriate assistance and support to NVIT community members who are affected by sexual violence;
- To provide procedural guidelines for responding to reports of sexual violence;
- To facilitate collaboration between relevant departments and services and invoke all relevant and existing policies to effectively respond to cases of sexual violence involving NVIT community members.

All processes must follow the principles of natural justice and must appropriately protect the rights of both the person making a complaint and the person accused.

DEFINITIONS

Sexual Violence: means any unwanted act (physical, verbal or psychological), carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual assault, sexual abuse, sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking and sexual exploitation. Neither formal criminal charges nor a human rights complaint is necessary for this definition to operate for the purposes of this Policy. For greater certainty, sexual violence can include, but is not limited to:

Sexual assault: means any type of unwanted sexual act committed by an individual against another that violates the sexual integrity of the individual to who it is directed. 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, and/or threatened. It is carried out in circumstances in which the person has not freely agreed, consented, or is incapable of consenting to the act.

Substance-facilitated sexual assault: refers to the use of alcohol and/or drugs to intentionally sedate or incapacitate another individual for the purpose of committing a sexual assault.

Sexual harassment: Sexual harassment is defined under this Policy as: to “engage in vexatious comment or conduct of a sexual nature that is known or ought to reasonably be known to be unwelcome.” Sexual harassment often occurs in environments in which sexist or homophobic jokes and materials have been allowed, and may involve the use of social media to bring about this unwanted attention.

Sexual cyber harassment/ cyber stalking: Often used interchangeably, cyber harassment and cyber stalking are defined as repeated, unsolicited, threatening behaviour of a sexual nature by a person or group using cell phone or Internet technology with the intent to bully, harass, and intimidate others. Such harassment can take place in any electronic environment where communication with others is possible, such as on social networking sites, on message boards, in chat rooms, through text messages, through email, etc.

Non-consensual distribution of intimate images and communications: The distribution of sexually explicit photographs, videos or other communications to one or more individuals without the consent of all persons in the photographs, videos or communications.

Consent: The voluntary agreement to engage in sexual activity. An individual must actively, willingly and continuously give consent to all sexual activity. Sexual activity without consent is sexual assault. Consent is never assumed or implied; it is not silence or the absence of “no”. Consent cannot be given by a person who is impaired by alcohol or drugs, or is unconscious. Consent can never be obtained through threats or coercion, and it can be revoked at any time. Consent cannot be obtained where one is in a position of trust, power, or authority.

Coercion: When someone uses manipulation tactics including threats, bribes, guilt, etc. to persuade another person to engage in sexual activity.

Disclosure: Notification from an individual that they have experienced an incident of sexual violence (different from complaint).

Complaint: Formal notification to an NVIT representative from an individual who has experienced sexual violence that an incident(s) has taken place. The complaint may be accompanied by a request for action (different from disclosure).

Report: Notification to an NVIT representative from a third party (i.e. someone not directly involved) that an incident of sexual violence has occurred. This could include a student, employee, RCMP, etc. (different from disclosure).

Student: An individual who is registered or was registered in a course or program of study at the Institute at the time an incident of sexual violence is alleged to have occurred.

NVIT Community: Students, employees, Elders, Board of Governors as well as visitors and guests touring, participating in events or related to external facility bookings, and contractors at any NVIT campus or community where NVIT courses are delivered.

PREVENTION AND EDUCATION

NVIT is committed to ensuring education and awareness of sexual violence is embedded into the knowledge framework of the Institute. Similarly, NVIT will ensure that information regarding support services for those affected by sexual violence is well communicated.

Best practices in sexual violence prevention and education indicate that successful education and awareness efforts:

- Are peer-led;
- Leverage social media;
- Include interactive activities;
- Involve many members of the NVIT community (including employees, students, and Elders); and
- Are tailored for specific groups.

Prevention and education activities will include, but are not limited to:

- Engaging new students through curriculum delivery (e.g. STSC 101) and campus activities designed to communicate the expectations of the NVIT community and introduce relevant policies, reporting procedures, and support services available;
- Training student leaders (Student Society members, Resident Assistants, Student Housing representatives etc.) in bystander intervention strategies;
- Providing specialized sexual assault crisis intervention training to key persons who may be the most likely to receive disclosures of sexual violence;
- Offering bystander intervention training to the broader NVIT community including employees, students and Elders;
- Leveraging print and social media campaigns to increase public education about consent, resources and supports available to those affected by sexual violence;
- Engage students in community-based anti-violence and awareness events; and
- Collaborating with community services (e.g. Nicola Family Therapy, Interior Health, Victim Services, RCMP) to develop and deliver comprehensive and integrated prevention and education programming.

RESPONSE PROCEDURES

Individuals who disclose or report an experience of sexual violence have the following rights:

- To have confidentiality protected as per BC's Freedom of Information and Protection of Privacy Act (FIPPA);
- To be treated with dignity and respect;
- To be informed about on and off-campus services and resources;
- To be informed about the procedures in place to address sexual violence, and reporting options;
- To decide whether to access available services and choose the services they believe will be most beneficial;

- To make an informed decision regarding whether to report the incident to campus authorities and/or local police;
- To have a plan to protect their safety; and
- To have reasonable and necessary actions taken to prevent further unwanted contact with the other individual involved in the incident of sexual violence.

A party to sexual violence may choose to disclose or file a complaint with any member of the NVIT community. All disclosures, complaints and reports received by any member of the NVIT community must be forwarded to the Vice President, Students and/or the Manager of Human Resources for the completion of a *Sexual Violence Incident Report*. Subject to this policy and the limits to confidentiality herein, every effort will be made to protect the confidentiality of all parties involved.

Any member of the NVIT community who experiences or is witness to sexual violence, including incidents off-campus, or has reason to believe that sexual violence has occurred may pursue any of the options outlined below:

1. **Disclosure:**

Individuals who have experienced sexual violence who do not want to report the experience through the criminal justice system or NVIT's complaint option may choose to disclose their experience to any other member of the NVIT community.

- a. A student may opt to disclose their experience to NVIT personnel and/or counselling agency to receive the support and academic accommodations that may be needed;
- b. An employee can seek assistance and any necessary accommodations through NVIT's *Employee and Family Assistance Program*;
- c. Elders, members of the Board of Governors, contractors can seek assistance by contacting the NVIT Manager of Human Resources.
- d. Disclosure may not initiate a process to investigate the sexual violence or engage any resolution process.

2. **Complaint:**

A complaint will initiate an investigation and/or resolution process. Procedures under NVIT policy [B.2.6 Human Rights](#) will govern the investigation and/or resolution process. A complaint should be directed as follows:

- a. Students – an NVIT counselling agency, the Vice President, Students (or designate), Elders, Student Housing Coordinator or Advisor;
- b. Elders, employees or contractors – a supervisor, Manager of Human Resources, or Dean;
- c. Board Members – the Board Chair or Vice-Chair.

Individuals may choose to report their allegations through the criminal justice system by contacting the RCMP, local policing authority or tribal police. If an individual chooses this option, NVIT can facilitate making a report to the police and will cooperate with any criminal investigation.

3. Report:

Third party reports of sexual violence should be directed as follows:

- a. Incidents involving students should be reported to the Vice President, Students;
- b. Incidents involving employees, Elders, members of the Board of Governors or contractors should be reported to the NVIT Manager of Human Resources.

Interim Measures

Prior to the commencement of an investigation or resolution process, NVIT may impose interim measures as may be appropriate for safety of the individuals involved, and the NVIT community, in any report or complaint of sexual violence. Interim measures may include, but are not limited to:

- a. Alteration of the academic schedule of any student involved in a complaint of sexual violence;
- b. No-contact undertakings or no-contact direction;
- c. Temporary, non-disciplinary, leave of a person alleged to have committed sexual violence; and
- d. Any other interim restrictions as may be determined by the Institute.

Academic Accommodations

A student who has experienced sexual violence, including sexual violence at a non-NVIT sanctioned activity, and who may require an academic accommodation (for example, exam deferral, an extension on an assignment, withdrawing from a class, changing location of studies to another campus or from home, etc.), will be supported by the NVIT Student Success Centre. A student requesting an academic accommodation under this policy is not required to file a report or complaint of sexual violence to receive an academic accommodation.

Confidentiality

“Confidentiality” means to protect the privacy of personal information and prevent the disclosure of information to others and is governed by BC’s Freedom of Information and Protection of Privacy Act (FIPPA). Every effort will be made to protect the privacy and anonymity of anyone who discloses an incident of sexual violence. Prior to disclosure of any information, the expressed consent of the individual who disclosed the incident is required, except in circumstances where limits to confidentiality apply.

Limits to Confidentiality: The following circumstances may require the Institute, represented by the Vice President Students and/or the Manager of Human Resources, or their designate to take immediate action in relation to a disclosure of sexual violence; including, but not limited to, the Institute directly contacting law enforcement authorities.

- An individual is a minor under the Child, Family and Community Services Act and reporting is required by law
- An individual is at imminent risk of severe or life-threatening self-harm;

- An individual is at imminent risk of harming another person;
- There are reasonable grounds to believe that others in the NVIT community may be at risk of harm based on the information provided.

NVIT has a responsibility to balance the wishes of the person who has disclosed an experience of sexual violence with the obligation to protect the wider NVIT community.

Support

Any member of the NVIT community who has experienced sexual violence may choose to confide in any member of the community. Members of the NVIT community should be prepared to provide a compassionate and reassuring response. A supportive response involves:

- Listening with acceptance and without judgement;
- Communicating that those who have experienced sexual violence are not responsible for the occurrence of sexual violence;
- Helping the individual who has experienced sexual violence to identify and access available on – or off-campus services, including emergency medical care;
- Respecting the right of the individual to choose the services they feel are most appropriate and decide whether to report to police or campus authorities;
- Respecting the individual's choice as to what and how much to disclose about their experience; and
- Making every effort to respect confidentiality and anonymity.

Campus and Community Resources

Resources for the response to disclosures, complaints and reports of sexual violence will be readily available on the NVIT website, portal and all campuses and communities where NVIT courses are delivered. Resource information and response procedures will be clearly identified in Services Agreements for community deliveries.

Policy Review

To maintain the policy's currency and relevance, the content will be revisited and updated every three years or when relevant social, resource, or legal changes otherwise warrant any updates. The President will report to the Board of Governors on the implementation of this policy on an annual basis.

For more information, contact the Associate Vice President, Students and/or the Manager of Human Resources.

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