
Sexualized Violence

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Policy Statement

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

Sexualized Violence is a significant and systemic social issue that can impact anyone, regardless of their social position or position within the BCIT structures, hierarchies, and power relations.

BCIT recognizes that some individuals experience Sexualized Violence at higher rates and in different ways. Every effort to address Sexualized Violence will be grounded as part of a Trauma-Informed and intersectional approach.

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

Members of the BCIT Community who are alleged to have committed an act of Sexualized Violence may be subject to BCIT's administrative processes or the criminal justice system.

Purpose of Policy

The purpose of the Sexualized Violence policy is to:

- identify a clear commitment to addressing Sexualized Violence in order to facilitate a safe and secure learning, living, and working environment;
- provide a framework for the provision of guidance, assistance, and support to members of the BCIT community who have experienced Sexualized Violence or who have received a Disclosure of Sexualized Violence;
- educate the BCIT community about Sexualized Violence, including prevention and response to Sexualized Violence;
- define the roles and responsibilities of individuals in implementing programs and practices for the prevention of, and in response to, Sexualized Violence;
- identify a consistent process for responding to a Disclosure or Report that is Trauma-Informed and grounded in an intersectional approach, supportive, prompt, consistent, and fair;
- describe BCIT's response to an individual Disclosing, or making a Report of Sexualized Violence; and,

- broadly communicate the support services, accommodations, and resources available to members of the BCIT community who may be affected by Sexualized Violence.

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Application of this Policy

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

Scope

This Policy applies if:

- Sexualized Violence is alleged to have occurred on BCIT property, or at BCIT sanctioned activities and events in person or online, including but not limited to practicums, field schools, co-ops, or conferences, or is alleged to have an adverse impact on another person’s reasonable participation in the programs, activities, or employment at the Institute; and,
- the reported Sexualized Violence involves a person acting in a capacity defined by their relationship to BCIT.

Related Documents and Legislation

BCIT Policies

- Policy 7507, Harassment and Discrimination
- Policy 7511, Employment and Educational Equity
- Policy 7100, Safety and Security
- Procedure 7100-PR1, Response to Abusive or Threatening Behaviour
- Procedure 7100-PR8, Threat Assessment Team
- Policy 3501, Acceptable Use of Information Technology
- Policy 3502, Information Security
- Policy 5102, Student Code of Conduct (Non-Academic)
- Policy 6700, Freedom of Information and Protection of Privacy

- BCIT Housing – Standards and Regulations

Legislation

- *Workers Compensation Act*, RSBC 1996, c 492
- *Human Rights Code*, RSBC 1996, c 210
- *Sexual Violence and Misconduct Policy Act*, SBC 2016, c 23
- *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165

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

Definitions

Report: means when an individual requests that Sexualized Violence be investigated by BCIT.

Complainant: means the individual making a Report of Sexualized Violence.

Consent: An active, direct, voluntary, and conscious choice and agreement to engage in physical contact or sexual activity. It is the responsibility of the initiator of physical contact or sexual activity to obtain Consent at all stages of mutually acceptable 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 for some other reason, or who is unconscious, or otherwise incapable of providing Consent;
- is not present if impaired judgement on the part of the initiator leads them to think or believe there was consent;
- is required regardless of the relationship status or sexual history of the parties;
- cannot be assumed from previous Consent to similar activities or agreements;
- can be revoked at any time, by any participant, regardless of previous sexual activities or agreements;
- can never be obtained through abuse, threats, intimidation, coercion, harassment, or other pressure tactics; and,
- cannot be obtained if the initiator abuses a position of trust, power, or authority.

Disclosure or Disclose: when an individual chooses to tell anyone of their experience of Sexualized Violence. 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 may have the responsibility to inform a member of the BCIT Sexualized Violence Response Team (SVRT).

Intersectionality: means a framework that promotes an understanding that individuals are shaped by interacting social locations and identities (e.g., race, sexuality, gender etc.).

Reprisal: means any measures taken against a Complainant, Respondent, or any other person because they have asked for advice regarding this Policy or Procedure, brought

forward allegations of Sexualized Violence or made a Report in good faith, cooperated with or participated in an investigation, or rejected a sexual solicitation or advance.

Respondent: the individual accused of having caused or contributed to an act of Sexualized Violence.

Sexualized Violence: 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, with the intent to distress the person in the photograph or video;
- h) the attempt to commit an act of Sexualized Violence.
- i) the threat to commit an act of Sexualized Violence.

Sexualized Violence can take place through any form or means of communication (e.g., verbal, written, visual, through a third party, online, social media, etc.).

The list is intended to help the BCIT Community understand the kinds of acts that will be considered Sexualized Violence. It is not exhaustive and other acts can still be considered Sexualized Violence under this Policy even if they do not appear in the above list.

Stealthing: the acts of pretending to use a condom or removing one during or prior to sex without the partner's consent.

Trauma-Informed: policies, programming, protocols that recognize the impacts of trauma (intergenerational, historical, complex, acute, chronic, community based) on the community and integrate this recognition into responses.

*Term further defined within Appendix A to this Policy.

Guiding Principles

BCIT recognizes the significant impact that Sexualized Violence can have on an individual. Where an individual Discloses, or makes a Report of Sexualized Violence, BCIT will provide appropriate support, services, or referrals.

Privacy and Confidentiality

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

Personal information that BCIT collects or maintains under this policy in connection with incidents of Sexualized Violence 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, this Policy, and other applicable laws.

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 under this Policy only as it considers reasonable and necessary to investigate and respond appropriately. However, the use and disclosure of personal information for these purposes will, where appropriate and to the extent reasonably possible, be undertaken in consultation with the affected individual.

Personal information collected under this Policy may be shared internally or with police to ensure the safety of the BCIT Community, and to prevent significant risks of injury or harm to any person. In some circumstances, BCIT may also be required by law to disclose personal information about an alleged act of Sexualized Violence (such as when BCIT is served with a subpoena or court order).

SVRT will maintain annual statistics on Reports of Sexualized Violence on campus for the purposes of community education and any legislated reporting that may be required. BCIT will not disclose such statistics in any form that would identify any community member.

Disclosing and Making a Report

Disclosing

BCIT respects the right of those who have experienced Sexualized Violence to choose the most appropriate supports and to independently determine whether to contact police or make a Report. No person who has experienced Sexualized Violence is obligated to Disclose or make a Report about the incident. However, all members of the BCIT Community who experience, witness, or learn of such conduct or incidents are encouraged to inform a member of the SVRT.

Making a Report

BCIT will work with individuals who have experienced Sexualized Violence in relation to options for available support and accommodation, including making a formal Report or taking no further action. If the individual indicates that they would like to pursue a Report, members of the SVRT will oversee the administration of and response to the Report.

BCIT will act according to the principles of procedural fairness in responding to Reports of Sexualized Violence and will take all reasonable steps to ensure the safety of the BCIT Community.

BCIT Procedure 7103-PR1, Response to Sexualized Violence provides more information about Disclosure, support, accommodation, and filing a Report.

Sexualized Violence Awareness, Education and Training Programs

Education is a fundamental aspect of BCIT's commitment to preventing and addressing Sexualized Violence. BCIT will provide ongoing awareness and education programs for the BCIT Community by collaborating with internal community members. This includes implementing and actively promoting education, awareness, prevention, and training programs, in multiple accessible formats and tailored to multiple audiences. Programming

will be from a Trauma-Informed, Intersectional, Complainant centred, anti-oppressive lens, and will be reviewed annually to ensure relevance and effectiveness.

Duties and Responsibilities

BCIT Administration

BCIT also has an obligation to protect the BCIT Community from harm. BCIT reserves the right to initiate an investigation in accordance with the Procedure or to report the incident to local police services without the consent of the Complainant, if the Sexualized Violence Response Team believes that the safety and security of the Community is at risk or if reporting is required by law (for example, in the case of minors). In cases where actions are taken without the consent of the Complainant, reasonable efforts will be made to preserve the privacy of the Complainant. In addition, the Complainant will be notified of the actions BCIT intends to take in order that the Complainant can work with BCIT to take any additional safety precautions that may be required because of BCIT's actions.

BCIT Community Responsibilities

Promoting a safe work and learning environment is a responsibility of all members of the BCIT Community. BCIT calls for all members of the BCIT Community, especially those in instructional, supervisory, or managerial positions, to:

- (a) practise Consent and respect, and create and foster a culture in which Consent and respect are foundational principles and practices;
- (b) bring forward to the SVRT evidence of matters of which they are aware;
- (c) deal appropriately with allegations or other violations of this Policy and Procedure;
- (d) provide reasonable cooperation in an investigation;
- (e) be aware of their responsibilities and educate themselves as to the expectations and reporting requirements under this Policy and Procedure; and,
- (f) educate those for whom they are responsible regarding expectations for safe and respectful conduct, including this Policy and Procedure.

Senior Director, Safety, Security and Emergency Management

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

The Sexualized Violence Response Team

This team is comprised of a member from each of the following departments: Student Success; Respect, Diversity, and Inclusion; People, Culture, and Inclusion; Safety, Security, and Emergency Management; and Indigenous Initiatives and Partnerships. The SVRT ensures the appropriate supports and accommodations are provided to affected individuals. The SVRT shall be informed of incidents of Sexualized Violence and in consultation with the Complainant, shall determine the appropriate procedure to follow.

Duties and Responsibilities

The Sexualized Violence Prevention Committee

This committee considers issues related to Sexualized Violence and regularly reviews the current policy and procedures, providing advice, and making any necessary recommendations. It also develops prevention and educational programming, including implementing a comprehensive awareness and education program designed to make BCIT a community that does not tolerate Sexualized Violence.

Procedures Associated with This Policy

7103-PR1, Response to Sexualized Violence
7100-PR1, Response to Abusive or Threatening Behaviour
7100-PR8, Threat Assessment and Threat Assessment Team
6700-PR1, Information Access

Forms Associated with This Policy

None

Amendment History

		<u>Approval Date</u>	<u>Status</u>
1. New:	Policy 7103 version 1	2015 Oct 06	Replaced
2. Revision:	Policy 7103 version 2	2017 Mar 14	Replaced
3. Revision:	Policy 7103 version 3	2020 Dec 03	Replaced
4. Revision:	Policy 7103 version 4	2023 Dec 05	In Force

Scheduled Review Date

2026 Dec 05 (or sooner, if there are changes to the regulatory context or relevant operational circumstances).

Appendix A – Definitions

Cyber-harassment, or cyber-stalking: repeated, unsolicited, threatening behavior by a person or group using mobile or Internet technology with the intent to terrify, intimidate, humiliate, threaten, harass, or stalk someone else.

Indecent Exposure: exposure of one's genitals to another person or coercing another person to undress in order to expose their body without their Consent.

Sexual Assault: any activity of a sexual nature imposed or threatened 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, 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; 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 due to a disability).

Sexual Exploitation: the act of inviting, counselling, or inciting others to touch a young or vulnerable person for a sexual purpose whether directly or indirectly, such as by the offer of money or other reward in exchange for sexual contact or by abusing a position of power, authority, or trust.

Sexual Harassment: unwelcome behavior, remarks, or communications of a sexual nature by a person:

- who knows or ought reasonably to know that the behaviour is unwanted or unwelcome; and,
- which interferes with another person's participation in a BCIT-related activity or leads to or implies job- or academically related consequences for the person harassed.

Stalking: conduct whether in person or by electronic means 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, either directly or indirectly, with 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.

Stealthing: the act of pretending to use a condom, or of removing one during or prior to sex without the partner's Consent.

Voyeurism: the non-consensual observation or recording of another person in a location where there is a reasonable expectation of privacy and the observation or recording is done for a sexual purpose.