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**BOOTH UNIVERSITY COLLEGE**

## **SEXUAL VIOLENCE POLICY**

### **Purpose:**

All members of Booth University College have a right to work and study in an environment that is free from any form of sexual violence. This document sets out our policy, reporting procedures and response protocol to sexual violence. Booth University College has developed this policy, reporting procedures and training and education resources, which is intended to raise awareness of sexual violence, and to ensure, so far as reasonably practicable, that no one is subjected to sexual violence on Booth University College's premises or associated activities, or by way of social media, and to deal quickly and effectively with any incident that might occur.

### **Policy Statement:**

Booth University College is committed to promoting an environment that is free from sexual violence and to promoting a safe working, learning and living environment. However, Booth University College may have more limited means of imposing restrictions, discipline or other measures if any of the parties are not members of Booth University College.

This policy applies to students, teaching and administrative faculty, staff, visitors, alumni, vendors, guests, and prospective students.

Booth University College supports a safe environment for anyone making a report in good faith about sexual violence that he or she has experienced or witnessed. All reported incidents of sexual violence will be investigated to the best of the administration's ability and in a manner that ensures due process.

Booth may investigate any incident of sexual violence which it becomes aware of, whether this occurs on or off the university college property, or whether it occurs on any social media platforms, that may pose a risk to the safety of Booth University College and shall take all reasonable steps to ensure the safety of those to whom this policy applies.

A complainant has the right to withdraw a complaint at any stage of the process; however, Booth University College may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.

Booth University College recognizes that some individuals may be hesitant to disclose or report sexual violence in cases where they have been using alcohol or drugs at the time the sexual violence took place. Individuals disclosing or reporting incidents of sexual violence will not be subject to actions for violations of the University College's policies related to alcohol or drug use at the time the sexual violence took place.

The response of Booth University College to incidents of sexual violence has the following key objectives:

1. to provide appropriate assistance and support to those who are impacted by sexual violence



**BOOTH**  
UNIVERSITY  
COLLEGE

The Salvation Army  
William and Catherine  
**BOOTH UNIVERSITY COLLEGE**

## **SEXUAL VIOLENCE POLICY**

2. to take reasonable steps to mitigate the safety risk
3. to ensure that on-campus investigation procedures are available in the case of sexual violence even when the individual chooses not to make a report to the police
4. to provide appropriate guidelines and education about responding to the disclosure of sexual violence
5. to treat individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests
6. to review and update this Policy and related protocols to ensure that they remain effective and in line with The Sexual Violence Awareness and Prevention Act of Manitoba.

### **PART I - DEFINITIONS**

**Sexual Violence:** Means any sexual act or act targeting a person's sexuality, gender identity or gender expression – whether the act is physical or psychological in nature – that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual violence, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

**Complainant:** The individual who has experienced sexual violence may refer to himself/herself as "victim", "survivor" or "complainant" and others speaking with the person should respect and use the term he/she uses. For the purposes of consistency, this policy will refer to the individual as the "complainant".

**Respondent:** The person who is accused of sexual violence is a person that is subject to an allegation by a person who alleges that s/he has experienced the sexual violence. If they are a member of the campus community, they will also receive information and support throughout the subsequent process and investigation.

**Sexual Violence Committee:** The Committee will receive and act upon complaints of sexual violence as described in this policy and protocol. The titles, names and contact information of the Sexual Violence Committee will be clearly communicated, including being posted on the Booth University College website and included in educational material regarding this policy and protocol.

The Sexual Violence Committee consists of the following:

Chair	Dean of Students
Members:	Vice President Administration
	Faculty (1) and Staff (1) – will be chosen from a pool of trained employees



## **SEXUAL VIOLENCE POLICY**

### **PART II - CONSENT**

**Consent:** The voluntary agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity. It is also imperative that everyone understands the following:

- Silence or non-communication must never be interpreted as consent. A person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if she/he is asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person is usually unable to give consent when she/he is under the influence of alcohol and/or drugs.
- A person may be unable to give consent if she/he has a mental disability.
- The fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.
- Consent cannot be obtained if the Respondent induces the Complainant to engage in the activity by abusing a position of trust, power or authority.

It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.

### **PART III – TRAINING AND EDUCATION**

Booth University College will provide training and education programs aimed at prevention of and response to sexual violence for students, teaching and administrative faculty, and staff. Specifically, all staff and faculty receive training on receiving a sexual violence disclosure.

Links to the above training education will be on the Booth University College website.



**BOOTH**  
UNIVERSITY  
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## **SEXUAL VIOLENCE POLICY**

### **PART IV – REPORTING PROTOCOLS**

#### **If you have experienced Sexual Violence**

An individual who has experienced sexual violence may speak with any staff or faculty member of Booth University College about the incident. Staff and faculty receive training regarding sexual violence disclosures and will be able to direct the individual appropriately.

If you have not already done so, you may consider contacting these third-party resources that are available to you in Winnipeg, MB including:

- Sexual Assault Crisis Line at 204-786-8631;
- 24-Hour Crisis Line at 204-786-8686; or
- Sexual Assault Crisis Counselling (by appointment) at 204-786-4049.
- You can report the violence to the **City of Winnipeg Police** emergency line by dialing **911** or the non-emergency line at 204-985-6222.

#### **Confidential reporting through the Respect Educate Empower Survivors (REES) Community reporting tool for campus sexual violence**

Booth UC is a member of the REES Community, an on-line resource supporting Manitoba post-secondary institutions to provide a safe and confidential way for campus individuals who have been harmed by sexual violence to record their information confidentially and access supports available to them.

Any Booth UC student, faculty or staff member may use this free tool which is available here:

<https://boothuc.reescampus.ca/>

REES offers four reporting options for the complainant to choose from:

- **Anonymous reporting:** Information can be recorded anonymously and stored in this secure database for action at a later date, should the individual wish to proceed with investigation or charges. Anonymous Reports are stored together, and REES provides the aggregate data to Booth UC to inform policy, prevention education and security on campus.
- **Report to Winnipeg Police:** REES will send the complainant's Record directly to police. Once police receive the Record, they will contact the complainant by phone to follow up.



**BOOTH**  
UNIVERSITY  
COLLEGE

The Salvation Army  
William and Catherine  
**BOOTH UNIVERSITY COLLEGE**

## **SEXUAL VIOLENCE POLICY**

- Connect to Booth UC: REES will send the complainant's contact information to a designated staff person at Booth UC. For students, the information goes to the Dean of Students, for staff and faculty the information goes to the Human Resources Generalist. The complainant can choose to include their Record and/or Narrative. Booth UC will contact the complainant directly to follow up and explore what supports may be needed.
- Repeat Perpetrator Identification (RPI): REES allows the complainant to identify the person who harmed them and will inform Booth UC if two or more people identify the same perpetrator. The complainant does not need to Create a Record to use RPI.

### **If you would like to file a formal complaint to Booth UC**

Formal complaints should be made to either the Human Resources Generalist (for employees) or the Dean of Students (for students) by completing the "Sexual Violence Report Form" which can be found at <https://boothuc.ca/student-life/student-policies/sexual-violence-prevention/>.

Should either the Human Resources Generalist or the Dean of Students be the object of the complaint, the complaint should be made to the Vice President Administration.

Booth University College reserves the right to initiate an Investigation in accordance with this Policy, and/or to report the incident to local police services, even without the consent of the complainant, if it believes that the safety of those at Booth University College is at risk or if the reporting is required by law.

## **PART V – RESPONSE PROTOCOLS**

### **A. How a Complaint will be investigated**

All complaints will be taken seriously, and will be dealt with fairly and promptly. If the subject matter of the complaint fits within the definitions of "sexual violence" as provided for in this policy, it will be investigated by the Sexual Violence Committee or their designate and approached in an unbiased manner. The Complainant and the Respondent will both be interviewed, as well as any other witnesses.

An investigation will involve:

- getting all pertinent information from the complainant;
- informing the respondent of the details of the complaint, and getting his or her response;
- interviewing any witnesses;
- reviewing documents and records, including photographs, audio and video recordings, if any;
- examining physical evidence, if any;
- deciding whether, on a balance of probabilities, the sexual violence occurred;
- determining appropriate remedies, penalties, or other action.



**BOOTH**  
UNIVERSITY  
COLLEGE

The Salvation Army  
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**BOOTH UNIVERSITY COLLEGE**

## **SEXUAL VIOLENCE POLICY**

Given the sensitivity of these matters, Booth University College will do its best to preserve confidentiality throughout the process during the investigation, and will not disclose the name of the complainant or the respondent unless necessary to investigate the complaint or take corrective action with respect to the complaint, or where required by law. The personal information that is disclosed in respect of an incidence of violence will be the minimum amount necessary for the purpose.

### **Booth University College will promptly and equitably address any complaints of sexual violence by:**

1. advising the person making the report about the importance of preserving evidence;
2. advising the complainant about available resources, including health care services, counselling and other mental health services, and law enforcement authorities;
3. assisting the complainant in accessing university college and community resources, including local law enforcement authorities, when such assistance is required;
4. making changes in living, working, employment or academic arrangements as appropriate; and
5. carrying out a prompt and thorough investigation conducted by the Sexual Violence Committee. Booth University College will complete the investigation, recommending appropriate remedies, penalties, or other action.

### **Rights of a Complainant:**

1. You may have another person present to support you when making a report and when participating in the investigation of your report. This other person can be anyone of your choosing, but they may not speak for you without your permission or impede Booth University College's investigation of your report.
2. The Sexual Violence Committee will arrange a private meeting with you as soon as possible to receive your report.
3. You will be treated with dignity, courtesy, and professionalism.
4. Booth University College will be required to report the occurrence of an incidence or a complaint according to Bill 15 legislation, but your name will not be released.
5. If appropriate, Booth University College will take reasonable steps to alter your living, working, or academic circumstances following a report. Accommodations may include: for an employee,



## **SEXUAL VIOLENCE POLICY**

modification of assignment, supervision, or location; for a student, assistance with off campus living, course reassignment, or rescheduling of assignments.

6. You have the right to use witnesses to support your report.
7. During the investigation of your report, you may submit evidence and refer witnesses to the Sexual Violence Committee.
8. You will be advised of procedures and an expected timeline for the conduct of the investigation of the report.
9. Booth University College will inform you about available resources, including medical care, counseling or other mental health services, and spiritual guidance and support. Booth University College will assist you in utilizing these resources upon your request, however, the cost of these programs, if any, is not covered by Booth University College.
10. You will be informed of the option of reporting to local law enforcement officials. Booth University College will assist you in making such a report if you request.
11. Your report will be treated with confidentiality to the extent consistent with a thorough investigation.
12. Booth University College will endeavour to protect you from any retaliation for submitting your report.
13. You will be informed of the outcome of the investigation of your report.

### **Rights of a Respondent:**

1. You may have another person present to support you when participating in the investigation of the report. This other person can be anyone of your choosing, but they may not speak for you without your permission or impede Booth University College's investigation of the report.
2. The Sexual Violence Committee will arrange a private meeting with you to discuss the facts relevant to the allegations of the report about your conduct.
3. You will be treated with courtesy, dignity and professionalism.



## **SEXUAL VIOLENCE POLICY**

4. Booth University College will be required to report the occurrence of an incidence or a complaint according to Bill 15 legislation, but your name will not be released.
5. If appropriate, Booth University College will take reasonable steps to alter your living, working or academic circumstances.
6. You have the right to use witnesses to support your report.
7. During the investigation of the report, you may submit evidence and refer witnesses to Sexual Violence Committee.
8. Your report will be treated with confidentiality to the extent consistent with a thorough investigation.
9. You will be advised of procedures and an expected timeline for the conduct of the investigation of the report.
10. Booth University College will promptly and equitably address the report.
11. Booth University College will inform you about available resources, including medical care, counseling or other mental health services, and spiritual guidance and support. Booth University College will assist you in obtaining these resources upon your request, however, the cost of these programs, if any, is not covered by Booth University College.
12. You will be informed of the outcome of the investigation of the report.

### **B. How the Results will be Disseminated**

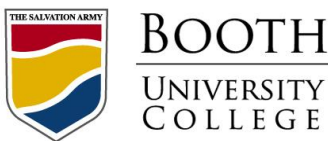
The complainant and the respondent are both entitled to a fair process and will both be informed of the process, progress and results of the investigation in writing by the Sexual Violence Committee.

If the complaint is found to have merit, then decisive and appropriate action will be taken by Booth University College. To the extent that the respondent is under Booth University College's direction, disciplinary actions may be taken.

### **Disciplinary Actions**

Sanctions for sexual violence may take different forms. To determine whether or not a report is substantiated by a preponderance of the evidence, means that the violence is "more likely than not" to have





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## **SEXUAL VIOLENCE POLICY**

occurred. This standard is different than “beyond a reasonable doubt”, which is used in criminal cases. In those situations where it is determined, following a thorough investigation, that a violation of this policy has occurred, appropriate action will be taken. Consequences may include but are not limited to the following:

- monitoring or restriction of campus access, benefits, or services
- mandatory counseling and/or training
- suspension
- dismissal
- protective measures for the complainant

Where the individual is an employee or student, the discipline will be implemented in accordance with the applicable policies, procedures or bylaws as required. Where the individual is neither an employee nor a student, the Sexual Violence Committee may make any determination regarding the individual's continued access to Booth University College.

### **Retaliation**

Threats, other forms of intimidation, and retaliation against a person filing a report of sexual violence or any other party involved in implementing the college sexual violence policy are violations of the policy and may be grounds for disciplinary action. No one may retaliate, threaten, coerce or otherwise discriminate against any individual for exercising their rights or responsibilities under this policy.

### **Unsubstantiated Complaints**

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed and no record of it will be placed in the complainant's or respondent's file. However, disclosures or complaints that are made to purposely annoy, embarrass or harm the respondent are considered frivolous, vexatious, or bad faith complaints and may result in sanctions against the complainant and/or discipline.