



MARIANOPOLIS  
COLLEGE

## SEXUAL VIOLENCE POLICY

### 1. DATE

Adopted by the Board of Governors on January 29, 2019. In effect as of September 1, 2019. Last updated on August 30, 2022.

### 2. PURPOSE AND OBJECTIVES

Marianopolis College is committed to fostering an environment where all members of its community feel respected, safe and free from sexual violence. Through this policy, the College affirms a zero-tolerance stance on sexual violence. The College recognizes the critical importance of proactive, accessible and effective approaches that prohibit, prevent and respond to sexual violence.

This policy aims to:

- reflect a College-wide stance against sexual violence;
- prevent and reduce the risk of sexual violence by educating and raising awareness among Marianopolis community members about its nature and effects;
- provide options, support, resources and accommodations to survivors of sexual violence;
- guarantee timely and coordinated responses to disclosures and reports of sexual violence.

The College acknowledges that while sexual violence impacts all members of society, such incidents and their consequences may disproportionately affect members of social groups which experience discrimination or barriers based on gender, sexual orientation, gender identity and expression, religion, race, ethnicity, disability or class.

The College recognizes that sexual violence often involves power imbalances and is underreported for a range of reasons, which include stigmatization, the risk of further trauma and difficulties associated with investigating and imposing sanctions. The College commits to supporting survivors based on their personal experiences, whether or not a criminal offence has been proven and whether or not the survivor chooses to make a report through College or external law enforcement processes.

### 3. SCOPE OF APPLICATION

This policy applies to all College-sanctioned activities, whether academic, recreational, athletic or otherwise, occurring on campus, off campus or online. This includes but is not limited to courses, academic activities, sports, clubs, associations, trips and events.

Any social or welcoming activities organized by or on behalf of members of the College community must comply with this policy.

#### 4. DEFINITIONS

**College:** Marianopolis College as a legal entity.

**Consent:** As defined in the Criminal Code of Canada (RSC, 1985, c.C-46), consent is the voluntary agreement of a person to engage in a sexual act. Nothing other than voluntary and continuous agreement to engage in a sexual act is consent. For example, there is no consent:

- where the agreement is expressed by the words or conduct of a person other than the survivor;
- where the survivor is incapable of consenting to the act;
- where an individual induces the survivor to engage in the act by abusing a position of trust, power or authority;
- where the survivor expresses, by words or conduct, a lack of agreement to engage in the act;
- where the survivor, having consented to engage in sexual act, expresses, by words or conduct, a lack of agreement to continue to engage in the act.

**Disclosure:** the act of confiding in the on-campus resource person about sexual violence that has been personally experienced or witnessed. Disclosure carries no obligation to file a report.

**Employee:** any person performing a service for the College for remuneration. This includes faculty, staff, managers, and interns employed by the College.

**Manager:** an employee whose responsibilities are determined by the College to conform with the responsibilities of management.

**Marianopolis community:** students, employees and board members.

**On-campus resource person:** individuals designated to receive disclosures, as selected by the Director General following consultation with the Sexual Violence Prevention Committee.

**Policy:** the Sexual Violence Policy.

**Report:** a formal complaint made to the College following an incident of sexual violence.

**Sexual violence:** any sexual act or attempted sexual act committed against a person without their consent; any violence, physical or psychological, carried out through sexual means or by targeting sexuality; and any act that undermines an individual's sexual or gender integrity. This includes but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, sharing or distributing sexual images or video without the express permission of the person or persons appearing in the images or video, unwanted comments, and cyber harassment or cyberstalking of a sexual nature or related to someone's sexual orientation, gender identity or presentation.

**Student:** a person who is registered in one or more courses at the College or who has completed the previous semester at the College and is eligible to return in the following semester.

**Survivor:** a member of the Marianopolis community who has experienced sexual violence as defined in this policy. The individual who has been subjected to sexual violence may wish to be referred to in another way.

## 5. ROLES AND RESPONSIBILITIES

- 5.1 All members of the Marianopolis community are expected to:
- comply with this policy;
  - participate in mandatory annual training on awareness, prevention and intervention regarding sexual violence.
- 5.2 The Marianopolis Student Union is responsible for:
- following rules governing social or welcoming activities;
  - participating in the selection of training, awareness and prevention activities and publicizing such activities to the student body.
- 5.3 On-campus resource persons are responsible for:
- meeting with survivors who wish to make a disclosure or a report;
  - informing survivors of their rights and options;
  - facilitating arrangements for survivors to receive support and accommodations;
  - ensuring that reports are handled by the appropriate person.
- 5.4 The Sexual Violence Prevention Committee, a standing committee composed of students, staff, faculty and managers, is responsible for:
- supporting the development and review of the policy;
  - supporting the implementation of the policy by making recommendations on awareness, prevention and intervention measures regarding sexual violence;
  - serving as a forum to which members of the Marianopolis community may bring forward suggestions and concerns related to sexual violence;
  - producing and submitting an annual report of its activities to the Director General.
- 5.5 The Director General is responsible for:
- ensuring that this policy is applied correctly, consistently and fairly;
  - ensuring that this policy is reviewed periodically;
  - ensuring that mandatory annual training is provided;
  - ensuring that third parties with contractual obligations to the College are made aware of this policy;
  - handling reports of sexual violence that involve the on-campus resource person.
- 5.6 The Board of Governors approves this policy and any revisions thereto.

## **6. RESPECT FOR THE EMPLOYEE/STUDENT RELATIONSHIP**

College employees must not engage in romantic, intimate or sexual behaviour or relationships with students, even if all parties have consented to the development of such a relationship and even if the employee does not have, or expect to have, any pedagogical or supervisory responsibility over the student.

## **7. SAFETY MEASURES**

To ensure the safety of the Marianopolis community and minimize risk, the College periodically assesses and improves where necessary its premises and the security measures that are in place. These include:

- physical monitoring;
- video surveillance;
- restricted access to various areas;
- emergency response guidelines posted throughout campus and online;
- emergency communication speakers installed throughout campus;
- emergency contact phone extension (303);
- accompaniment for community members who have safety concerns.

## **8. PREVENTION, EDUCATION AND TRAINING**

The College will provide educational and awareness-raising activities as well as mandatory training, addressing sexual violence and the shared role that all members of the Marianopolis community play in its prevention, focusing on subjects such as:

- the content of this policy;
- available resources, on and off campus;
- how to seek support;
- rape culture;
- consent;
- myths and stereotypes associated with sexual violence;
- bystander intervention.

## **9. RESPONDING TO DISCLOSURES**

- 9.1 Survivors who are members of the Marianopolis community are entitled to receive support regardless of where or when the sexual violence occurred.
- 9.2 Any member of the Marianopolis community who is made aware of an incidence of sexual violence can also make a disclosure.
- 9.3 A survivor will not be compelled to keep silent about their experiences of sexual violence for a reason such as safeguarding the College's reputation.
- 9.4 Measures will be taken to protect survivors from reprisal or the threat of reprisal after they disclose an act of sexual violence or take action to end such inappropriate behaviour.
- 9.5 When responding to a disclosure, on-campus resource persons will:

- 9.5.1 provide a safe, confidential space where the disclosure can be made;
- 9.5.2 inform the person making the disclosure of, and within seven days, facilitate their access to appropriate College services, where support and accommodations, including immediate and/or short-term measures, may be warranted;
- 9.5.3 inform the person making the disclosure of and facilitate their access to appropriate services outside the College;
- 9.5.4 refrain from questions or comments that imply judgement or blame of the survivor. For example, their dress, behaviour, consumption of drugs or alcohol or their sexual history;
- 9.5.5 seek authorisation to share the disclosure with appropriate personnel in order to ensure that a survivor need not recount their experience multiple times;
- 9.5.6 take measures to ensure confidentiality for the person making the disclosure and for the person(s) implicated;
- 9.5.7 explain to the survivor the process of making a report;
- 9.5.8 respect the survivor's decision to refrain from making a report, insofar as possible and taking into account the College's obligation to take reasonable measures to protect the safety of the survivor and the Marianopolis community. In that situation, when the College decides to act on a disclosure, the survivor is given reasonable periodic updates on the status of the file;
- 9.5.9 respect the survivor's decision to discontinue their involvement in any process associated with a disclosure at any time.

## 10. RESPONDING TO REPORTS

- 10.1 When a survivor makes a report, the on-campus resource person, after considering the wishes of the survivor, will ensure that the report is handled by:
  - the Director, Student Affairs if the situation involves students only and occurred outside the classroom;
  - the Associate Dean, Student Success if the situation involves students and occurred within the classroom;
  - the Director General, or the Academic Dean, or the Senior Director, Finance and Administration if the situation involves an employee and occurred outside the classroom;
  - the Director General if the situation involves the Academic Dean, the Senior Director, Finance and Administration or the on-campus resource person;
  - the Chair of the Board of Governors if the situation involves the Director General or a member of the Board of Governors.

- 10.2 The person handling the report will conduct a risk assessment in order to identify and implement immediate reasonable measures necessary to protect and support the survivor and the Marianopolis community. The survivor will be made aware of this assessment and these measures.
- 10.3 The person handling the report will arrange for an investigation. External resource persons may be designated to investigate. Measures will be taken to ensure the survivor's anonymity when their identity is not necessary for the purposes of the investigation.
- 10.4 The survivor will be given reasonable periodic updates about the status of the investigation.
- 10.5 The survivor can pursue the matter with law enforcement at any time.
- 10.6 The investigation must be concluded within ninety (90) days from the date when the survivor files the report unless the survivor agrees to an extension of no longer than thirty (30) days.
- 10.7 A survivor who makes a report is entitled to the support listed under Responding to Disclosures.
- 10.8 Any disciplinary process that results from an investigation is done in accordance with procedures governing working conditions or the Code of Student Conduct, whichever applies. Failure to comply with this policy may result in disciplinary measures and/or sanctions up to and including expulsion from the College or termination of employment. The nature, gravity and repetitive character of the acts or alleged acts will be considered when deciding whether to impose disciplinary measures and/or sanctions and what form these will take.
- 10.9 At the written request of the survivor, the College must communicate the information relating to the follow-up given to the report, the imposition or not of a sanction, as well as the details and terms thereof, if applicable.

## **11. REVIEWING AND REVISING THE POLICY**

The policy will be reviewed one (1) year after its initial implementation, then every five (5) years thereafter or at the request of the Director General or the Sexual Violence Prevention Committee.

## **12. RELATED POLICIES**

The following College policies may be useful in the application of this policy.

- Code of Student Conduct
- Code of Employee Conduct
- Institutional Policy on the Evaluation of Student Achievement (IPESA)
- Privacy Policy
- Psychological Harassment Policy
- Working conditions policies and/or collective agreements

## 12. RELEVANT LEGISLATION

- Act to prevent and fight sexual violence in higher education institutions (CQLR, c. P-22.1)
- Act respecting access to documents held by public bodies and the protection of personal information (CQLR, c. A-2.1)
- Youth Protection Act (CQLR, c. P-34.1, art. 38)