Policy Statement

The British Columbia Institute of Technology (BCIT) does not tolerate any form of Sexual Violence and Misconduct. BCIT is committed to providing and maintaining a safe and secure learning and working environment free from Sexual Violence and Misconduct.

Members of the BCIT Community who are alleged to have committed an act of Sexual Violence and Misconduct may be subject to BCIT’s administrative processes and/or the criminal justice system.

BCIT recognizes different forms of Sexual Violence and Misconduct, that gender exists along a continuum, and that anyone regardless of gender may experience Sexual Violence and Misconduct.

BCIT will respond to an individual who Discloses or Informs about their experience with Sexual Violence and Misconduct in a supportive manner consistent with Institute policies.

BCIT will respond to Complaints in a manner that supports all persons involved in the Complaint, consistent with Institute policies and principles of procedural fairness.

Purpose of Policy

The purpose of the Sexual Violence and Misconduct policy is to:

- facilitate a safe and secure learning and working environment that is free from Sexual Violence and Misconduct;
- define the roles and responsibilities of individuals in implementing and carrying out programs and practices towards the prevention of, and in response to, Sexual Violence and Misconduct;
- establish a supportive, prompt, consistent, fair, and coordinated response to Disclosures and Complaints of Sexual Violence and Misconduct;
- describe BCIT’s response to an individual Disclosing, Informing, or making a Complaint of Sexual Violence and Misconduct; and
- broadly communicate the support services, accommodations, and resources available to members of the BCIT community who may be affected by Sexual Violence and Misconduct.
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Application of this Policy

This policy applies to all BCIT students, employees, contractors, volunteers, and visitors (“BCIT Community”).

Scope

This Policy applies if:

- Sexual Violence and Misconduct is alleged to have occurred on BCIT property or at BCIT sanctioned events in person or online; and
- The reported Sexual Violence and Misconduct involves a person acting in a capacity defined by their relationship to BCIT.

Other BCIT policies that pertain to Sexual Violence and Misconduct include, but are not limited to, Policy 7507, Harassment and Discrimination; Policy 7100, Safety and Security; Procedure 7100-PR1, Response to Abusive or Threatening Behaviour; Procedure 7100-PR8, Threat Assessment Team; Policy 5102, Student Code of Conduct (Non-Academic); and BCIT Housing – Residence Standards and Regulations.

This Policy complements and is meant to be applied in harmony with those other policies and with any applicable BCIT collective agreements.

Related Documents and Legislation

BCIT Policies:

- Policy 7507, Harassment and Discrimination
- Policy 7100, Safety and Security
- Procedure 7100-PR1, Response to Abusive or Threatening Behaviour
- Procedure 7100-PR8 Threat Assessment Team
- Policy 5102, Student Code of Conduct (Non-Academic)
- Policy 6700, Freedom of Information and Protection of Privacy
- BCIT Housing – Residence Standards and Regulations

Legislation:

- Workers’ Compensation Act
- Human Rights Code
Definitions

Consent – An active, direct, voluntary, and conscious choice and agreement to engage in sexual activity. It is the responsibility of the initiator of sexual activity to obtain Consent at all stages of sexual engagement. More specifically, Consent

- is not silence or the absence of “no”;
- cannot be assumed or implied;
- cannot be given by an individual incapacitated by alcohol, drugs, or some other reason, and/or who is unconscious, or otherwise incapable of providing Consent;
- can be revoked at any time, whatever other sexual activities have taken place;
- can never be obtained through an abuse of power, threats, intimidation, coercion, or other pressure tactics;
- cannot be obtained if the initiator abuses a position of trust, power, or authority; and
- cannot be assumed from previous Consent to similar activities.

Disclosure or Disclose – an individual chooses to tell anyone of their experience of Sexual Violence and Misconduct. The individual may or may not want to proceed with any action at the time; however, if the Disclosure is made to a BCIT employee, that employee will usually have the responsibility to Inform SSEM.

Inform – an individual provides information about an act of Sexual Violence and Misconduct to BCIT Safety, Security and Emergency Management (SSEM).

Complaint – an individual informs and requests that the matter be investigated by BCIT.

Sexual Violence and Misconduct: any sexual act or act targeting a person’s sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without the person’s consent and including but not limited to:

a) sexual assault*;

b) sexual exploitation*;

c) sexual harassment*;

d) stalking*;

e) indecent exposure*;

f) voyeurism*;

g) 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.

*Term further defined within Appendix A of this document.

Guiding Principles

BCIT recognizes the significant impact that Sexual Violence and Misconduct can have on an individual. Where an individual Discloses, Informs, or makes a Complaint of Sexual Violence and Misconduct, BCIT will provide appropriate support, services, and/or referrals.
Privacy and Confidentiality

BCIT recognizes the sensitivity of information relating to incidents of Sexual Misconduct and Violence and will make every reasonable effort to protect personal information and maintain confidentiality.

Personal information that BCIT collects or maintains in connection with incidents of Sexual Violence and Misconduct is subject to the Freedom of Information and Protection of Privacy Act (“FIPPA”), and BCIT will ensure that all such information is collected, used and disclosed by it only in compliance with the requirements of FIPPA and this Policy.

BCIT will ensure that access to such information is permitted only on a need-to-know-basis. All records or files created or collected by BCIT will be kept secure, and access to them will be limited to authorized personnel.

BCIT may collect, use, and disclose personal information that it receives, only as it considers reasonable and necessary to investigate and respond appropriately. However, the use and disclosure of personal information for these purposes will, to the extent reasonably possible, be undertaken in consultation with the affected individual.

This may involve disclosing personal information internally and/or with police to ensure the safety of its campuses and facilities, and to prevent significant risks of injury or harm to any person. In some circumstances, BCIT may also be required to disclose personal information about an alleged act of Sexual Violence and Misconduct in order to comply with its legal obligations (such as where BCIT is served with a subpoena or court order).

Disclosing, Informing, and Making Complaints

There is no obligation on any person who has experienced Sexual Violence or Misconduct to Disclose, Inform, or make a Complaint about the incident. However, all members of the BCIT Community who experience, witness or learn of such conduct or incidents are strongly encouraged to Inform SSEM. BCIT employees who learn of any incident of Sexual Violence and Misconduct are usually required to Inform SSEM.

A person who has experienced an act of Sexual Violence and Misconduct, may Inform SSEM of the incident, and may also choose to make a Complaint. In addition to Disclosing, Informing or making a Complaint under this Policy, a person who has experienced Sexual Violence and Misconduct may, at any time, report the matter to the police.

When an individual Informs SSEM of an act of Sexual Violence and Misconduct, SSEM will assess the level of risk to the BCIT Community. If imminent risk is present, the BCIT Threat Assessment Team will review and make recommendations as outlined in BCIT Procedure 7100-PR8, Threat Assessment. If imminent risk is not present, BCIT will work with the individual in relation to options for available support and accommodation, including taking no further action or making a formal Complaint. If the individual indicates that they would like to pursue a Complaint, members of the BCIT Sexual Violence and Misconduct Investigation Team will investigate, and provide the results to the administrative body responsible for the policy under which the Complaint is being made.

BCIT will act according to the principles of procedural fairness in responding to Complaints of Sexual Violence and Misconduct, and will take all reasonable steps to ensure the safety of the BCIT Community.

BCIT Procedure 7103-PR1, Response to Sexual Violence and Misconduct provides more information about Disclosure, support and accommodation, Informing BCIT, and/or filing a Complaint.
Sexual Violence and Misconduct Awareness, Education and Training Programs

BCIT offers ongoing awareness and education programs for the BCIT Community.

Duties and Responsibilities

Director, Safety, Security and Emergency Management

The Director of Safety, Security and Emergency Management is responsible for implementing and managing the Sexual Violence and Misconduct policy. This includes any surveys or reporting required under the Sexual Violence and Misconduct Policy Act.

The Sexual Violence and Misconduct Investigation Team

This team is responsible for investigating Complaints of Sexual Violence and Misconduct, and providing investigative summaries to the administrative bodies responsible for the relevant policy under which the Complaint is being made.

The Sexual Violence and Misconduct Prevention and Response Committee

This committee regularly reviews the current policy, advises, and develops policies and procedures for Sexual Violence and Misconduct prevention and response. This involves implementing a comprehensive awareness and education program designed to establish a BCIT Community that does not tolerate Sexual Violence and Misconduct. Specific functions of this committee are to:

- consider issues related to Sexual Violence and Misconduct, and make any necessary recommendations;
- research and review best practices in Sexual Violence and Misconduct prevention and response;
- review, and recommend appropriate changes to the Sexual Violence and Misconduct policy and related procedures;
- develop and deliver a Sexual Violence and Misconduct awareness program;
- consult with students and with any persons prescribed by the Sexual Violence and Misconduct Policy Act when conducting a review of the Policy; and carry out such reviews as may be required to assess recommendations to amend the policy and at least every three years.

BCIT Community

The BCIT Community is responsible for being aware of and complying with this Policy.

Procedures Associated With This Policy

- 7103-PR1, Response to Sexual Violence and Misconduct
- 7100-PR1, Response to Abusive or Threatening Behaviour
- 7100-PR8, Threat Assessment Team
- 6700-PR1, Freedom of Information and Protection of Privacy (FOIPOP)

Forms Associated With This Policy

None.
Amendment History

1. Created 2015 Oct 06
2. Revision 1 2017 Mar 14

Scheduled Review Date

2020 Mar 14

Appendix A – Definitions

Indecent Exposure: The non-consensual exposure of one’s genitals to another person for a sexual purpose.

Sexual Assault: Any activity of a sexual nature imposed by one person on another without Consent, which:

- includes a range of sexual activities including, but not limited to, oral contact (kissing), groping, touching, oral sex, vaginal or anal penetration, and/or other forms of penetration;
- can occur if the person accused is the spouse, an intimate or dating partner, a friend or acquaintance, a known person in a position of authority, or a complete stranger;
- can occur between individuals regardless of sexual orientation, gender, gender identity, or relationship status; and/or
- can occur when an individual engages in sexual activity with another person they know, or reasonably ought to have known, is mentally or physically incapacitated (e.g., by drug or alcohol use, unconsciousness, blackout, or as a result of a disability).

Sexual Exploitation: The act of inviting, counselling, or inciting others to touch a young person for a sexual purpose, whether directly or indirectly that exploits the young person.

Sexual Harassment: Unwelcome sexually-oriented conduct, which may be either verbal, physical, or by innuendo, where:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational progress; or
- submission to or rejection of such conduct is used as a basis for employment or educational decisions; or
- such conduct has the purpose or effect of interfering with work or educational performance; or
- such conduct creates an intimidating, hostile, or offensive working or educational environment.

Stalking: Conduct that causes another person to reasonably fear for their safety or the safety of anyone known to them by:

- repeatedly following from place to place the other person or anyone known to them;
- repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- engaging in threatening conduct directed at the other person or any member of their family.
**Voyeurism:** The non-consensual observation and/or recording of others as they undress or engage in sexual activities.