

| | | | |
|----------------------|--|---------------------------------------|---|
| Title | Sexual Violence or Misconduct – Student Survivors | | |
| Parent Policy | Sexual Violence and Misconduct | | |
| Policy No | 1073 | Oversight & Responsibility | Student & Academic Services; People and Culture |
| Approval | Executive | Effective Date | 2024 Dec 17 |

This procedure is applied in a manner consistent with applicable statutory and legal obligations, including university collective agreements and terms of employment, and the parent policy.

NOTE: The most up-to-date versions of our approved procedures are posted on the policy & procedure website. If you printed this procedure, check the website to be sure you have the current version.

PURPOSE

These procedures provide information for anyone in the university community about the process to follow when **a student** experiences sexual violence or misconduct and how to support that student. ([Separate procedures](#) that support [other university community members](#) who experience sexual violence or misconduct are available.)

FIRST STEPS: RESPONDING TO A STUDENT WHO HAS EXPERIENCED SEXUAL VIOLENCE

If an RRU student tells you that they have experienced sexual violence, your first concern should be for their safety.

Responding to an emergency

If the student survivor is in distress, ask them if they need emergency help. Follow these steps:

1. Assure the survivor that getting emergency help (medical or police assistance) does NOT mean they have to make a formal police report.
2. If they say they need emergency attention, encourage them to call 9-1-1 immediately. You may help the survivor to call 911 with their permission, but you cannot call for them without their consent unless you believe they are in imminent danger. The 9-1-1 dispatcher will ask “Fire, Police or Ambulance?” The caller can answer “Police” or “Ambulance” or they can start to tell the operator what happened and they will help.
3. Tell them that it may help to get immediate medical attention to ensure their overall well-being. The information will also be important if they decide to report the incident to the Police. You can suggest that they go to any hospital emergency department, medical clinic, or the clinic at the Victoria Sexual Assault Centre. Many hospitals have a special unit that is set up to help survivors of sexual violence and collect evidence in case the survivor ever wants to make a police report. There is one at the Victoria General Hospital.

4. Tell them that the [Royal Roads CARE TEAM](#) can support them by coordinating access to resources and providing academic accommodations.

Supporting someone who discloses an incident of sexual violence

When a student survivor tells someone about an incident of sexualized violence, this is called “disclosure.” This may or may not be a situation that requires an emergency response.

Disclosing an incident of sexual violence does not imply that the survivor wants to *report* the incident.

If a student survivor discloses sexual violence to you, you should assure them that you will keep the information confidential unless it is necessary to share the information to keep a person safe. The person making the disclosure may also agree to share the information with counsellors or others whom they trust and who might be able to assist or support them.

When a survivor makes a disclosure

1. Let the survivor tell their story as they choose to tell it. It’s ok if they do not go into detail.
2. Listen without judgment.
3. Accept that what you are told is true.
4. Recognize that the survivor has experienced something traumatic and that telling someone about it is often traumatic too.
5. Understand that because sexual violence or misconduct is traumatic, the survivor may have trouble recalling what happened.
6. Reassure them that sexual violence is never the fault of the survivor.
7. Tell the survivor that they do not have to report the incident to police, but they can do so at any time, even if they choose not to right after the incident occurs.
8. Suggest to the survivor that if they are able and ready, it is helpful to write down the details of what happened. It doesn’t have to be right away. As difficult as this may be, it may help them to express their feelings and it may help if they decide to report the incident at any time.

Offering university and other support services

Tell the survivor that the university has procedures in place for responding to disclosures of sexual violence. This includes access to free and confidential counselling as well as access appropriate academic accommodations. You can help them access these services in these ways:

1. If you are at a computer, you can show them the information on the website (search “RRU sexual violence”).

2. Reassure them that there are trained people who can help them. Refer the survivor to the RRU 24-hour Sexual Violence Response Line at 250 391 2600, Extension 8514, which will be answered by trained Student Services staff employees.

When they call:

- a) A trained staff member will arrange the best way to connect the survivor with a member of the Sexual Violence Response Team.
 - b) You may help the survivor with the call if they give you permission to do so, but you cannot call for them without their consent.
3. If the survivor is on campus and it is during regular business hours and you think they need to go somewhere safe and quiet right away, refer them or walk with them to the Welcome Desk in the Sequoia Building or to the Main Desk in the Library, and ask to be referred to the CARE Team.
 - a) The survivor does not have to tell the front desk staff member what happened. All they have to say is that they want to speak to someone *privately and confidentially* about something that happened. It is not necessary that these exact words be used, but it may help to give them words to use if they are upset.
 - b) Someone will find the survivor a private place to wait while they call a member of the Care Team / Sexual Violence Response Team.
 - c) Do not leave the survivor alone. You can stay with the survivor, or they can call someone else to be with them.
 4. If they want to talk to someone outside the university, advise them of other services available: the Victoria Sexual Assault Centre, Men's Trauma Centre or a similar agency in their home community is also available to assist them if they choose

- **Victoria Sexual Assault Centre**

3060 Cedar Hill Road, Unit 300B, Victoria, open regular business hours
Crisis Information line: (250) 383-3232, 24 hours a day

The centre is open to people of all gender identities and has a clinic and sexual violence response team available to help all survivors of sexual violence medically and to collect evidence in case the survivor ever wants to make a report to the Police.

- **Men's Trauma Centre**

#102 - 1022 Pandora Avenue, Victoria
Telephone: (250) 381-6367

- **Agencies outside Victoria:** If the survivor is in a different community, you can help them find the contact information for the closest sexual assault centre. This information is readily available online by searching "sexual assault centre" and the name of the community.

Reporting to the police

Choosing to report the incident to the police may be very scary for a survivor. Once they report the incident to the police, the police are required to follow up. If a survivor is thinking about reporting to the police:

1. Remind them that it is their choice whether or not to report to the police. What they decide will not change how the university responds to the incident.
2. Advise them that they can go into any police station or call any police detachment to make a report. The closest police detachment to the RRU campus in Colwood is the Westshore RCMP detachment: (250) 474-2264.

Making a third-party report

If the survivor is not ready to make a report to the police, and the incident took place in B.C., you can suggest that they consider making an anonymous “third-party report” through a community-based victim service program (*not* a police victim service program). (If the incident occurred outside B.C., you can help the survivor check on whether there is a way to make a third-party report there.)

Making a third-party report means that the community-based service program reports to the police without giving personal information about the survivor. After the report is filed, the police will follow up. If they need to communicate with the survivor, this information is passed on through the third-party. It is up to the survivor whether they choose to work directly with the police at any time.

For help with third-party reports:

- Call the 24-hour confidential VictimLink BC service to find out more:
Toll-free: 1 (800) 563-0808
Text: (604) 836-6381.
- Call the Victoria Sexual Assault Centre to access their community-based victim service program:
Telephone: (250) 383-3232
- Email: access@vsac.ca
- Call the Men’s Trauma Centre to access their community-based victim service program
Telephone: (250) 381-6367
- Access the BC Ministry of Justice website:
<http://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/victim-or-witness-to-crime/third-party-reporting-for-victims-of-sexual-offences>

Confidentiality

Any information shared with you during a disclosure is confidential and breaching that confidence could have significant repercussions.

You are, however, encouraged to share a disclosure by emailing Care@RoyalRoads.ca. This address is monitored by members of the Sexual Violence Response Team. This is not a report and will maintain the anonymity and confidentiality of the person making the disclosure, unless there is reason to believe that the person may be a danger to themselves or others.

This information is collected as part of the university's responsibility to understand and respond as appropriate to the frequency and nature of sexual violence and misconduct in our community and to comply with legislated reporting requirements.

Follow these steps:

1. Address the email to Care@RoyalRoads.ca.
2. Put "Confidential disclosure" in the subject line.
3. Include the following information (bullet points):
 - a) Date the survivor disclosed to you
 - b) Role of the survivor in the university community (e.g., student, faculty, staff, associate faculty, contractor, Board of Governors member)
 - c) Role of the respondent (the person accused) in the university community (e.g. student, faculty, staff, associate faculty, contractor, Board of Governors member)
 - d) Type of sexual violence or misconduct that occurred. Choose all that apply from the following categories: sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism or the distribution of a sexually explicit photograph or video without consent. For definitions, please see the Definitions and Glossary below.
 - e) Date and time (or approximate) of the incident
 - f) General location of the incident (e.g., on campus, in the Victoria area, in another community, in a specific building on campus, in the survivor's home)
 - g) Gender of the survivor
 - h) Reported gender of the respondent

After the disclosure

Hearing a disclosure may be very difficult. University community members are encouraged to seek support if they are upset by the experience. Due to the confidential nature of the disclosure, connecting with a counselling professional may provide the best support.

Employees can call 1 (800) 481-5511 to reach the university's Employee and Family Assistance Program offered through Walmsley. You can also visit their web site at www.walmsley.ca please note that you will need to enter the access code available on the RRU People and Culture web site once you have logged in using your RRU username and password - or contact People and Culture at extension 4385 for assistance with access to these services.

Students can make an appointment with a counsellor by calling 250 391 2600, Extension 4515, emailing counselling@royalroads.ca or booking online at <http://libcal.royalroads.ca/appointments/>.

Others: If you are not an employee or student consider these resources:

- Look up counselling resources in your community, such as the Victoria-based Citizens Counselling Centre (<http://www.citizenscounselling.com/>) which offers a sliding fee scale based on income.
- Contact a local family-serving agency like Pacific Centre Family Resources which may have free counselling services available.
- Use the "find a counsellor" function on the BC Association of Clinical Counsellors website (<http://bc-counsellors.org/#>) to find a registered clinical counsellor (or check out similar organizations where you live).
- Call the Victoria Sexual Assault Centre's Crisis and Information Line ((250-383-3232), available 24 hours a day, for information and guidance on additional resources.

Royal Roads responsibility to safety

On recommendation of the Vice President Academic and Provost and/or the Vice President and Financial Officer, the President may summarily temporarily suspend a student or employee, or bar any member of the university community from access to campus, if there are reasonable grounds to believe that any member of the university community may be at significant risk of harm based on the information provided. In such circumstances, the individual will be provided the opportunity to request a review by the President of such suspension, at which review the individual will be provided an opportunity to be heard. The decision of the President will be final.

WHAT HAPPENS WHEN A SURVIVOR MAKES A FORMAL REPORT OF AN INCIDENT OF SEXUAL VIOLENCE TO ROYAL ROADS?

Reports

Reporting means making a formal statement about an incident of sexual violence to an individual or institution that has the authority to take action. A survivor may report an incident of sexual violence but decide that they do not wish to have any action taken. Individuals and institutions may be required to act, however, if there are reasonable grounds to believe that someone may be a danger to themselves or others.

Survivors have a right to make a report without reprisal or threat of reprisal. Allegations of reprisal or threats of reprisal will be taken seriously, inquiries will be made in response and sanctions may be brought against the respondent.

This section outlines how a student can make a formal report and what happens throughout the reporting process.

Making the report

1. A student may make a confidential report to the Associate Director, Student Engagement (or designate) if the respondent is a member of the university community. The university will respond to reports made at any time, even after the survivor is no longer an active member of the university community.
2. The Associate Director, Student Engagement will help the survivor with the reporting process in these ways:
 - a) Telling the survivor that the report is made to the university so that the university can act on the information provided.
 - b) Giving the survivor the option of making the report by completing the online Sexual Violence and Misconduct Incident Report or by submitting a written statement.
 - c) Asking the survivor for more information if, in their judgment, such information is important to the university's response.
 - d) Informing the survivor that they may also choose to make a report to the police or a third-party report to a community-based victim services program.
3. Once a report is filed with the Associate Director, Student Engagement, it will be:
 - a) Stored securely in a protected location (whether digital or print).
 - b) Delivered in confidence to the Director, Student Services.

4. Once a formal report has been made, if the university has reason to believe that the safety of any university community member may be at risk, the university may proceed to make such inquiries as are necessary to determine whether further actions should be taken.
5. If the university is aware that a report has been made to police, or to a third-party agency acting on behalf of the survivor with the police, the university will not take action until the police or criminal justice system has completed any activity related to the report. While such activity is underway the university may impose conditions on the parties involved.

Accommodations

The Associate Director, Student Engagement (or designate) will work to facilitate appropriate academic and other accommodations for a student who discloses or reports an incident of sexual violence.

Short-term accommodations may be made to address the immediate circumstances.

1. The Associate Director will meet with the survivor in person or will contact them by distance (i.e. by phone or online video) to discuss what would help the survivor to continue their studies and feel safe doing so. This will not normally be done by email.
2. The Associate Director will work with the relevant academic programs and service units to make appropriate short-term accommodations to address the immediate circumstances. In doing so, the Associate Director will not reveal the reason for the accommodations unless the survivor has given consent in writing, by email or has already done so themselves.
3. To provide the best support to the survivor and/or to help protect the confidentiality of the survivor, the Associate Director may enlist Accessibility Services staff members to help with determining or arranging accommodations.
 - a) Accessibility Services staff members have experience in facilitating a wide range of student accommodations and have existing relationships with the programs based on this work.
 - b) Working through Accessibility Services may also protect the survivor's confidentiality because university units are accustomed to working with Accessibility Services to make accommodations without knowing the specific reasons for the accommodations. In doing so, the Associate Director will not reveal the reason for the accommodations to Accessibility Services unless the survivor has given consent in writing, by email or has already done so themselves.

Other accommodations may be made as appropriate at a later date.

Accommodations may also be made for the respondent as appropriate. A respondent may contact the Associate Director at any time through the process for assistance.

Investigation

When the Director, Student Services receives a report, they will convene a case management team to address how the report will be investigated, review the results of the investigation and determine the university's response.

The case management team will comprise the Director, Student Services, the Vice-Provost, Student and Academic Services, and the Executive Officer and Associate Vice-President, People and Culture. Each member of the case management team will be provided with a copy of the report which will be kept in a secure location.

The case management team will determine whether there are grounds to proceed to an investigation of the report. In making that decision, the case management team will consider whether

1. The university has the jurisdiction to proceed.
2. The Sexual Violence and Misconduct Policy is relevant to the complaint and/or whether the complaint should be referred for review under a different policy.
3. The survivor is interested in an alternative resolution as opposed to the completion of an investigation and decision-making process.

The following describes the process of an investigation:

1. The Survivor may withdraw the report at any time before a decision is rendered. The case management team may assign an employee who is not a member of the case management team and who is deemed by consensus of the team to be an appropriate person to do so, to make such inquiries as are necessary to determine whether on the balance of probabilities an incident of sexual violence has occurred and to report findings.
2. The university reserves the right to engage an external contractor to conduct such investigations at its sole discretion.
3. Investigations will be conducted in accordance with university practices, standards and applicable collective agreements while respecting confidentiality and natural justice for both the survivor and the respondent. This means:
 - a) The respondent has a right to know the accusations that have been made against them.
 - b) The respondent shall be provided an opportunity to be heard in connection with the allegations against them.
 - c) The survivor and the respondent have a right to know the evidence that has been provided by the other parties that is pertinent to the decision.

- d) The survivor and the respondent have a right to fair and unbiased review of the case.
- e) The survivor and the respondent have a right to know the decision of the case management team and any actions pursuant to that decision.
- f) If the survivor or the respondent has a perception of bias regarding any member of the case management team, they may present this in writing or by email to the Vice-President Academic and Provost (VPA.Provost@RoyalRoads.ca) and Vice President and Financial Officer (VPCFO@RoyalRoads.ca) at any time before the report is submitted to the case management team. The concern regarding perception of bias will be reviewed by the Vice Presidents who will determine if a member of the case management team should be recused, and if so, will appoint an alternate. The decision of the Vice Presidents will be final.
- g) The university is not a court of law. The standard of proof will be on the balance of probabilities.

The content of the investigation report that can be released in compliance with the *Freedom of Information and Protection of Privacy Act* [RSBC 1996] will be made available to the survivor and respondent at their request.

Response to an Investigation

The Associate Director, Student Engagement will assign a primary contact person for the respondent who will provide procedural guidance and assist the respondent as appropriate.

1. The case management team will review the report of the investigation and consider its findings.
2. The case management team has the authority to determine the university's response.
 - a) The case management team will normally respond to the report with its decision within 10 business days.
 - b) The case management team may sanction the respondent, up to and including recommending suspension or expulsion. Authority to temporarily or permanently suspend a student rests with the President. Authority to take corrective action against an employee, inclusive of termination of an employee, shall also rest with the President in this instance.
 - c) The decision and any sanction will be communicated in writing to the parties.
 - d) A copy of the written communication to the survivor and respondent will be kept in a secure location and retained in accordance with the university's records management guidelines.

Appealing an investigation decision

1. The survivor and respondent shall have the right to appeal the decision of the case management team.
 - a) This appeal must be made in writing within 10 business days from the date of the initial decision. The survivor or the respondent may submit an appeal to the Vice-President Academic and Provost (VPA.Provost@RoyalRoads.ca) and Vice-President and Financial Officer (VPCFO@RoyalRoads.ca).
 - b) When appealing a decision, the appellant must demonstrate that the decision was unjust or unfair and/or the sanction levied is not commensurate with the offense.
2. The Vice Presidents shall determine the procedure for the appeal. The Vice Presidents shall have the power to deny the appeal, to allow the appeal and to set aside the decision, or to vary the decision, including by substituting any sanction. The Vice Presidents may impose a sanction greater or lesser than that imposed by the case management team and has the authority to recommend the suspension or expulsion of the student. The decision of the Vice Presidents shall be final.

Appeal of a recommendation to temporarily or permanently suspend a student who is a respondent

1. Authority to temporarily or permanently suspend a student rests with the President. If there is a recommendation to the President that the student as the respondent be temporarily or permanently suspended, the President shall, prior to making a decision to temporarily or permanently suspend, provide the student an opportunity to be heard. The President shall determine whether to hear from the student in person, in writing or by some other means.
2. The student may appeal the decision of the President to temporarily or permanently suspend the student. If the student wishes to appeal that decision they must submit a notice of appeal to the Manager, Board Governance, within five business days of receipt of the decision of the President. The appeal shall be considered by the Board of Governors Appeals Committee, the decision of which is final and binding.

Modifications and updates to Procedures

These procedures are aligned with the university's values of caring and accountability and are based upon the assumptions that reason will prevail, that fundamental fairness will be upheld, that confidentiality for survivors and respondents will be honoured to the maximum possible extent, and that timely resolution of cases will be sought. The university reserves the right in its discretion to modify the protocol and procedures as it determines may be appropriate in any particular instance. It is recognized that any modification would be in keeping with the spirit of the protocol and procedures and would require communication of such variation with the parties.

Additionally, the university acknowledges these are living documents that will be amended as we learn from experience to make them better for our university community. Feedback is always welcome and can be directed to the Vice-President, Academic and Provost and/or the Vice-

President and Financial Officer. In the best interest of supporting survivors and the university community as a whole, these amendments may be made at any time at the university's discretion

Maintenance of Statistics

The university will maintain annual statistics on disclosed and reported incidents of sexual violence in the university community in compliance with the *Freedom of Information and Protection of Privacy Act* [RSBC 1996]. This information is collected as part of the university's responsibility to understand and respond as appropriate to the frequency and nature of sexual violence and misconduct in our community and to comply with legislated reporting requirements.

DEFINITIONS

For a list of relevant terms and definitions please see Appendix A.

RELATED DOCUMENTS AND INFORMATION

Related RRU policies

- [Sexual Violence and Misconduct](#)

Related RRU procedures

- [Sexual Violence or Misconduct – University Community Member Survivors \(Non-Student\)](#)

APPENDIX A - DEFINITIONS & GLOSSARY

Accommodation

The provision by the university of academic, workplace, or other measures that are provided to a member of the university community impacted by sexual violence or misconduct and are designed to meet that person's demonstrated needs resulting from an incident of sexual violence or misconduct.

Acquaintance sexual assault

Acquaintance sexual assault is sexual assault perpetrated by someone known to the survivor.

Coercion

Coercion occurs when someone behaves in ways that a reasonable person ought to know would make another person agree to do something that they otherwise would not choose to do. In the context of sexual violence, coercion is applied to elicit sexual behaviours.

Consent

Consent is agreement. Consent may be withdrawn at any time and cannot be implied to be given regardless of whether it has been given for a sexual act that may lead to another which may not be consented to, or whether it has been given for similar acts in the past.

The Criminal Code of Canada defines consent as “the voluntary agreement of the complainant to engage in the sexual activity in question.” The Criminal Code of Canada also specifies that consent is not given even if the survivor does not resist if force is applied or the threat or fear of force results to the survivor or to another person, where there is fraud or where the survivor submits to the exercise of authority inherent in the relationship to the perpetrator.

Cyber misogyny

West Coast LEAF (2014) defines cyber misogyny as “the diverse forms of gendered hatred, harassment, and abusive behaviour directed towards women and girls online” which include child sexual exploitation, cyberstalking, gender-based hate speech online, non-consensual sharing of intimate images among youth and revenge porn. (See #CyberMisogyny: Using and strengthening Canadian legal responses to gendered hate and harassment online June 2014, retrieved from <http://www.westcoastleaf.org/wp-content/uploads/2014/10/2014-REPORT-CyberMisogyny.pdf>).

Cyberstalking

Cyberstalking is also known as cyber harassment and like stalking, is a form of criminal harassment. Cyberstalking occurs when someone comes to fear for their safety or the safety of their family or others close to them because someone else has on more than one occasion engaged in behaviours that involve digital technology that a reasonable person ought to know would be unwelcome. Such behaviours may include communications made via email, text, on social networking sites, in software applications, or on digital platforms.

Drug-facilitated sexual assault

Drug-facilitated sexual assault is sexual assault that is perpetrated with the use of alcohol or other drugs to compromise the survivor's ability to consent or to defend themselves.

Disclosure

Disclosure occurs when a survivor tells someone else about an incident of sexual violence. Disclosing an incident of sexual violence does not imply that the survivor wants to report the incident. Disclosures are normally confidential between friends, family members, or are shared with counsellors or other employees who might be able to assist or support the survivor. If there are reasonable grounds to believe that someone may be a danger to themselves or others, there is an obligation to report this concern to those who are in a position to act to mitigate such danger.

Indecent Exposure

Indecent exposure occurs when someone exposes parts of their body in ways that violate accepted moral standards. The Criminal Code of Canada prohibits indecent acts but does not define these other than prohibiting sexualized exposure to young people less than 16 years of age.

Investigation

An information gathering and assessment process, in response to a report, used to determine the nature and circumstances of alleged wrongdoing and matters of credibility, and to make findings of fact and to determine whether a breach of this policy occurred. The investigation process may include, but is not limited to, witness interviews, collection and review of written statements, notes, logs, papers, digital and print records, and any other relevant material.

Outcome

An outcome is the recommended or required actions to be taken following an investigation of a report.

Reporting

Reporting refers to providing a formal statement about an incident of sexual violence to an individual or institution that has the authority to take action. A survivor may report an incident of sexual violence but decide that they do not wish to have any action taken. Individuals and institutions may be required to act, however if there are reasonable grounds to believe that someone may be a danger to themselves or others.

Sanction

A sanction is an outcome for the respondent, resulting from an investigation that finds someone responsible for violating policy.

Sexual Assault

Sexual assault is sexual contact without consent. Assault occurs when force is intentionally applied to another person, directly or indirectly, or when force is attempted or threatened by act or gesture and there are reasonable grounds that it may be carried out. Force need not be violent in nature, and thus may include any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault may therefore occur when sexual contact makes another person feel uncomfortable, distressed, frightened, threatened, or that behaviour is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of giving consent. Sexual assault is an offence under the Criminal Code of Canada.

Sexual Exploitation

Sexual exploitation is defined by the Criminal Code of Canada as an offence that occurs if a person who has power over a young person or who is in a role in which the young person naturally trusts or is dependent upon them abuses their position by sexually abusing or counselling or inciting them to commit sexual acts. The Justice Institute of BC hosts an online Sexual Exploitation Toolkit (<http://host.jibc.ca/seytookit/what.htm>), which further describes sexual exploitation as “the sexual abuse of children and youth through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation includes involving children and youth in creating pornography and sexually explicit websites.” (retrieved January 10, 2017).

Sexual Harassment

Sexual harassment can include a course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks, behaviours or communications based on gender where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may consist of unwanted attention of a sexually oriented nature such as personal questions about one’s sex life, persistent requests for a “date”, or unwelcome remarks about someone’s hair, body shape, and the like. Sexual harassment may also consist of unwelcome remarks based on gender which are not of a sexual nature, but which are demeaning such as derogatory gender-based jokes or comments.

Sexual Misconduct

For the purposes of this policy, sexual misconduct is considered to share the same definition as the sexual violence (see below).

Sexual Violence

Sexual violence is any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature that is committed, threatened or attempted against a person without the person’s consent. The *Sexual Violence and Misconduct Policy March 31, 2017 4 Act [RSBC 2016]* specifies that sexual violence includes sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, and voyeurism.

The Act also prohibits “the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video”. This definition is expanded for this Policy to include making any recording that reveals a person’s sexual body parts or shows the person engaged in a sexual act without that person’s consent, or disclosing a recording that reveals a person’s sexual body parts or shows the person engaged in a sexual act if they have not consented to its disclosure, even if they had consented to the recording.

While the Act refers to the intent to distress, this Policy does not require intent to distress recognizing that reckless behaviour may have extremely negative consequences for another. While these terms provide some description and recognizing the word violence shares its roots with the word to violate, the interpretation of sexual violence may include behaviours that violate or dishonour another in a sexual context.

Stalking/Criminal Harassment

Stalking (also called criminal harassment) occurs when someone comes to fear for their safety or the safety of their family or others close to them because someone else has on more than one occasion engaged in behaviours that a reasonable person ought to know would be unwelcome. Such behaviours may include, but are not limited to, surveillance, physical pursuit, oral, written or other non-verbal communications that the recipient does not want to receive, threats of any kind, or sending unsolicited gifts or objects. See also cyberstalking.

Survivor

A survivor is anyone who has experienced sexual violence. The word “victim” is sometimes used as well, however the word “survivor” is used in this Policy and associated documents in respect of the perspective that those who have experienced sexual violence are overcoming or have overcome the victimization they experienced. It is up to the person who has experienced sexual violence to decide which term they choose to describe themselves.

Voyeurism

Voyeurism is watching others without their knowledge while they are doing activities that are normally considered intimate or private, such as undressing or engaging in sex.