CONTEXT

Vancouver Community College (“VCC” or the “College”) is committed to the prevention of Sexual Violence and Misconduct and the promotion of an environment where everyone is physically and emotionally safe and treated with respect. VCC is committed to providing education to the College community about the prevention of Sexual Violence and Misconduct and to assisting and supporting those who have experienced Sexual Violence and Misconduct, whether or not this Policy and associated Procedures apply.

PURPOSE

The purpose of the Sexual Violence and Misconduct Policy and accompanying Procedures is to:

- define Sexual Violence and Misconduct and create an atmosphere in which Sexual Violence and Misconduct is not tolerated;
- institute a framework for the prevention of Sexual Violence and Misconduct at VCC;
- outline clear and appropriate procedures for Disclosing and Reporting of Sexual Violence and Misconduct;
- outline clear and appropriate procedures for addressing and investigating Sexual Violence and Misconduct; and
- outline clear and appropriate measures to assist and support those affected by Sexual Violence and Misconduct, whether or not they have filed a Report.

SCOPE AND LIMITS

This Policy and its related Procedures apply to all College Members while they are:

- engaging in a College-Related Activity;
- on College property; and/or
- acting in a capacity defined by their relationship to the College.

STATEMENT OF POLICY PRINCIPLES

1. VCC will not tolerate Sexual Violence and Misconduct.
2. VCC is committed to promoting a safe, inclusive, and respectful learning and working environment free from Sexual Violence and Misconduct at all times.

3. VCC is committed to a multi-pronged approach to dealing with Sexual Violence and Misconduct. VCC will address Sexual Violence and Misconduct through prevention, education, and support for those who have experienced Sexual Violence and Misconduct; and through appropriate handling of Reports and Disclosures.

4. VCC understands that Sexual Violence and Misconduct can have a significant impact on affected individuals and their community; that violence, harassment, and threats can seriously impact the ability of College Members to function in their studies, work, and lives; and can lead to lasting emotional, mental, and physical injuries.

5. VCC values diversity, inclusion and respect, and recognizes that a campus culture based on these principles will enhance safety. VCC is therefore committed to advancing these values at every opportunity. VCC recognizes that people’s experiences of Sexual Violence and Misconduct can be impacted by multiple forms of intersecting oppression such as misogyny, racism/white supremacy, poverty/classism, ableism, transphobia, homophobia, ageism, religious discrimination, and colonization.

6. VCC is committed to creating a space where College Members who have experienced Sexual Violence and Misconduct can feel safe to Disclose and seek support from VCC. VCC is committed to respecting the rights of those who Disclose Sexual Violence and Misconduct to make their own decisions about accessing support services, making a Report, or pursuing external processes such as criminal or civil actions.

7. While it is every intention of VCC to create and provide a safe space for Disclosing and Reporting Sexual Violence and Misconduct, and to respect the confidentiality of information Disclosed or Reported to VCC, there are limits to confidentiality. VCC may need to disclose information or proceed with an investigation in certain exceptional circumstances as described in the Procedures.

8. VCC recognizes that College Members who have experienced Sexual Violence and Misconduct should expect to receive support through the appropriate channels, regardless of when, where, or by whom they experienced it or whether they have filed a Report. Detailed information about on and off campus resources are available in the A.3.10 Sexual Violence and Misconduct Procedures, the student handbook, and a dedicated webpage.

9. VCC is committed to supporting and respecting the dignity of those affected by Sexual Violence and Misconduct throughout the processes of Disclosing, Reporting, investigating, and institutional response.

10. Any form of retaliation against a person who makes a Disclosure or Report of Sexual Violence and Misconduct in good faith will not be tolerated. No individual shall be penalized in any way for making a Disclosure or Report or giving evidence in an investigation regarding a claim of Sexual Violence and Misconduct unless the claim proves to be made in bad faith or is vexatious.
11. VCC is committed to procedural fairness and natural justice in responding to and addressing Disclosures and Reports.

**GENERAL**

12. This Policy is not intended to interfere with any other College policy, Collective Agreement or applicable law. College Members may choose to proceed with an allegation of Sexual Violence and Misconduct pursuant to this Policy and its related Procedures, or through another appropriate grievance process or College procedure (e.g., sexual harassment allegations under Policy No. A.3.1 Prevention of Harassment, Discrimination, and Bullying). However, College Members may not pursue more than one concurrent College process related to the same allegations.

13. VCC will review this Policy at least once every three years.

14. On an annual basis, the President will report to the Board on the implementation of this Policy.

**DEFINITIONS**

**College Member:** Refers to all Students, Students’ Union of VCC ("SUVC") staff, VCC employees, Board members, contractors, service suppliers, volunteers, and visitors.

**College-Related Activity:** Includes an activity conducted on College property or under the authority of the College at another location. The activity in question must have a real and substantial connection to the College, College activities or College-related functions, whether or not the conduct occurs on College property.

**Complainant:** An individual who experiences an alleged incident of Sexual Violence and Misconduct, and seeks resolution, support or assistance through this Policy and associated Procedures.

**Consent:** Clear, continuous, active and voluntary agreement to engage in activities, including but not limited to sexual activity. Consent can be revoked at any time, whether or not other sexual activities have taken place. The following circumstances do not imply Consent:

- consent has been given for a particular activity in the past;
- the individuals concerned are in a relationship;
- the individual does not say no or fight back;
- the individual is unsure;
- the individual is impaired by drugs or alcohol; or
- the individual is asleep or unconscious.

**Person Accused/Respondent:** The individual who is alleged to be responsible for committing Sexual Violence and Misconduct in a Disclosure or Report.

**Disclose, Disclosure or Disclosing:** The sharing of information by a College Member regarding an incident of Sexual Violence and Misconduct with another College Member. A Disclosure does not initiate an investigation unless a Report is made.
Report or Reporting: Making a formal report or complaint to the Director of Safety, Security and Risk Management regarding an incident of Sexual Violence and Misconduct for the purpose of a College-initiated investigation and/or to pursue criminal charges with police.

Sexual Violence and Misconduct: Includes:

- Sexual assault*;
- Sexual exploitation*;
- Sexual harassment*;
- Sexual violence;
- Stalking*;
- Indecent exposure*;
- Voyeurism*;
- The distribution of a sexually explicit photograph or video of a person to one of more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video;
- The attempt to commit an act of Sexual Violence and Misconduct; and
- The threat to commit an act of Sexual Violence and Misconduct.

* For definitions of these terms, please see Appendix A.

Student: A person who is enrolled at VCC as a student.

RELATED LEGISLATION & POLICIES

Legislation

- Criminal Code of Canada
- Freedom of Information and Protection of Privacy Act
- Human Rights Code
- Sexual Violence and Misconduct Policy Act (Bill 23 – 2016)
- Workers’ Compensation Act; Occupational Health & Safety Regulation Part 4

Policies

A.1.2 Student Appeals to the College Board
A.3.1 Prevention of Harassment, Discrimination, and Bullying
A.3.3 Freedom of Information and Protection of Privacy (FOIPPA)
A.3.6 Standards of Employee Conduct & Conflict of Interest
A.3.8 Violence Prevention
B.2.19 Whistleblower
B.3.1 Closed Circuit Television Cameras
D.4.2 Student Grievance
D.4.3 Student Code of Conduct (Non-Educational Matters)

RELATED PROCEDURES

Refer to A.3.10 Sexual Violence and Misconduct Procedures.