

<b>CAMPION COLLEGE BOARD OF REGENTS POLICY: Sexual Assault-and-Violence CODE: 4.7</b>	<b>Date Initially Approved: June 29, 2016</b>
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# Sexual Assault-and-Violence

## Introduction

This policy of Campion is intended to align with the policy of the University of Regina. Campion will work with the University to ensure that any jurisdictional disputes arising from their respective sexual assault and violence policies are resolved

This document sets out Campion's policy on and response protocol for allegations of sexual assault-and-violence. This policy ensures that those who report sexual assault-and-violence are given the opportunity to be heard and to have their rights and medical needs respected. The processes are intended to protect the rights of survivors and hold accountable those who have committed an act of sexual assault-and-violence.

All members of the Campion community have the right to work, teach and study in an environment that is free from any form of sexual assault-and-violence. Campion recognizes that all members of the Campion community have an interest in ensuring that no one experiences or is exposed to sexual assault or violence. Campion also recognizes that all persons have an inherent right to exercise control over their own bodies, and to engage only in sexual activity in which they consent to engage.

Sexual assault-and-violence is a criminal offence. It violates the integrity and dignity of a person and it can have serious negative impacts on physical, mental, emotional and spiritual wellbeing. The Campion does not tolerate behaviour which contributes to a hostile, inequitable and/or unsafe living, learning or working environment. Campion expects all members of the Campion community to abide by all laws related to sexual assault-and-violence.

This policy applies to all members of the Campion community. It applies whether the sexual assault-and-violence is alleged to have occurred on or off Campion property or at a Campion event. It applies if either the complainant or respondent (or both of them) are any of the following:

- students,
- staff,
- faculty,
- volunteers,
- administrators,
- members of the Board of Regents,
- Campion visitors,

- Campion contractors, and
- Employees of organizations representing Campion employees when on Campion property or while acting in a capacity defined by their relationship to Campion.

Sexual harassment is addressed in the Respectful Workplace Policy applicable to Campion.

An investigation under this policy and the processes will neither replace nor impede a criminal investigation of sexual assault-and-violence. All persons have the right to pursue legal avenues whether or not they choose to proceed under this policy. All persons also have the right to forego criminal and Campion reporting avenues, opting to choose confidential disclosure to a counselor for ongoing support. Criminal processes and findings in respect of the alleged sexual assault-and-violence do not limit or prohibit the ability of Campion to act under this policy and its associated processes, as well as other policies and procedures of the non-academic discipline system.

## Definitions

Consent - Consent is as defined in the *Criminal Code* as:

The voluntary agreement to engage in the sexual activity in question. No consent is obtained, where:

1. the agreement is expressed by the words or conduct of a person other than the complainant;
2. the complainant is incapable of consenting to the activity;
3. the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
4. the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
5. the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

An attempt or threat, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose can amount to an assault or sexual assault.

The age of consent in the *Criminal Code* is 16 years old. Any child under 12 is never able to give consent.

To clarify, the *Criminal Code* definition set out above for the purposes of this policy, with respect to consent:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.

- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is unable to give consent when they are impaired and under the influence of alcohol and/or drugs. Similarly, impaired judgment that leads an assailant to *think* or *believe* there was consent is not excuse for a sexual assault-and-violence.
- A person may be unable to give consent if they have a mental disability.
- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.

## Policy

Campion should be a safe and positive space where members of the Campion community feel able to work, teach, live, learn and express themselves in an environment free from all forms of sexual assault-and-violence. In furtherance of this objective Campion will provide primary prevention activities focused on education and communication, as well as secondary prevention in the form of early response.

All reported incidents of sexual assault-and-violence will be investigated to the best of the administration's ability and in a manner that ensures due process and natural justice. Campion strives to create an environment in which reporting sexual assault-and-violence is as safe and as comfortable as possible. While reporting a sexual assault-and-violence may be difficult for an individual, Campion aims to foster an environment in which no one feels uncomfortable about making a report in good faith about a sexual assault-and-violence that they have experienced or witnessed.

Campion recognizes that sexual assault-and-violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status. It is also recognized that individuals who have experienced sexual assault-and-violence may experience emotional, physical, academic or other difficulties.

### **Campion is committed to:**

1. treating individuals who disclose a sexual assault-and-violence with compassion, recognizing that there is no right way to survive sexual violence and that this means that, more than anything, survivors need to be supported and might require different services, resources, and supports at different stages of their recovery process;
2. assisting those who have experienced sexual assault-and-violence by providing information and support, including provision of and/or referral to counseling and medical care, and appropriate academic and other accommodation;

3. assisting those who have experienced sexual assault-and-violence regarding their rights to proceed either under this policy or through the criminal justice system, or through both mechanisms, or through neither.
4. ensuring that those who disclose that they have been sexually assaulted are heard, and that their rights are respected throughout the process of disclosure, investigation and institutional response;
5. ensuring that complainants and respondents will be dealt with in a timely fashion including by providing them as soon as reasonably possible with the time frame outlining when the appropriate steps that will be taken to address the complaint;
6. ensuring that survivors of sexual assault-and-violence can choose to participate in the continuum of recovery, investigation, and disciplinary processes with the accused at any level at which they feel comfortable (this could mean with the accused present or not);
7. ensuring that on-campus (internal) investigation processes are available for those survivors who choose not to make a report to the police;
8. engaging in appropriate procedures for investigation and adjudication of an alleged sexual assault-and-violence which are in accordance with Campion policies and standards, and that ensure fairness, due process and natural justice;
9. coordination and communication across Campion departments and a support team responsible for responding to sexual assault-and-violence on campus;
10. engaging in public education and prevention activities including providing appropriate education and training to Campion community about responding to the disclosure of sexual assault-and-violence;
11. providing information to Campion community about sexual assault-and-violence on campus through the coordinated collection of data and, from time to time, making announcements that explain that an incident has occurred and that emphasize safety;
12. contributing to the creation of a campus atmosphere in which sexual assault-and-violence is not tolerated; and,
13. monitoring and updating policies and protocols.

Campion also has an obligation to the Campion community to protect it from harm. As such, Campion reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the consent of the survivor, if Campion believes that the safety of the Campion community is at risk.

## **Roles and Responsibilities**

*Campus Security will serve as the office of record for maintaining confidential reports of sexual assault-and-violence and, in consultation with **Health, Safety and Environment**, will track, report on and institute prevention measures, as appropriate.*

- Reports will not include personal identification information, other than as required or permitted under this policy or [The Local Authority Freedom of Information and Protection of Privacy Act](#).

- Reports will include information about time and location of an incident of sexual assault-and-violence, as well as any other pertinent information as expressly permitted by the complainant.
- All records will be stored confidentially and be used only for tracking and reporting incidents, and for improving prevention and protection measures within the Campion community and a support team responsible for responding to sexual assault-and-violence on campus.

Campus Security will further provide education supports to the Campion community in terms of online presence and sexual assault-and-violence reporting processes, training for staff and faculty in sexual assault-and-violence prevention and response, and coordination of training resources. The **Regina Police Liaison Officer** may be involved in reports of sexual assault at the request of a survivor.

If appropriate, the following bodies at the University may serve as supports for sexual assault and violence incidents at Campion:

**Harassment, Discrimination Prevention & Conflict Resolution Services** and **Campion College Student Union** may serve as support to survivors for both counseling and formal/informal investigations of sexual assault-and-violence. Student Affairs is further responsible for coordinating prevention and awareness education through general student and residence orientation.

**URSU** and its **UR Women's Centre** and **UR Pride Centre** will provide informal counseling and peer support.

The **Student Success Centre** and **Centre for Student Accessibility** will provide academic support for students who have been affected by sexual assault-and-violence, helping students to navigate academic accommodations and supplemental needs.

**Residence Services** will provide education and awareness training so that all residence advisors, life coordinators and staff are aware of sexual assault-and-violence prevention opportunities and how to appropriately respond to incidents of sexual assault-and-violence that involve residents of and visitors to Campion students in residences.

**The Campion community** will have the opportunity to access training and educational supports in order to better understand how to respond to reports of sexual assault-and-violence made to them and/or that they witness. Members of the Campion community will be provided with resources to guide their responses in the event of someone making a report to them or in the event that they are sexually assaulted, and to support a culture of sexual assault-and-violence prevention.

**Chaplaincy Services** will have the opportunity to provide support to victims.

## **Consequences for Noncompliance**

Investigations will lead to a decision and consequences will follow in those instances where a sexual assault-and-violence is deemed to have occurred. A member of the Campion community who is found to have committed or participated in a sexual assault-and-violence will be subject to the Campion's administrative processes and discipline systems. Disciplinary action up to and including termination of the member's position with Campion or, in the case of a student, a penalty (up to and including expulsion and a ban from Campion) as determined under the [Regulations Governing Discipline for Academic and Non-Academic Misconduct](#) (Section 5.13 of the Undergraduate Calendar) may be taken.

This Policy and the processes are complementary to, and not substitutes for, the civil and criminal legal systems, including [The Saskatchewan Employment Act](#) and the [Saskatchewan Human Rights Code](#).

## **Processes**

### **Sexual Assault-and-Violence Awareness and Education**

Education of students, staff, and faculty through a variety of venues, learning opportunities, and training resources is essential for enhancing a culture of safety and preventing sexual assault-and-violence. Prevention activities such as a bystander intervention program, working with our communities on education about masculinities, gendered violence and vulnerable populations, and delivering broad-based and targeted education and awareness campaigns (including orientation activities and regular articles in "Student Health 101" and/or similar online resources) are essential for building a respectful working, learning, living environment.

Campion will develop and implement appropriate activities related to education and awareness, training resources, physical space design and coordination, and a culture of safety.

If the University makes training resources available Campion will ensure that such opportunities, assistance and training are communicated within Campion.

### **Reporting and Responding to Sexual Assault-and-Violence**

Members of the Campion community should immediately (or at a time when they feel comfortable and safe to do so) report incidents of sexual assault-and-violence to a trusted Campion employee or to Campus Security when they are subject to, witness or have knowledge of a sexual assault-and-violence, or have reason to believe that sexual assault-and-violence has occurred or may occur.

### **Reporting Process and Investigations**

A report of sexual assault-and-violence can be made under this policy by any member of the Campion community and relevant third parties (e.g., contractors and visitors). Reports can be filed with Campus Security (and/or the Regina Police Liaison Officer), Counseling Services, or Human Resources.

Campion will seek to achieve procedural fairness in dealing with all reports or allegations of sexual assault-and-violence. It is intended that accused individuals be given reasonable notice, with full detail of the allegations, and are provided with an opportunity to answer the allegations made against them.

At least one staff person in Campus Security will serve to coordinate responses of reports of sexual assault-and-violence making use of a team of experts and a collaborative protocol to best meet the needs of survivors during their recovery process. The lead staff or unit of a support team will be determined on a case-by-case basis, as required for the survivor's recovery process. Such team may include Campion counselors University counselors from Harassment, Discrimination Prevention and Conflict Resolutions Services, the Regina Police Service Liaison officer, members of Campus Security, and other experts as required. This same staff person will lead training and resource development opportunities for the Campion community.

### **Interim Measures**

Depending on the circumstances, interim measures may be taken while an allegation of sexual assault-and-violence is being investigated, including "no contact" undertakings with the alleged assailant, on or off-campus safety planning, class scheduling and other academic accommodations, and/or workplace accommodations.

Campion may impose or facilitate interim measures to restrict access to some Campion facilities by the alleged assailant where Campion determines there may be a safety risk. If either the complainant or the respondent is a student living in residence, Campion may take immediate steps to protect the survivor and potential witnesses, the Campion community, or any of its members. For instance, the Campion may deem it necessary to provide the complainant and/or the respondent with alternative housing assignments during an investigation.

If either the complainant or respondent is an employee of the Campion, Campion may impose or facilitate interim measures such as moving the respondent to a different department or placing the respondent on an administrative leave of absence pending resolution of the complaint. For academic staff, the Dean may need to impose appropriate interim measures. Further, support from Campion Faculty Association and Employee Assistance Plans may be available.

Campion is committed to protecting student complainants in the event they share classes with a respondent to ensure the reporting process and steps taken under this policy do not affect their education at Campion. Workplace accommodation will be made for staff and

faculty complainants in a manner that ensures that wages and job security are not disrupted due to reporting sexual assault and violence.

### **Right to Withdraw a Reported Incident**

At any time in the process, someone making a report has the right to withdraw from that process without consequences to their Campion status and activities. However, Campion may continue to act on the issue identified in the report in order to comply with its obligation under this policy and/or its legal obligations. In the event Campion is required by law to report the allegation of sexual assault-and-violence to legal authorities (such as Social Services or the police) the person submitting the report will be advised of this requirement.

### **Protection from Reprisals, Retaliation or Threats**

It is contrary to this policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a person filing a report or other individual for:

- having pursued rights under this policy, the *Criminal Code*, or any other law;
- having participated or co-operated in an investigation under this policy, the *Criminal Code* or any other law; or
- having been associated with someone who has pursued rights under this policy, the *Criminal Code*, or any other law.

Anyone engaged in such conduct may be subject to sanctions and/or discipline.

### **False Statements and Accusations**

Any person who knowingly makes a false accusation or knowingly makes a misleading statement in connection with an investigation under this policy may be subject to disciplinary action.

### **Confidentiality**

Confidentiality is particularly important to those who have disclosed a sexual assault-and-violence. Campion does its best to respect the confidentiality of all persons, including the person submitting the report or making an allegation, the respondent and witnesses.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another;
- there are reasonable grounds to believe that others in the Campion or in the wider community may be at risk of harm; and/or

- subject to Section 12 of [\*The Child and Family Services Act\*](#), which states that "every person who has reasonable grounds to believe that a child is in need of protection shall report the information to an officer or peace officer".

In such circumstances, information will be shared only with such persons whose intervention is necessary to prevent harm. The names of those involved will not be released to the public.

Where Campion becomes aware of an allegation of sexual assault-and-violence by a member of the Campion community against another member of the Campion community, Campion administrators, including Campus Security, will be informed about the reported incident on a "need to know" and confidential basis.

## Related Information

- GOV-100-015 [Respectful University](#) Policy
- Student and Instructor Code of Conduct ([Section 5.1](#) and 5.2 of the Undergraduate Calendar)
- [Regulations Governing Discipline for Academic and Non-Academic Misconduct](#) (Section 5.13 of the Undergraduate Calendar)
- GOV-022-005 [Code of Conduct](#)
- GOV-022-020 [Safe Disclosure](#) Policy
- Local Authority [Freedom of Information and Protection of Privacy](#)
- [Saskatchewan Human Rights Code](#)
- [The Saskatchewan Employment Act](#)
- GOV-100-005 [Health and Safety Policy](#)

## Resources

- **Counselling Services:** The Counselling Services office is located in RC 251, telephone: 306-585-4491, webpage: <http://www.uregina.ca/student/counselling/index.html>
- **Campus Security:** The Campus Security Office is located in RI 120, telephone: 306-585-4999, email: [Campus.security@uregina.ca](mailto:Campus.security@uregina.ca), twitter: @UofRSecurity, Facebook: <https://www.facebook.com/pages/Campion-of-Regina-Campus-Security/215643171782471>.
- **Harassment, Discrimination Prevention & Conflict Resolution Services (HDPCRS):** The HDPCRS office is located in RC 251.14, telephone: 306-585-5400, email: [respect@uregina.ca](mailto:respect@uregina.ca).
- **UR Women's Centre**The Women's Centre is located in RC 226, telephone: 306-584-1255, email: [wc@ursu.ca](mailto:wc@ursu.ca).
- **UR PRIDE Centre:** Visit [www.urpride.ca](http://www.urpride.ca) for additional information.
- **Regina Police Service Liaison Officer:** email: [RPS.Member@uregina.ca](mailto:RPS.Member@uregina.ca).
- **Aboriginal Student Centre:** The ASC office is located in RI 108, telephone: 306-337-3153, email: [ASCentre@uregina.ca](mailto:ASCentre@uregina.ca), webpage: <http://www.uregina.ca/student/asc/mission.html>.
- **Chaplaincy Offices:** Campion College and Luther College provide access to ministry or chaplain supports.
  - **Campion College:** <http://campioncollege.ca/campus-life/campus-ministry>.
  - **Luther College:** The Pastoral office is located in LC 107, <https://luthercollege.edu/Campion/student-life/chaplaincy>
- **First Nations Campion Elders and Counselling:** Regina telephone: 306-790-5950 ext. 3129; Saskatoon telephone: 306-931-1800 ext. 5475; Prince Albert telephone: 306-765-3333 ext. 7139, webpage: <http://fnuniv.ca/elders>.
- **Student Success Office:** The Student Success Office is located in RC 230, telephone: 306-585-4076 (or toll free: 1-877-666-0822), email: [student.success@uregina.ca](mailto:student.success@uregina.ca), webpage: <http://www.uregina.ca/student/ssc/>.

- **UR International:** URI is located in CW 109, telephone: 306-337-2477 (or toll free 1-855-874-1700), email: [international.studentservices@uregina.ca](mailto:international.studentservices@uregina.ca), webpage: <http://www.uregina.ca/international/>.
- **Residence Services:** Located in SR 110, telephone: 306-585-5450 (or toll free: 1-866-354-3394); email: [residences@uregina.ca](mailto:residences@uregina.ca), webpage: <http://www.uregina.ca/student/residence/index.html>.
- **Walk Along Program:** Call 306-585-4999 or press the “Walk Along” button on campus pay phones (no coins required).
- **Study/Working Alone Program:** Request this service by calling 306-585-4999.
- **Regina Sexual Assault Centre:** Office phone: 306-522-2777, 24-hour Crisis line: 306-352-0434, webpage: <http://www.reginalsexualassaultcentre.ca/>.
- **Regina Police Service:** <http://www.reginapolice.ca/online-reporting/>