



SEXUAL VIOLENCE PREVENTION POLICY

1. DATE

Adopted by the Board of Governors on January 29, 2019. Revised on August 30, 2022 and August 27, 2026.

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.

The purpose of this policy is to:

- protect the right to a safe and respectful learning and working environment for each member of the Marianopolis community;
- prevent sexual violence and build awareness in the College community about its nature and effects;
- promote timely and coordinated responses to disclosures and reports of sexual violence, including support resources for complainants;
- provide a complaints processing mechanism that defines the roles and procedures to address allegations of sexual violence;
- comply with the Act to Prevent and Fight Sexual Violence in Higher Education Institutions and the Act Respecting Labour Standards;
- align with the College's Psychological Harassment Prevention Policy.

The College acknowledges that while sexual violence may impact all members of society, such incidents and their consequences may disproportionately affect members of groups that experience discrimination or barriers based on sex, gender identity or expression, sexual orientation, race, colour, ethnic or national origin, Indigenous identity, social condition, disability or the use of any means to palliate a disability.

The College recognizes that sexual violence is underreported for a range of reasons, which include stigmatization, the fear of further trauma and perceived difficulties associated with investigating and imposing sanctions.

However, the College strongly encourages anyone who believes that they have experienced or witnessed sexual violence to come forward so that the College may assist in addressing the matter with all applicable measures of confidentiality and care.

3. SCOPE OF APPLICATION

This policy applies to:

- all College-sanctioned activities, whether employment-related, academic, recreational, social, 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 other context related to the College when someone's behaviour limits the ability of a member of the Marianopolis community to enjoy a safe and respectful environment at the College or while engaged in College activities.

4. DEFINITIONS

Accommodations: reasonable measures to protect complainants of sexual violence, and if applicable, to limit the impact on their studies and work environment.

College: Marianopolis College as a legal entity.

Confidentiality: the principle that the identities and the details relating to a disclosure or a report of sexual violence are carefully guarded by all parties involved and revealed only on a strict need-to-know basis to ensure correct handling, or because there is an imminent risk of harm or danger to the complainant or others, or as required by law.

Complainant: a member of the Marianopolis community who believes they may have experienced sexual violence as defined in this policy and who has made a disclosure or a report.

Consent: as defined in the Criminal Code of Canada, consent is the voluntary and continuous agreement of the complainant to engage in sexual activities. Conduct short of a voluntary and continuous agreement to engage in sexual activities does not constitute consent as a matter of law. Examples where there is no consent include, but are not limited to, situations in which:

- the agreement is expressed by the words or conduct of a person other than the complainant;
- the complainant is unconscious or otherwise incapable of consenting to the act;
- the person accused of the act induces the complainant to engage in the act by abusing a position of trust, power or authority;
- the complainant expresses, by words or conduct, a lack of agreement to engage in the act;
- the complainant, having consented to engage in the 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 a potential situation of sexual violence, either experienced or witnessed. Disclosure carries no obligation to file a report.

Employee: any person in a contractual employment relationship or internship with the College. This includes faculty, staff, managers, and interns, but excludes students.

Investigator: a duly qualified individual who is designated by the College to carry out an investigation according to this policy.

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: the duly qualified individual who is a member of a professional order, such social work, psychology or related fields, and who is selected by the Director General to receive disclosures and reports.

Policy: the Sexual Violence Prevention Policy.

Report: a formal complaint made to the on-campus resource person following an incident of sexual violence.

Respondent: a member or group of members of the Marianopolis community who are alleged to have committed sexual violence as defined in this policy and who are the subject of a disclosure or a report.

Sexual violence: as defined in the Act to Prevent and Fight Sexual Violence in Higher Education Institutions, sexual violence is any form of non-consensual violence committed through sexual practices or by targeting sexuality, or any other misconduct, including that relating to sexual and gender diversity, in such forms as unwanted direct or indirect gestures, comments, behaviours or attitudes with sexual connotations, including by technological means.

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 sexual comments, and cyber harassment or cyberstalking of a sexual nature or related to someone's sexual orientation, gender identity or expression.

Support resources: members of the Marianopolis community who are impacted by sexual violence are entitled to support resources. These include, but are not limited to, managers, unions, the employee assistance program, student mental health services and accommodations at the College, and counselling through health and social services providers.

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.

Witness: a member of the Marianopolis community, who is neither the complainant nor a respondent, who may have witnessed or been made aware of an incident of sexual violence as defined by this policy.

5. ROLES AND RESPONSIBILITIES

- 5.1 All members of the Marianopolis community are required to:
- comply with this policy;
 - adopt behaviours that contribute to a safe and respectful environment;
 - follow rules governing social activities set out in College policies and procedures;
 - participate in mandatory annual training on awareness, prevention and intervention regarding sexual violence;
 - fully collaborate in the resolution process of any report, including their own;
 - respect everyone's right to privacy and the confidentiality of any report and its resolution process.
- 5.2 The Marianopolis Student Union is responsible for:
- participating in the selection of awareness, education and training activities, and publicizing such activities to the student body;
 - selecting the student members of the Sexual Violence Prevention Committee.
- 5.3 The on-campus resource person is responsible for:
- meeting with complainants who wish to make a disclosure or a report;
 - informing complainants of their rights and options;
 - providing support resources to any individual impacted by sexual violence, and facilitating arrangements for complainants to receive support and accommodations, as applicable;
 - ensuring that reports are directed to the person designated to handle the report, as defined in section 11.2;
 - conducting awareness, education and training activities.
- 5.4 Persons designated to handle reports as listed in section 11.2 are responsible for:
- carrying out the duties outlined in section 11.4;
 - completing the necessary training in relation to these duties.
- 5.5 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, including consultation with the College community;
 - supporting the implementation of the policy by making recommendations on awareness, education, prevention and intervention measures;
 - 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.
- 5.6 The Director General is responsible for ensuring that:
- this policy is applied correctly, consistently and fairly;
 - this policy is reviewed periodically;
 - measures for awareness, education, prevention, intervention and support are put in place, and that mandatory annual training is provided;

- volunteers and third parties with contractual obligations to the College are made aware of this policy.

5.7 The Board of Governors approves this policy and any revisions thereto.

6. EMPLOYEE-STUDENT RELATIONSHIPS

College employees must not engage in romantic, intimate or sexual behaviour, actions 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. EMPLOYEE RELATIONSHIPS

7.1 The College recognizes that power imbalances may arise between employees who engage in romantic, intimate, or sexual behaviour, actions or relationships with each other. Thus, employees must avoid situations where power imbalances may compromise consent and may lead to real or perceived acts of sexual violence.

7.2 Where an intimate relationship exists between two employees in positions with an inherent power differential, the person who holds the more senior position must declare the relationship to the Director, Human Resources. The College may take steps to prevent situations that may lead to conflicts of interest.

8. SAFETY AND PREVENTION MEASURES

To promote a safe and respectful environment and to minimize risks of sexual violence, the College periodically assesses and improves where necessary its safety and prevention measures in compliance with relevant legislation. These measures may include but are not limited to:

- security guards;
- 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;
- identification of risk factors and potentially difficult situations in the learning and working environments;
- rules for social activities organized by members of the Marianopolis community.

9. AWARENESS, EDUCATION AND TRAINING MEASURES

The College provides awareness, education and mandatory training activities addressing sexual violence and the shared role that all members of the Marianopolis community play in its prevention. These activities focus on subjects such as:

- the content of this policy;
- available resources and how to seek support;
- myths and stereotypes associated with sexual violence;

- rape culture;
- consent;
- bystander intervention;
- cyberviolence.

10. DISCLOSURES

- 10.1 Following an incident that is perceived to be sexual violence, a member of the Marianopolis community who experiences or becomes aware of the incident may discuss it with the on-campus resource person.
- 10.2 The discussion may include a disclosure, information on how to file a report, rights, accommodations, and support resources on and off campus.
- 10.3 Any member of the Marianopolis community who experiences or becomes aware of an incident of sexual violence is entitled to receive support regardless of where or when the sexual violence occurred.
- 10.4 A member of the Marianopolis community will not be compelled to keep silent about sexual violence for a reason such as safeguarding the College's reputation.
- 10.5 Measures will be taken to protect the person involved from reprisal or the threat of reprisal after they disclose an act of sexual violence or take action to end such inappropriate behaviour.
- 10.6 When responding to a disclosure, the on-campus resource person will:
 - 10.6.1 provide a private space where the disclosure can be made;
 - 10.6.2 within seven (7) calendar days, inform the person making the disclosure of, and facilitate their access to, the support resources and forms of recourse available to them inside or outside the College;
 - 10.6.3 refrain from questions or comments that imply judgment or blame, for example, regarding appearance, behaviour, consumption of drugs or alcohol, or sexual history;
 - 10.6.4 take all appropriate measures to reduce the need for the complainant to recount their experience multiple times; this may include, for example, sharing previous statements from the complainant with individuals addressing the disclosure or the report, as the case may be;
 - 10.6.5 take all appropriate measures to protect confidentiality to the extent possible for the complainant and the respondent;
 - 10.6.6 explain the process of making a report to the complainant;
 - 10.6.7 respect the complainant's decision to refrain from making a report or to discontinue their involvement in any process associated with a disclosure at any time, insofar as possible and taking into account the College's

obligation to take reasonable measures to protect the safety of Marianopolis community. In that situation, when the College decides to act on a disclosure, the complainant is given reasonable periodic updates on the status of the file.

11. REPORTS

- 11.1 Complainants are encouraged to file a report as soon as possible. This said, there is no time limit for filing a report. The complainant or the College may also choose to pursue the matter with law enforcement at any time.
- 11.2 Reports should be made to the on-campus resource person, who will see to it that the report is handled by:
 - the Director, Student Affairs if the situation involves students only and occurred outside the context of a course;
 - the Associate Dean, Student Success if the situation involves a student as the respondent and occurred within the context of a course;
 - the Director, Human Resources if the situation involves an employee as the respondent;
 - the Director General if the situation directly involves a manager or the on-campus resource person as the respondent;
 - the Chair of the Board of Governors if the situation directly involves the Director General or external members of the Board of Governors.
- 11.3 In the case of a conflict of interest, real or perceived, the person handling the report according to 11.2 will withdraw from the process and the Director General, or if necessary, the Chair of the Board of Governors, will assign the report to an appropriate alternative person.
- 11.4 The person handling the report according to 11.2 will:
 - 11.4.1 meet with the complainant and/or the on-campus resource person at the earliest opportunity and take note of any additional details of the situation;
 - 11.4.2 depending on the circumstances, take immediate measures to protect the working or learning environment of those involved;
 - 11.4.3 take all appropriate measures to protect the confidentiality of the complainant and the respondent;
 - 11.4.4 take all appropriate measures to protect the complainant from reprisal or threat of reprisal;
 - 11.4.5 determine if the complaint is admissible under this policy, in that, should all the facts of the complaint be averred, it would appear to meet the basic criteria for sexual violence, and is clearly not frivolous, vexatious or made in bad faith;

- 11.4.6 if the complaint is deemed inadmissible under this policy, provide the rationale to the complainant in writing, and if necessary, explain that the situation should be addressed through another mechanism, such as another College policy, or through an alternative approach, and indicate their right to an appeal;
 - 11.4.7 if the complaint is deemed admissible under this policy, investigate or arrange for an external investigation if appropriate, and provide the investigator with the report and other relevant documents they may request;
 - 11.4.8 inform the complainant and the respondent of the outcome of the investigation.
- 11.5 The investigator will:
- 11.5.1 meet with the complainant to obtain the details of the complaint pursuant to the report;
 - 11.5.2 meet with the respondent to provide them with the opportunity to present their version of the events regarding the allegations against them, including a written statement if they so choose;
 - 11.5.3 meet with any witnesses they deem relevant and analyze any evidence pertaining to the allegations;
 - 11.5.4 give the complainant and the respondent periodic updates about the status of the investigation;
 - 11.5.5 prepare an account of their findings and conclusions regarding the complaint and share this account with the person handling the report.
- 11.6 The investigation must be concluded within ninety (90) calendar days from the date when the complainant files the report unless the complainant agrees to an extension of no longer than sixty (60) days.
- 11.7 Following the investigation, all materials related to the investigation will be sealed and retained by the person handling the report for five (5) years and then destroyed.
- 11.8 Any disciplinary process that results from an investigation will be carried out in accordance with procedures governing working conditions or the Code of Student Conduct, whichever applies. The nature, gravity and repetitive character of the acts or alleged acts will be considered when deciding whether to impose corrective measures, including disciplinary measures and/or administrative actions and/or sanctions, and what form these will take.
- 11.9 At the written request of the complainant, the College will communicate the information relating to the follow-up given to the report, the imposition or not of corrective measures, as well as the details and terms thereof, if applicable.

12. APPEALS

- 12.1. An appeal may be lodged by the complainant or the respondent on the basis that the decision reached was discriminatory, the inadmissibility of the complaint is contested, if any of the procedures outlined in section 11 were not respected, or if new evidence or information comes to light after a decision has been rendered.
- 12.2. An appeal must be submitted within one (1) year following the receipt of the investigation findings and must include the specific reasons for the appeal.
- 12.3. The appeal must be submitted in writing to the Director General, or to the Chair of the Board of Governors if the original complaint directly involved the Director General or external members of the Board of Governors.
- 12.4. If the appeal pertains to an initial decision by the Director General or the Chair of the Board of Governors, then they must defer the decision on the appeal to a duly qualified external professional.
- 12.5. The decision must be provided to the appellant in writing within thirty (30) calendar days of receiving the appeal.
- 12.6. A successful appeal will result in a new investigation into the complaint, the report being deemed admissible or other corrective measures, as the case may be.
- 12.7. Notwithstanding the above, an employee may pursue other recourse such as a grievance through their union, or a complaint to the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST), or other legal recourse.

13. POLICY REVIEW

The policy will be reviewed at least every five (5) years or at the request of the Director General or the Sexual Violence Prevention Committee.

14. 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 Prevention Policy
- Working conditions policies and/or collective agreements

12. RELEVANT LEGISLATION AND OTHER RESOURCES

- 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)

- Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST)
- Canadian Centre for Occupational Health and Safety (CCOHS)
- Montreal Sexual Assault Centre (MSAC) and Sexual Violence Helpline