

Title	Sexualized Violence Response
Number	B3009
Category	Administration

PRINCIPLES

snəwəyət leləm Langara College aspires to be a safe place for everyone. The College welcomes students, staff, and faculty from across British Columbia, Canada, and from around the world. The College community is diverse, and includes Indigenous people, Black and people of colour and people of different abilities, genders and sexual identities.

The College recognizes that all members of the College community should be able to work, teach, and learn in an environment free from sexual harassment, discrimination, and sexualized violence and that everyone has the right to exercise full control over their own bodies, and to engage only in sexual activity to which they consent.

The College recognizes that sexualized violence affects everyone regardless of sex, sexual orientation, gender, gender identity or expression, or relationship status. The College accepts that sexualized violence disproportionately affects historically marginalized communities, particularly those who experience the intersection of multiple identities such as, but not limited to, Indigenous women, women with disabilities, and racialized women.

The College strives to create a culture of safety for everyone at the College and seeks to address incidents of sexualized violence with dignity and respect, support all persons affected, and minimize harm to members of the college community.

1. PURPOSE

The purpose of this policy is to outline the processes related to responding to sexualized violence or misconduct.

2. DEFINITIONS

Academic or employment considerations – an informal change made to a person’s participation in a course or employment situation that does not change the basic requirements of a course or job duties.

Alternate resolution – any method of resolving a matter with the help of someone who is not directly involved before an investigation is started or completed.

Balance of probabilities – a way of deciding a case where something is more likely than not to have occurred.

College community – employees, students, volunteers, contractors, and other individuals who work, study, or engage in business or services at the College.

College response – any action or consequences imposed on an individual for breaching this policy.

Complainant – 1) a person alleging that they have experienced sexual violence or misconduct.
2) a person who has witnessed or knows about an incident of sexual violence or misconduct.

Confidentiality – the protection of private information from being disclosed to anyone who is not authorized to receive the information. Confidentiality is not the same as anonymity.

Consent – active, direct, enthusiastic, ongoing, informed, and voluntary agreement to engage in sexual or sexualized activity.

Disclosure – telling someone at the College about an experience or a concern around sexualized violence or misconduct to obtain support, guidance, information, and/or referral. A disclosure does not initiate an investigation unless a formal complaint is made.

Employee – in this policy, any individual who is or was employed at the College at the time the alleged sexualized violence or misconduct occurred.

Formal complaint – a written statement made by any member of the College community about an incident of sexualized violence or misconduct. The purpose of making a formal complaint is to have the incident investigated.

Interim measures – temporary actions taken by the College on a case-by-case basis to preserve the health and safety of individuals involved in an investigation or other members of the College community, and/or to maintain a safe and productive learning and working environment.

Investigation – a process of collecting and assessing information to determine the nature and circumstances of an alleged incident of sexualized violence or misconduct, and whether it is more probable than not that this policy has been breached.

Respondent – a person against whom an allegation of sexualized violence or misconduct has been made.

Sexualized violence or misconduct – any unwanted action carried out through sexual means. See Appendix A for full definitions.

Student – an individual who has applied for admission to the College, has been granted admission to the College, is enrolled in, auditing, or participating in any College course or program, or when not enrolled or registered for a particular semester, is eligible to enroll in future terms without seeking readmission. Individuals between academic terms; on a leave of absence; awaiting a degree or credential; on suspension; or having withdrawn from the College while a disciplinary matter is pending are considered students under this policy.

Support services – emotional, physical, advisory, or referral services available either on campus or in the community; does not include legal services.

Trauma-informed approach – a way of working with people who have experienced trauma that focuses on their physical and emotional safety, choice and empowerment, and healing. It recognizes that trauma is pervasive and that many people have experienced traumatic events in their lives. It emphasizes the importance of building trusting and culturally sensitive

relationships, respecting boundaries, and providing non-judgmental support and validation.

3. POLICY

3.1 Scope

- 3.1.1 This policy applies to sexualized violence or misconduct that is alleged to have occurred:
- a) on or off Langara College premises, including technology-facilitated behaviour, or at College-sponsored academic, athletic, or social events, and where the interaction between the individuals involved is an extension of their relationship to Langara College;
 - b) that has or might reasonably be seen to have an adverse effect on, interfere with, or threaten the proper functioning of the College, its mission, its reputation, or the rights of a member of the College community to use and enjoy the College's learning and working environments; or
 - c) that raises concerns about the safety or security of an individual or individuals while they are on campus premises or participating in off-campus College programs, events, or activities.
- 3.1.2 Nothing in this policy precludes the College from acting independently of this policy in any urgent and/or serious situation where there is a risk or potential risk of serious harm to any members of its community, the individual, or to the public.
- 3.1.3 External investigations, legal action, or administrative proceedings will not act as a bar to action under this policy.

3.2 Confidentiality

- 3.2.1 The College recognizes that privacy and maintaining dignity and control of personal information is particularly important to those who have experienced sexualized violence or misconduct. Any personal information collected and maintained under this policy is subject to the *Freedom of Information and Protection of Privacy Act*.
- 3.2.2 The College will make every reasonable effort to maintain the confidentiality of all persons involved in any process under this policy. The College may share a limited amount of information where it is required by law or to ensure all procedures are applied fairly.
- 3.2.3 The College cannot ensure confidentiality in the following circumstances:
- a) When a person is at imminent risk of self-harm;
 - b) When it is reasonable to believe that others in the College or wider community may be at risk of harm; or
 - c) Where there is a legal duty to report or disclose.

3.3 Disclosure

- 3.3.1 If someone has experienced or witnessed sexualized violence or misconduct, they can talk to someone at the College to get help, advice, information, or to be referred to other resources.
- 3.3.2 A disclosure is not a Formal Complaint within the meaning of this policy and

will not prompt an investigation or any formal action on the part of the College.

- 3.3.3 A person may report an incident of sexualized violence or misconduct to the police anytime.

3.4 Anonymous disclosure

- 3.4.1 Anonymous disclosure allows an individual to share information about an incident of sexualized violence or misconduct without identifying themselves or identifying the person who is alleged to have engaged in sexualized violence or misconduct.
- 3.4.2 Anonymous disclosures include limited data that is compiled to measure the incidence and identify patterns of sexualized violence on campus, with the goal of improving policy, support, or responses to sexualized violence on campus.
- 3.4.3 Because an anonymous disclosure does not include any identifying information about the persons involved, it may not be possible to initiate an investigation and the College may not have the ability to follow up with either the complainant or respondent.

3.5 Freedom to Disclose or Make a Formal Complaint.

- 3.5.1 The College recognizes that some individuals may hesitate to disclose or make a complaint about incidents of sexualized violence or misconduct; anyone may freely and safely disclose cases involving alcohol, drugs, involvement in sex work, or any other behavior.

3.6 Support

- 3.6.1 Both the person who discloses/witnesses sexualized violence or misconduct and the person who is alleged to have engaged in sexualized violence or misconduct will be treated with dignity, compassion, and respect.
- 3.6.2 The College will offer guidance and access to support services to any person involved whether a formal complaint has been made.
- 3.6.3 Support may include referrals to employee or student support services; referral to external resources; safety and security planning; or support for reporting to the police. Trauma informed support will be offered according to the circumstances and the wishes of the individual. Support services do not include legal opinion or advice. Possible support services are outlined in Appendix C of the Support Procedures.

3.7 Academic or Employment Considerations

- 3.7.1 A person affected by sexualized violence or misconduct may request informal academic or employment considerations.
- 3.7.2 The College will provide considerations as appropriate to the person's needs and circumstances, the department's requirements, and the rights of others involved.
- 3.7.3 Individuals who request academic or employment considerations under this policy are not required to file a Formal Complaint of sexualized violence or misconduct to receive considerations.

3.8 Interim Measures

- 3.8.1 The College may implement interim measures while it assesses or investigates

a report of sexualized violence or misconduct, or where interim measures are deemed necessary. Reasons for implementing interim measures may be to maintain a safe and productive environment or to protect the wellbeing of any individual or the public.

3.9 Formal Complaint

- 3.9.1 Any member of the College community may make a Formal Complaint about sexualized violence or misconduct that falls within the scope of this policy. This includes anyone not directly involved with an incident. The purpose of making a Formal Complaint is to initiate an investigation into allegations of sexualized violence or misconduct.
- 3.9.2 A person who is not directly involved with an incident of sexualized violence or misconduct may make a Formal Complaint on behalf of, and with the consent of, the person who experienced the sexualized violence or misconduct.
- 3.9.3 A person who witnessed an incident of sexualized violence or misconduct that affected someone else may make a Formal Complaint. The College will act only in consultation with the person who experienced sexualized violence or misconduct unless there is a legal duty to report.

3.10 Alternate Resolution

- 3.10.1 The College may offer opportunities to resolve a matter informally without resorting to an investigation, or before an investigation has begun or is completed. Alternate resolution will use a trauma-informed approach.

3.11 Investigation

- 3.11.1 A Formal Complaint will lead to an investigation if the allegations fall within the scope of this policy and:
 - a) the complainant requests an investigation.
 - b) the complainant and/or respondent declines alternate resolution.
 - c) the circumstances are not suited to alternate resolution.
- 3.11.2 Investigations will follow procedures outlined in College policy and/or employee collective agreements as applicable. Investigations will use a trauma-informed approach.
- 3.11.3 The decision arising from an investigation will be based on the balance of probabilities.

3.12 Investigation Outcome

- 3.12.1 The College's response to anyone found responsible for a breach of this policy may include actions up to and including suspension or termination from the College, or rescindment or denial of a College credential if relevant.
- 3.12.2 Both the person who experienced the sexualized violence or misconduct and the respondent will receive a verbal summary of the investigation findings.

3.13 Protection from Reprisals, Retaliation, or Threats

- 3.13.1 No one may retaliate, engage in reprisals, or threaten to retaliate against a person filing a Formal Complaint for:
 - a) Pursuing rights under this policy, a relevant Collective Agreement, the

Criminal Code, or any other law;

- b) Participating or co-operating in an investigation under this policy, a relevant Collective Agreement, the Criminal Code, or any other law; or
- c) Being associated with someone who has pursued rights under this policy, a relevant Collective Agreement, the Criminal Code, or any other law.

3.13.2 The College's response to anyone found responsible for reprisals, retaliation, or threats of retaliation will include actions up to and including suspension or termination from the College.

3.14 Appeal of a College Response

3.14.1 A student may appeal a College Response imposed for a violation of this policy by following the procedures outlined in the *Sexualized Violence Response Policy Appeal Procedures for Students*.

3.14.2 An employee or other individual may seek redress under the relevant Collective Agreement or terms of contract for appealable College responses.

3.15 Sexualized Violence or Misconduct Prevention

3.15.1 The College will provide education and training to students and employees to increase awareness of sexualized violence, misconduct, and rape culture, prevent incidents, and promote effective responses to sexualized violence or misconduct.

3.15.2 The College will make reasonable efforts to ensure that every member of the College community is aware of this policy.

3.16 Relationship to Other College Policies

3.16.1 This policy applies in conjunction with the College's other policies and legal obligations. Such policies include, among others, the Standards of Student Conduct Policy E1003, Ethical Conduct Policy E3003, Human Rights Policy B3008, and Respectful Workplace Policy D1007.

3.16.2 This policy is not intended to conflict with the application of relevant Collective Agreements or the law.

3.17 Statistical Recording

3.17.1 To maintain accurate records for statistical and planning purposes, all members of the College community who receive information about an incident of sexualized violence or misconduct must provide relevant information, excluding personal identifiers, to:

- a) the Director, Student Conduct and Academic Integrity, where the complainant is a student; or
- b) the Director, Human Resources Services, for all other complainants.

4. RESPONSIBILITY

For questions about this policy, contact the Vice-President, People and Culture or the Associate Vice-President, Students.

5. REGULATIONS/PROCEDURES

[Sexualized Violence Support Procedures](#)

[Sexualized Violence Complaint Procedures Involving Student Respondents](#)

[Sexualized Violence Complaint Procedures Involving Employee and Non-student Respondents](#)

[Sexualized Violence Response Policy Appeal Procedures for Students](#)

History/Revision	
Origination Date	January 24, 2017
Amendment Date(s)	November 1, 2023 June 23, 2020
Next Review Date	November 1, 2026

Appendix A

Sexualized violence or misconduct is any unwanted action carried out through sexual means or by targeting sexuality, gender identity, or gender expression, whether the action is physical or psychological. Sexual violence includes any attempt or threat to commit an act of sexual violence. Expanded definitions are below.

Consent

The person who initiates sexual activity is responsible for obtaining consent at all stages of sexual engagement. A person can withdraw consent at anytime. Consent cannot be obtained or assumed:

- If the respondent abuses a position of trust, power, or authority;
- From previous consent to similar activities;
- From an individual incapacitated by alcohol, drugs, or some other reason; and/or who is unconscious or otherwise incapable of providing consent; or
- Through an abuse of power, threats, intimidation, coercion, or other pressure tactics.

Distribution of sexualized imagery – sharing sexualized pictures, drawings, videos, photos, or other images representing a person without consent.

Indecent or sexualized exposure – exposing one’s body to another individual for a sexual purpose or coercing another individual to remove their clothing to expose their body, without their consent.

Sexual assault – sexualized contact with another person without that person’s consent. Sexual assault does not depend solely on contact with any specific part of the human anatomy but rather the act of a sexual nature that violates the sexual integrity of the victim.

Sexual exploitation – the sexual abuse of young or vulnerable individuals through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money.

Sexual harassment – a form of sex discrimination based on sexuality, gender identity, or gender expression; unwelcome conduct of a sexualized nature that would be considered by a reasonable person to create an intimidating, humiliating, hostile, or poisoned work or learning environment. Sexual harassment may be verbal, physical, or by technological means, including but not limited to email, Internet postings, or text messaging.

Sexual trafficking – the recruitment, transportation, harbouring, and/or exercising control, direction, or influence over the movements of a person to exploit that person, typically through sexual exploitation or forced sexual labour.

Sexualized – the act of making something sexual; attributing sex or a sex role to something or someone.

Stalking – engaging in conduct that causes an individual to reasonably fear for their physical or psychological safety, or the safety of anyone known to them, such as repeatedly following or communicating through any means—including electronic—with someone, engaging in threatening conduct, or keeping watch over the place where the individual or anyone known to them happens to be.

Stealthing – the act of removing a condom during sex without the consent of the partner.

Technology-facilitated sexualized violence using technological mediums to engage in unsolicited sexualized violence.

Voyeurism – non-consensual viewing, photographing, or otherwise recording another individual in a location where there is a reasonable expectation of privacy.