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Standard Number:	<b>5010</b>	Effective Date:	<b>Jan 1, 2024</b>
Standard Title:	<b>Sexual Violence &amp; Misconduct</b>	Last Updated:	<b>Dec 15, 2023</b>
Standard Category:	<b>Human Resources</b>	Next Review Date:	<b>Jul, 2025</b>

## Purpose

Ridge Meadows College is aware of its responsibilities under the BC Sexual Violence and Misconduct Policy Act and is committed to being a safe place for everyone. Sexual violence and misconduct will not be tolerated. This standard outlines the procedure for disclosing or reporting a case of sexual violence or misconduct and the response and investigation mechanisms in place by the college.

Individuals who have experienced sexual violence and misconduct will be treated with compassion, dignity and respect.

## Definitions

Claimant: the person who discloses or reports a complaint related to a service standard.

College Member: a student or employee of the college or School District No. 42.

Consent: Freely and voluntarily given agreement to engage in or continue to engage in the sexual activity in question which must be affirmatively communicated through words or actively expressed through conduct. For the purposes of this definition, consent:

- a) Is never assumed or implied
- b) is not silence, inaction or the absence of “no”,
- c) cannot be given if the individual is incapacitated by alcohol or drugs, or is unconscious,
- d) can never be obtained through threats or coercion,
- e) can be withdrawn at any time,
- f) cannot be obtained if a party induces another to engage in sexual activity by abusing a position of trust, power or authority,
- g) can be given for one kind or instance of sexual activity but that does not mean that consent is given for any other sexual activity or instance,
- h) cannot be expressed by the words or conduct of a third party,
- i) may not be implied from the relationship status of the parties nor from past consent to sexual activity,
- j) is not considered given if it involves a person in a power relationship with a student or employee (faculty/student; supervisor/employee),
- k) may not be proved by evidence of a person’s sexual reputation or history of sexual activity.

Discrimination: Discrimination is defined by the B.C. Human Rights Code and is specific to the Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

Employee: An employee of School District No. 42 and/or Ridge Meadows College, including but not limited to staff, instructors and paid contractors.

FIPPA: The BC Freedom of Information and Protection of Privacy Act, and regulations thereto.

Procedural Fairness & Natural Justice: The principles ensuring that a dispute is fairly decided. If a report is made, the claimant and respondent have equal rights to the following:

- a) Notice
- b) Disclosure
- c) An opportunity to present their case
- d) An opportunity to respond
- e) An advocate
- f) Have all relevant information considered
- g) Legitimate expectations
- h) An impartial and unbiased decision maker
- i) A sufficiently detailed, reasoned and timely written decision
- j) A reasonable and timely process

Respondent / person(s) accused: A person or persons alleged to have engaged in conduct that violates this service standard.

Sanction: an academic sanction is a penalty imposed on a student when academic or code of conduct violations have been determined to have taken place. Sanctions may take many different forms.

Sexual Harassment: Conduct of a sexual nature by a person who knows or ought reasonably to know that such behavior is unwanted or unwelcome, which leads to or implies employment, academic, or personal consequences of the person harassed, interferes with a person's participation in a college-related activity or creates an intimidating, hostile or offensive working or educational environment. Examples of sexual harassment include but are not limited to:

- a) Demanding a hug, kiss, date or sexual contact;
- b) Unwanted touching or demanding/asking to be touched;
- c) Use of derogatory language, sex-specific derogatory names, and/or comments related to a person's sexual appearance, characteristics or behavior;
- d) Sexual jokes, including jokes or material circulated by email;
- e) Spreading sexual rumours;
- f) Bragging about sexual prowess;

- g) Distributing and/or displaying sexually explicit images of self or others to a person who has not consented to being a recipient of the images;
- h) Unwanted questions about sexual history.

Sexual Misconduct: includes but is not limited to the following:

- 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 and/or with the intent to distress the person in the photograph or video
- h) The attempt to commit an act of sexual misconduct
- i) The threat to commit an act of sexual misconduct

Sexual Orientation and Gender Identity: An inclusive term that applies to everyone, whether they identify as lesbian, gay, bisexual, transgender, queer, two-spirit, heterosexual or cisgender (identifying with the same gender that one was assigned at birth).

Survivor: Someone who has experienced sexual violence or misconduct in the past.

## Statement

This service standard applies to all individuals on college property, participating in college activities, or otherwise engaging with the college, whether student, employee or visitor.

For the purposes of college investigations, outcomes, and corrective action, including sanctions, this service standard applies only to sexual violence or misconduct by a college member (student or employee) against another college member. The college will provide support and resources to any college member who is a survivor of sexual violence or misconduct but the college does not have the jurisdiction to investigate or implement corrective action on a person accused who is not a college member.

## Statement of Principles

1. RMC will not tolerate sexual violence or misconduct and is committed to maintaining a safe and inclusive working and learning environment free from sexual violence and misconduct at all times.
2. The college recognizes that people's experiences with sexual violence or misconduct can be impacted by multiple forms of intersecting oppression such as power dynamics, misogyny,

sexism, racism, poverty/classism, ableism, transphobia, homophobia, ageism, religious discrimination, colonialism and others.

3. RMC recognizes that individuals of all gender identities and expressions, and all sexual orientations may experience sexual violence and misconduct.
4. RMC understands that sexual violence and misconduct can have a significant impact on survivors and their community; that violence, harassment, and threats can seriously impact the ability of college members to function in their studies, work and lives. The college understands that each survivor will be impacted by, and respond differently to, sexual violence and misconduct.
5. The college is committed to respecting the rights of those who disclose sexual violence or misconduct to make their own decisions about accessing support services, making a report or pursuing external processes such as criminal or civil actions.
6. RMC understands that acts of sexual violence and misconduct are caused by the perpetrator's actions, not the survivor's behaviour or sexual history. RMC will never inquire about a survivor's sexual history when they disclose or report sexual violence or misconduct.
7. Survivors who experience sexual violence or misconduct while engaging in activities that violate other college service standards will not be subject to sanctions for those violations that took place at the same time as the sexual violence or misconduct.
8. All individuals involved in a complaint will be treated in a fair and equitable manner in accordance with the principles of procedural fairness and natural justice.
9. RMC will respond to all claimants and conduct investigations in a timely manner.
10. RMC is committed to protecting the confidentiality of claimants and respondents. College members who receive a disclosure or report must make every reasonable effort to protect confidential information and maintain confidentiality.
11. Respondents who have been found to be responsible for the harm caused by committing an act of sexual violence or misconduct will be held accountable and subject to sanctions up to and including expulsion or termination.

## Related Standards

- 4006: Student Code of Conduct
- 5001: Conflict Resolution
- 5005: Employee Conduct
- 5007: Equity, Diversity and Inclusion
- 5008: Respectful Treatment
- 5009: Sexual Orientation and Gender Identity or Expression
- 5011: Accessibility

## Related Rules

- 4006R: Student Code of Conduct Rules

- 5001R: Conflict Resolution Rules
- 5010R: Sexual Violence & Misconduct Rules