



## SEXUAL VIOLENCE AND MISCONDUCT POLICY

Policy Area:

V

Policy Sponsor: Associate Vice President, People Services

Policy Contact: Dean, Students

Stakeholders: Students, Employees, Board of Governors

Authority: [College and Institute Act](#)  
[Sexual Violence and Misconduct Policy Act](#)

Approval Authority: Board of Governors

Approval Date: March 12, 2024

Effective Date: March 12, 2024

Replaces or New: Sexual Violence and Misconduct Policy (SVPL\_2308R\_BG/PVPA)

Last reviewed: August 2023      Scheduled review date: June 2025

Procedures: [Procedures for Complaints or Disclosures of Sexual Violence and Misconduct](#)  
[Procedures for Student Non](#)

responding to Disclosures/Complaints. Okanagan College will train persons responsible for addressing Sexual Misconduct on Trauma Informed Approaches.

The College recognizes that certain relationships between students and employees are relationships of heightened trust and vulnerability. Sexual or intimate relationships between individuals and employees where there is a supervisory role or where an individual has influence over a student's current or future academic activities, working conditions, or career advancement are considered a conflict of interest under the Employee Standards of Conduct and may be subject to disciplinary action under the **Code of Ethical Practices Policy**(see section 5 – Standards of Conduct)

There is no time limitation for a Student or Employee to bring forward a Complaint or Disclosure under this Policy.

## 2. Purpose

- 2.1 The purpose of this policy is to clearly state the College's commitment to addressing Sexual Violence and Misconduct by:
- a) Creating a learning and working environment in which Sexual Violence and Misconduct is not tolerated;
  - b) Working with Housing staff to ensure, to the best of our abilities, that the College's Student Housing is a safe living environment;
  - c) Promoting a culture of Consent to prevent Sexual Violence and Misconduct;
  - d) Establishing a fair, supportive and effective response to Complaints and Disclosures of Sexual Violence and Misconduct;
  - e) Providing education to the College community about prevention of Sexual Violence and Misconduct;
  - f) Promoting of a culture of safety, support, and openness that diminishes sexual aggression and survivor blaming;
  - g) Assisting those who have experienced Sexual Violence and Misconduct by providing information and support, including provision of counselling and/or referral to medical care, and appropriate academic and/or other accommodations;
  - h) Defining the roles of individuals responsible for implementing and carrying out the programs and practices outlined in this policy;
  - i) Using clear, appropriate and fair processes for handling Complaints and Disclosures of Sexual Violence and Misconduct.
  - j) Advancing on-campus supports to provide psychological and emotional support, assistance with safety planning and referrals to other services, including medical services;
- 2.2 The following link provides information on the internal and external resources that can assist those who have experienced Sexual Violence and Misconduct:
- <https://www.okanagan.bc.ca/sexualviolence-awareness>



**Complainant**

Means a person who seeks recourse under this Policy based on a belief that they have witnessed or experienced conduct which is prohibited by this Policy. The College may act as a Complainant in appropriate circumstances.

**Complaint**

seeking recourse under this Policy. A Complaint can be made by a person who has experienced Sexual Violence and Misconduct or who has been a witness to

- i) incapacitated due to consumption of alcohol or drugs; any sexual activity involving alcohol or drug use requires the standard of affirmative Consent; the use of alcohol and/or drugs by an individual never implies Consent and should not be assumed to have played a role in causing a survivor's experience of sexual violence.

<b>Representative</b>	Means an appropriate person whom Complainants and Respondents may engage to assist them throughout the process of filing or responding to a complaint. An appropriate Representative may be a student representative from the OCSU or VSAOC, an Employee of the institution, a union steward for Employees, or an outside Representative of the individual's choice.
<b>Respondent</b>	Means the person accused of Sexual Violence or Misconduct.
<b>Retaliation</b>	Means any adverse action or threatened action taken, or made, through any means, including through social or other electronic media, against a person who engages with this policy or against a person associated with anyone who engages with this policy. Retaliation includes but is not limited to threatening, intimidating, or harassing conduct that could discourage a person from seeking support or other services, disclosing or reporting Sexual Violence or Misconduct, participating in an investigation, or otherwise engaging with this policy.
<b>Sexual Violence and Misconduct</b>	<p>Means any contact or conduct of a sexual nature or act targeting a person's sexuality, gender identity or gender expression whether the act or contact/conduct is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's Consent, and includes without limitation:</p> <ul style="list-style-type: none"><li>a) Sexual Assault;</li><li>b) Sexual Harassment;</li><li>c) Stalking;</li><li>d) indecent exposure;</li><li>e) voyeurism;</li><li>f) sexual exploitation; and</li><li>g) the distribution of an intimate image, within the meaning of the <b>Intimate Images Protection Act</b> without the consent of the individual(s) depicted in the image; and</li><li>h) threatening to distribute an intimate image depicting an individual.</li></ul>
<b>Sexual Assault</b>	<p>Means any contact of a sexual nature undertaken without Consent from all participants. Sexual assault can be committed by a partner, friend or acquaintance, a person in a position of authority or a stranger. It may occur between individuals regardless of sexual orientation, gender, gender identity or relationship. Sexual assault can include:</p> <ul style="list-style-type: none"><li>a) a range of non-consensual sexual activities, including sexual touching, kissing, oral sex, or vaginal/anal penetration;</li><li>b) sexual contact that is forced, manipulated or coerced.</li><li>c) when an individual engages in sexual activity with another person they know or ought reasonably to have known is mentally or physically</li></ul>

incapable of giving or refusing Consent, such as when a person is unconscious, blacked out, intoxicated through the use of alcohol or drugs or otherwise incapable due to a mental or physical disability;

- d) drug-facilitated sexual assault where the use of alcohol and/or drugs by a person to control, overpower, or subdue a person for sexual purposes; and,
- e) stealthing, which is the act of removing any protective barrier (i.e. condom, latex dam) during sex without the Consent of the partner.

### **Sexual Harassment**

Means unwelcome conduct of a sexual nature, including conduct of a verbal, physical or non-verbal nature, based on sex, sexual orientation, gender identity, or gender expression, where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that such conduct is unwelcome and the conduct has the effect of creating an intimidating, hostile or offensive learning or working environment or otherwise interferes with a person's educational or work performance . It includes, but is not limited to:

- a) when submission to, or tolerance of, sexualized conduct is made as a term or condition of educational or employd(n)-1.3 (t)0.7 l( o)-7.3 is1.9 (d t)-1.31 (n)-1woce6-4.4

**Student** Means any person enrolled as a



## **7. Roles and Responsibilities of the College Community**

- 9.3 The College will investigate all Complaints through a neutral impartial process.
- 9.4 When the Respondent is an employee, the procedures under the College's **Employee Discrimination, Bullying and Harassment Policy** will govern the investigation and/or resolution process. The College will ensure that the investigator appointed is familiar with this policy.
- 9.5 When the Respondent is a student, the procedures under the College's **Procedures for Student Non-Academic Conduct Investigations** Process for a Major Infraction (section 3.10) will govern the investigation and/or resolution process. The College will ensure that the investigator appointed is familiar with this policy.
- 9.6 The College reserves the right to specify alternate processes for the handling of a complaint lodged by a member of the College Community who is not a Student, Employee or member of the Board of Governors.
- 9.7 The College may implement temporary measures or restrictions before an investigation or resolution process is commenced or concluded as may be appropriate for safety of the individuals involved and the College community (see **Procedures for Student Non-Academic Conduct Investigations** Initial Review of Complaint (section 3.5).

## 10. Review and Reporting

- 10.1 This Policy will be reviewed at least once every three years.
- 10.2 On an annual basis the President will report to the Board on the implementation of this Policy.
- 10.3 The College reserves the right to determine the appropriate College policy, processes and procedures to follow to address a Complaint or initiate an investigation.

## 11. Related Acts and Regulations

**Intimate Images Protection Act**

**Workers' Compensation Act** (R.S.O. 1990, c. 483, s. 11.7(1))

## History / Revisions

Date	Action
2024-03-12	Approved by the Board of Governors Sexual Violence and Misconduct Policy (SVPL_2403R_BG/PSV)
2022-06-22	Approved by the Board of Governors Sexual Violence and Misconduct Policy (SVPL_2308R_BG/PVPA)