

Steinbach Bible College
SEXUAL VIOLENCE POLICY AND PROCEDURES
Policy and Procedures

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SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY PROCEDURES

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Steinbach Bible College
SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY

1. INTRODUCTION

A. Theological and Moral Foundation (Based on the SBC Statement of Faith)

- I. Steinbach Bible College (hereafter SBC) endeavors at all times to provide an environment that exemplifies the gospel of grace by upholding the dignity of, showing respect to, and serving all people regardless of age, race, gender, sexual orientation, religion, or culture, as agreed to by every member of the SBC community in our Community Covenant. SBC does not condone behavior that undermines the dignity, self-esteem, or productivity of any student, staff member, or faculty member. All members of the SBC community have a responsibility to ensure that the human rights of members of this community are not violated, and that the Community Covenant is upheld. All members of the SBC community should always be free from Sexual Violence and the threat of Sexual Violence.
- II. Human beings are created male and female in the image of God. They are called to glorify God, to live in communion with God and one another, and to be stewards of God's creation. All people fail to live up to this calling. They are sinners by nature and by choice. This sin has touched all human interactions, including those related to human sexuality. As a result, human sexuality and gender differences are sometimes exploited in demeaning and hurtful ways by those who are willing to exercise their own power at the expense of another.
- III. SBC is a community that desires every person to be free from Sexual Violence. However, recognizing the sin that has touched all human interaction, we recognize the need for the following Policy and Procedures. SBC recognizes our responsibilities (as citizens of this province, and as educators, employers and providers of living accommodations) under the Community Covenant, the Criminal Code of Canada as well as the Sexual Violence Awareness and Prevention Act, Bill 15 of the Province of Manitoba. As followers of Jesus Christ, we have the greater responsibility to do justice, love mercy, and walk humbly (Micah 6:8). When possible, we desire to seek redemption even where relationships among us have been thwarted and made painful by ignorance, misunderstanding, or willful wrongdoing. However, we recognize that it is not always possible or prudent to seek reconciliation in relationships involving Sexual Violence.

B. Application and Scope

- I. This Policy applies to all members of the SBC community.
- II. This Policy covers any conduct relating to SBC, which is defined as:
 - a. At any SBC campus, on its grounds, or in its buildings;
 - b. Using SBC equipment or systems, such as SBC email, telephone, or fax systems;or

- c. On SBC business or programs (including work and study assignments off campus, athletic, choir, or other SBC group events, work-related or study-related social functions, travel, conferences, and training). This Policy may also apply to occurrences of Sexual Violence which involve SBC community members, but which do not occur on campus or on official SBC business.

C. Purpose and Intent

All members of the SBC community 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 and response procedures to Sexual Violence and ensures that those who experience Sexual Violence are believed and their rights respected. SBC has a process of investigation that protects the rights of each individual involved, and that if a Respondent is found to have committed the act of Sexual Violence, that he/she will be held accountable.

In addition, this policy is written to teach and train all individuals of the SBC community in healthy, God-glorifying ways to deal with issues of Sexual Violence in their current and future work and ministry settings.

D. Definitions and Other Relevant Terms

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 Harassment, stalking, indecent exposure, voyeurism and sexual exploitation” (as defined in The Sexual Violence Awareness and Prevention Act section 2.2(1), Bill 15, 1st Session, 41st Legislature of the Province of Manitoba).

Sexual Assault: Sexual Assault is defined as an assault of a sexual nature that violates the sexual integrity of the victim. It is a criminal offense under section 271 of Canada’s *Criminal Code*. It is defined as sexual activity or touching by any object or body part of another person without consent or by force. Sexual Assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, or that is carried out in circumstances in which the person has not fully agreed, consented to, or is capable of consenting to.

Sexual Harassment: Sexual Harassment is a form of discrimination that includes comments or conduct involving unwelcome sexual advances or other comments or conduct of a sexual nature when such conduct might reasonably be known to be unwelcome or to cause insecurity, discomfort, offense, or humiliation to another person or group. This includes Harassment on the basis of sex, gender identity, gender expression, sexual orientation that has the effect of creating a poisoned environment (demeaning, humiliating, intimidating, hostile). Such conduct may be considered Sexual Harassment if one’s status or treatment as a student, staff, or faculty member is dependent upon submission to such conduct. Sexual Harassment can happen to anyone regardless of their gender or sexual orientation and can be committed by a person of any gender or sexual orientation.

Examples of conduct that constitutes Sexual Harassment include:

- a. Displays of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons, or sayings, including through social media and/or the internet
- b. Sexually suggestive or obscene gestures
- c. Derogatory or degrading remarks or jokes about or directed towards another person or group for any reason, including sexual orientation, gender, or gender expression
- d. Repeated or persistent unwelcome flirtations, advances, or propositions, including “leering” or unwanted staring
- e. Unwanted physical contact
- f. Revealing or threatening to reveal a person’s sexual orientation without their consent
- g. Making comments, circulating information, or spreading rumours about another person, including about their sexual orientation, gender, or gender expression, including through social media and/or the internet
- h. Sexual advances with actual or implied work or education-related consequences.

Consent: The informed, knowing, voluntary, and active agreement to engage in mutually acceptable sexual activity. It is the act of willingly agreeing to engage in specific sexual behaviour (including kissing and intimate physical contact), and requires that a person is able to freely be able to choose not to engage in it. This means there must be an understandable exchange of affirmative words which indicates a willingness to participate in mutually agreed upon sexual activity. It is imperative that everyone understands the following:

- a. Silence or non-communication can never be interpreted as consent
- b. A person is incapable of giving consent if they are asleep, unconscious, otherwise unable to communicate, or if they are in a state of diminished judgement
- c. A person who has been threatened or coerced (i.e. they are not agreeing voluntarily) into engaging in the sexual activity is not consenting to it
- d. A person who is drugged is unable to consent
- e. A person in a diminished state of judgement cannot consent. Verbal agreement from a person in a state of diminished judgement is NOT consent
- f. A person is unable to give consent when under the influence of alcohol and/or drugs
- g. A person may be unable to give consent if they have a mental disability preventing them from fully understanding sexual acts
- h. The fact that consent was given in the past to a sexual, dating, or marriage relationship does not mean that consent is deemed to exist for all future sexual activity
- i. A person can withdraw consent at any time during the course of a sexual encounter
- j. A person is incapable of giving consent to a person in a position of trust, power, or authority over them, such as a faculty member initiating a relationship with a student who they teach, an administrator in a relationship with anyone who reports to that position, or a coach in relationship with a student team member
- k. It is not possible for minors to consent under most circumstances, and they are never able to consent within a relationship of dependence, authority, or exploitation. See section 150 of the *Criminal Code* of Canada for details.
- l. Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is of the age of consent for sexual activity.

Other relevant terms

Coercion: In the context of Sexual Violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as engaging in sexual activity.

Complainant: A Survivor who has disclosed or reported an incident of Sexual Violence.

Cyber Harassment: Cyber Harassment takes many online forms, but typically involves the use of social media, email, texting, instant messaging, derogatory websites, graphic images or posts to bully or otherwise harass an individual or group causing emotional distress and/or the fear of bodily harm.

Disclosure: When someone shares with a member of the SBC staff or faculty, or a SBC student leader that they have experienced an incident Sexual Violence.

Indecent Exposure: A form of Sexual Harassment prohibited under section 173 of Canada's *Criminal Code*. It involves a person who, in any place, for a sexual purpose, exposes his or her genital organs to a person who is under the age of 16 years. Section 174 of Canada's *Criminal Code* also prohibits nudity in public spaces or on private property when exposed to public view.

SBC Community: All individuals who have a relationship with or to Steinbach Bible College, including, but not limited to:

- a. Individuals registered as students at Steinbach Bible College, whether full-time or part-time , local or online, at the non-credit, certificate, or undergraduate level;
- b. All employees and faculty, including all academic and support staff;
- c. Persons with an academic appointment including, but not limited to, adjunct, visiting and emeritus professors;
- d. Members of the Cabinet, and any of their respective committees, as well as members of any advisory committee formed to help SBC achieve its goals.

Report or Complaint: A formal report of complaint under this policy of an incident of Sexual Violence made for the purpose of initiating some form of investigation or adjudication.

Respondent: A person against whom an accusation of Sexual Violence is made, whether or not a formal proceeding has been commenced.

Sexual Exploitation: Sexual Exploitation is a form of Sexual Violence prohibited under section 153 of Canada's *Criminal Code*. Sexual Exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where the young person receives from a person of trust or

authority ‘something’ (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing and/or another or others performing on them, sexual activities. A judge may determine that a relationship is exploitative based on the age difference between the parties, the nature of their relationship, or the degree of control the older person has over the young person.

Stalking: A form of criminal Harassment prohibited under section 264 of Canada’s *Criminal Code*. It involves repeated behaviours that cause the target to fear for their safety or mental health, or that of anyone known to them. These behaviours include, but are not limited to non-consensual communications (face to face, phone, email, social media); threatening or obscene gestures; surveillance; sending unsolicited gifts; “creeping” via social media/cyber-stalking; and uttering threats.

Survivor: Some who have experienced Sexual Violence may choose to identify as a Survivor. Individuals might be more familiar with the term “victim.” We use the term Survivor throughout this policy because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced the Sexual Violence to determine how they wish to identify.

Voyeurism: Prohibited by section 162 of Canada’s *Criminal Code*, voyeurism is the non-consensual observation — including by mechanical or electronic means — or visual recording of a person who is in circumstances that give rise to a reasonable expectation of privacy, if the person is in a place in which they can reasonably be expected to be partially or fully nude, or to be engaged in explicit sexual activity, or if the observation or recording is done for a sexual purpose. This includes any non-consensual recordings of any sexually explicit activity.

E. Confidentiality

Confidentiality is particularly important to those who have disclosed Sexual Violence. The confidentiality of all persons involved in a report or disclosure of Sexual Violence will be strictly observed as much as is possible. This is in order to protect the rights of those involved in the allegations, to prevent an unjustified invasion of their personal privacy, to preserve the integrity of the investigation, and to safeguard individuals against unsubstantiated allegations. SBC will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of Sexual Violence and will limit disclosure of information about individuals to those within SBC who need to know for the purposes of addressing or investigating the situation, or taking corrective action.

However, confidentiality cannot be assured in the following circumstances:

- a. An individual is at imminent risk of self-harm,
- b. An individual is at imminent risk of harming another,
- c. There are reasonable grounds to believe that others in the SBC community may be at risk of harm,
- d. When the situation involves the abuse of a minor, in which case, reports must be made to external agencies, and/or
- e. When SBC is ordered by a court to release confidential or privileged information.

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the Survivor would not be released to the public.

Any information or documentation created regarding a formal complaint, including the written formal complaint, written responses, witness statements, investigation notes and reports, and documents related to the formal complaint and its investigation will be securely maintained by the Dean of Student Services or by the Business Manager as appropriate. Any documentation created in the process of an informal disclosure will be securely maintained by the individual to whom the situation was disclosed.

Note: If an incident of Sexual Violence is disclosed to a Counselling Professional serving at SBC who is working within their official capacity as a counsellor, the counsellor's legal confidentiality obligations will supersede those outlined in this policy.

2. POLICY STATEMENT

A. Policy

- I. Sexual Violence is unacceptable and represents unchristian behaviour that will not be tolerated in the SBC community. We are committed to challenging and preventing Sexual Violence and creating a safe space for anyone in our SBC community who has experienced Sexual Violence. SBC is expected to be a safe and positive space where members of the SBC community are able to work, learn, and express themselves in an environment free from Sexual Violence.
- II. All reported incidents of Sexual Violence will be investigated to the best of SBC's ability and in a manner that ensures due process. It is this policy's intention to encourage individuals to make a report in good faith about Sexual Violence that they have experienced or witnessed.
- III. We recognize that Sexual Violence can occur between individuals regardless of sexual orientation, gender, gender identity, or relationship status. We also recognize that individuals who have experienced Sexual Violence may experience emotional, academic, or other difficulties.
- IV. We are committed to:
 - a. Ensuring that individuals who disclose that they have been the Survivor of Sexual Violence are listened to without judgement, that they are believed and that their right to confidentiality, dignity, and respect is protected throughout the process of disclosure, reporting, investigation, and institutional response;
 - b. Treating individuals who disclose Sexual Violence with compassion and respecting the Survivor's right to choose the services and/or actions they feel are most appropriate and their right to decide whether to report internally and/or externally;
 - c. Assisting individuals who have experienced Sexual Violence by providing detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation;
 - d. Ensuring that internal investigation procedures are available in the case of Sexual Violence, even when the individual chooses not to make a report to the police;

- e. Engaging in appropriate procedures for investigation and adjudication of a complaint which are in accordance with SBC's policies and standards, and that ensures fairness and due process;
- f. Addressing harmful attitudes and behaviours (e.g. myths of Sexual Violence) and communicating that Sexual Violence is never the responsibility of the Survivor;
- g. Ensuring that all people involved in supporting, advocating, investigating, and adjudicating in situations of Sexual Violence are trained in trauma-informed care for Survivors as well as the SBC Sexual Violence Policy and Procedures, and ensuring that those people are available to members of the SBC community who may have experienced Sexual Violence or may have had an incident of Sexual Violence disclosed to them;
- h. Providing information to the SBC community about the Sexual Violence Policy and Procedures;
- i. Providing appropriate education and training to the SBC community for responding to disclosures of Sexual Violence;
- j. Contributing to the creation of a campus atmosphere in which Sexual Violence is not tolerated by actively engaging in the prevention of Sexual Violence in all possible ways, including the education of the SBC community; and,
- k. Regularly monitoring and updating our Policy and Procedures to ensure that they remain effective and in line with other existing policies and best practices. (minimum of every 4 years)

B. Education, Prevention, and Awareness

SBC is committed to contributing to the creation of a campus atmosphere in which Sexual Violence is not tolerated. We recognize that this will not happen without education, active prevention, and intentionality. SBC will build the capacity of the community to address Sexual Violence and play a role in ending Sexual Violence in our community. As such, SBC has committed to:

- a. Providing education to all members of the SBC community about Sexual Violence and consent and how all types of Sexual Violence violate the Community Covenant;
- b. Providing appropriate education to SBC staff, faculty, and student leaders about how to respond to the disclosure of Sexual Violence; and,
- c. Engaging in the prevention of Sexual Violence through education, as well as through ensuring necessary changes are made to make the campus safer for all members of the SBC community.

Steinbach Bible College
SEXUAL VIOLENCE PREVENTION AND RESPONSE POLICY PROCEDURES

1. SBC Sexual Violence Response Team

A. Sexual Violence Prevention and Response Committee

SBC will appoint a Sexual Violence Prevention and Response Committee (hereafter Committee) that will consist of the following members: Dean of Student Services (chair), members of the personnel committee (made up of three members: one faculty, one staff and one shared services) and two student representatives (one male and one female). The Committee serves members of SBC in the implementation of this Policy in the following ways:

- a. Informally reviewing the Sexual Violence Policy and Procedures annually, with any changes to be presented at the June board meeting;
- b. Formally reviewing the Sexual Violence Policy and Procedures every four years, including external assessment; and
- c. Evaluating the effectiveness of education in the SBC community about Sexual Violence and the SBC Sexual Violence Policy and Procedures.

The chair of the Committee (typically the Dean of Student Services) will be responsible for:

- d. Overseeing annual training for Compassionate Responders (CRs; see below) and other members of the SBC community as necessary;
- e. Overseeing education and awareness of members of the SBC community about Sexual Violence and the SBC Sexual Violence Policy and Procedures;
- f. Providing consultation and acting as a resource for CRs and for any SBC community member who may require it, as well as acting on, or as a resource for, decision-making committees with regard to individual cases; and
- g. Providing overall coordination and monitoring of incidents, including secure filing and storing of documents related to individual cases.

B. Compassionate Responders

SBC will ensure that several staff members are trained in trauma-informed Sexual Violence Response. These will be known as Compassionate Responders.

The CRs will serve members of SBC in the implementation of this Policy in the following ways:

- a. Responding to disclosures of Sexual Violence with compassion, listening without judgement, believing the Survivor, and respecting the Survivor's confidentiality, dignity, and respect;
- b. Informing the Survivor or third party of the supports, services, and accommodations available to them, and helping them access those supports, services, and accommodations;
- c. Informing the Survivor or third party of their options under the SBC Policy and Procedures and allowing them to choose their preferred option;
- d. Assisting Survivors in filing a Formal Report if they choose to;
- e. Assisting Survivors in filing a report with local police or a complaint of Sexual Harassment with the Manitoba Human Rights Commission if they choose to; and
- f. Keeping informed of any changes to the SBC Policy and Procedures, or to best practices in trauma-informed care of Survivors of Sexual Violence.

The following staff positions will require training as a Compassionate Responder:

Dean of Student Services

Resident Director

At least one Admissions Counsellor

All members of the Committee

Head CGLs

Several other members of the staff and faculty of SBC may also be trained as Compassionate Responders as they desire.

2. REPORTING AND RESPONDING TO SEXUAL VIOLENCE

A. Reporting Procedure

A Survivor of Sexual Violence may choose to disclose to any member of the SBC community. The member of the community to whom they disclose should first listen non-judgmentally. The Survivor should then be provided with information on their rights as a Survivor and their options for filing internal complaints or pursuing external legal options. The Survivor should also be given the names of the Compassionate Responders (CRs) on campus that they can choose to speak to if they want to further pursue their options. The CR will provide the Survivor with more detailed information about their options, and will allow the Survivor to choose the option that they feel is most appropriate.

If a member of the SBC community becomes aware of an incident of Sexual Violence other than by means of confidential disclosure, they should report the incident to a CR as soon as possible.

If a person requests that SBC not act on a report or disclosure of Sexual Violence, that request will be weighed against SBC's legal obligation and/or policies. Please refer to Policy section 1E for details.

B. Protection from Reprisals, Retaliations, or Threats

It is contrary to this Policy for anyone to retaliate, engage in reprisals, or threaten to retaliate against a Complainant or other individual for:

- a. Having pursued rights under this Policy, the *Criminal Code* of Canada or the *Manitoba Human Rights Code*;
- b. Having participated or co-operated in an investigation under this Policy, the *Criminal Code* of Canada or the *Manitoba Human Rights Code*; or
- c. Having been associated with someone who has pursued rights under this Policy, the *Criminal Code* of Canada or the *Manitoba Human Rights Code*.

Anyone engaged in such conduct may be subject to disciplinary action.

C. Bystander Intervention

SBC expects all community members to take reasonable and prudent actions to prevent or stop any incident of Sexual Violence they may be witnessing. Taking action may include direct non-violent intervention, calling law enforcement, and/or seeking assistance from a person in authority. Community members who choose to exercise this positive moral obligation in good faith and a reasonable manner will be supported by SBC and protected from retaliation.

D. Unsubstantiated or Vexatious Complaints

For a disclosure made pursuant to this Policy, the Survivor or third party who is disclosing an incident of Sexual Violence will be presumed to be telling the truth.

For a Formal Report made pursuant to this policy, no disciplinary action will be taken against the Respondent unless the decision-making committee is convinced of the truth of the allegations based on a balance of probabilities. If a Complainant, 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. However, the Complainant will still have access to all supports, services, and accommodations provided by SBC, even if the complaint has been dismissed.

Disclosures or complaints that are found following investigation to be made purposely to annoy, embarrass, or harm the Respondent or others may result in disciplinary action against the Complainant. Because a claim is not proof of prohibited conduct, a claim shall not be taken into account during a performance review, promotion, re-appointment, or other evaluation unless a final determination has been made that this policy has been violated. If possible, it is recommended that such evaluations be deferred until the claim is resolved.

E. External Reporting

This Policy and the formal complaint process do not prevent and are not intended to discourage an individual from also reporting Sexual Violence to the police and pursuing a complaint of Sexual Violence through the criminal justice system or from pursuing a complaint of Sexual Harassment with the Manitoba Human Rights Commission. We encourage all Survivors to report Sexual Violence through one or both of these avenues as they are applicable and as they feel comfortable, and we will endeavour to support any community member in the reporting process and through any subsequent process, in addition to co-operating with any external investigations.

3. Disclosure and Reporting Procedures

A. Informal Disclosure

A Survivor who discloses an incident of Sexual Violence to any faculty member, staff member, or student leader will be informed of their options for addressing incidents of Sexual Violence under this policy and be allowed to decide how to proceed. The Survivor may also view these options on their own, at any time, by reading the procedures listed below. Disclosing an incident of Sexual Violence to one of these community members does not constitute filing a complaint.

The Survivor will make the decisions on how they wish to proceed under this Policy and whether they wish to disclose the incident to a CR or have the community member they disclosed to bring the incident to a CR's attention. The Survivor's confidentiality will be respected if they choose not to disclose the incident to a CR. However, SBC reserves the right to act without the consent of the Survivor if there is a serious risk to the safety of SBC members or members of the outside community. Please see Policy section 1E for details.

B. Formal Disclosure

If the Survivor wishes to file a complaint, they will need to speak to a CR from the list below. They may do so in the presence of any person whom they choose to bring with them as a support.

The following options are available under this policy:

- I. Anonymous Disclosure
- II. Third-Party Disclosure
- III. Disclosure
- IV. Formal Report

This Policy and the formal complaint process do not prevent and are not intended to discourage a Survivor from also reporting Sexual Violence to the police and pursuing a complaint of Sexual Violence through the criminal justice system and/or from pursuing a complaint of Sexual Harassment with the Manitoba Human Rights Commission. We encourage all Survivors to report Sexual Violence through one or both of these avenues as they feel comfortable, and we will endeavour to support any community member in the reporting process and through any subsequent process, in addition to cooperating with any external investigation.

I. Anonymous Disclosure

- a. Student Development will post information on supports, services, accommodations, and the disclosure procedures available under this Policy online and on a poster on the bulletin board so that they can be accessed by Survivors who do not wish to disclose.
- b. A person may anonymously disclose an act of Sexual Violence they have experienced or are aware of by submitting an Anonymous Disclosure Form into the internal mail system addressed to the Dean of Student Services. The Dean of Student Services will collect and maintain any forms received in a locked, confidential location.
- c. An investigation will only begin on the basis of an anonymous disclosure when there are reasonable grounds that there is a serious risk to the safety of SBC community members.
- d. It is important to note that due to the lack of evidence anonymous disclosure provides (i.e. few or no witnesses, as well as no Complainant), an investigator's results may be limited. If a person who makes an anonymous disclosure is not satisfied, they are advised to speak to a CR.
- e. SBC community members shall maintain confidentiality of personal information collected in relation to an anonymous disclosure as much as possible. Please see Section 1E of this Policy for details.

II. Third-Party Disclosure

- a. Persons who have received a disclosure from, or have witnessed an act of Sexual Violence against a SBC community member may consult a CR on how to provide support and give advice to the Survivor. This is referred to as a Third-Party Disclosure.
- b. If a faculty member, staff member, or student leader becomes aware of an allegation of Sexual Violence against another member of the SBC community, that person is required to report the alleged incident to a CR as soon as reasonably possible. That report will be considered a Third-Party Disclosure.
- c. The CR will give the third party information on supports, services, accommodations, and the Procedures available under this Policy, including supports and services that can be used by both the Survivor and the third party. A third party cannot make a formal report on behalf of a Survivor. Any reports must be given at the consent of the Survivor with the Survivor present, apart from the exceptions listed in Procedure 2A above.

- d. SBC can only begin an investigation on the basis of a Third-Party Disclosure when it reasonably believes that there is a serious risk to the safety of SBC community members.
- e. The CR shall maintain confidentiality of personal information collected in relation to a Third-Party Disclosure in accordance with Section 1E of this Policy.

III. Disclosure

- a. Survivors may disclose an incident of Sexual Violence to any staff member, faculty member, or student leader in the SBC community, including any CR, without making a Formal Report.
- b. After a disclosure is made, the staff member, faculty member, or student leader will provide the Survivor with information about the Survivor's options for addressing incidents of Sexual Violence under this Policy. The Survivor will be allowed to decide how to proceed. The staff member, faculty member, or student leader, if they are not an CR, will not be able to provide the Survivor with supports, services or accommodations except the supports and services available to all students and the accommodations within their occupational control. If the Survivor wishes to access additional supports, services, and accommodations, the incident must be disclosed to a CR either through this Disclosure process or through Third-Party Disclosure.
- c. If the Survivor chooses to disclose to an CR, the CR will provide the Survivor with access to supports, services, and appropriate accommodations. A Survivor does not need to submit a Formal Report in order to obtain supports, services, and accommodations.
- d. The CR will present the Survivor with the option of making a Formal Report or of not moving forward with the resolution process.
- e. SBC may commence an investigation on the basis of a disclosure when it reasonably believes that there is serious risk to the safety of SBC community members.
- f. The CR shall maintain confidentiality of personal information collected in relation to an Informal Disclosure in accordance with section 1E of this Policy.

IV. Formal Report

a. Commitments

In any formal reporting process, the following core commitments will be upheld and made known to all involved in the decision-making process:

- i. Each person in a decision-making role will receive training on responding to reports of Sexual Violence before the decision-making process begins;
- ii. Each person in a decision-making role is required to identify any conflicts of interest that may affect their decision-making abilities. Any decision-maker may be asked to withdraw at any time for reasons of substantiated conflict of interest;
- iii. The number of times that a Complainant is asked to repeat an account of Sexual Violence during a formal reporting will be minimized; and
- iv. The Complainant and Respondent will not be required to meet face-to-face during any decision-making process.

b. Reporting Process

When a Formal Report is created in cooperation with a CR, the following process will take place:

- i. A Reporting Team will be created by the Dean of Student Services in cooperation with the CR. The Team will consist of one female and one male who have been trained as CRs and who have no conflict of interest in the case.
- f. The Reporting Team will hear all relevant testimony from all involved parties and witnesses. One member of the team will listen and ask questions, and the other will make a record of all relevant information. Any documentation created will be maintained in a locked, confidential location.
- ii. The Reporting Team will create a report to be submitted to the Dean of Student Services.
- iii. The Dean of Student Services, in cooperation with the Reporting Team and the original CR will create a decision-making committee. The committee will consist of only the Reporting Team, the CR who heard the original disclosure, and relevant staff and faculty members. All members of the committee will receive sufficient training before becoming part of the committee. For reasons of confidentiality, the number of members of the decision-making committee will be kept to a minimum.
- iv. The decision-making committee will decide about any disciplinary actions they deem appropriate after hearing all relevant information. Decisions about the truth of the complaint will be made based on a balance of probabilities. This means that the Complainant will not have to prove beyond a reasonable doubt that the incident took place, but rather that it is likely that it may have happened.
- v. The decision-making committee will submit a report to the Dean of Student Services who will determine, in consultation with the committee, how to proceed with the recommended disciplinary actions. Any documentation created throughout this process will be maintained in a locked, confidential location.

c. Possible Scenarios

Where the Respondent is a Student

Sexual Violence is a violation of the Community Covenant, Guidelines and Policies and Procedures. Allegations against students will be addressed in accordance with the procedures set out in this policy, and in any other applicable SBC policies. Sexual Violence is considered a serious offense and will be addressed in a manner consistent with other serious offenses.

Where the Respondent is an Employee

Sexual Violence is a violation of Community Covenant, Guidelines and Policies. Allegations against employees will be addressed in accordance with the procedures set out in this Policy, and in any other applicable SBC policies. If the complaint is substantiated following an investigation, SBC will decide on the appropriate disciplinary actions consistent with any applicable policies regarding discipline.

Where the Respondent is not a Student or Employee

Contractors, suppliers, volunteers, or visitors who come on to the SBC campus will be subject to complaints if they engage in prohibited conduct. Where a complaint against the Respondent is substantiated, SBC will take appropriate action.

Where the Respondent is not a Member of the SBC Community

A person who is not a member of the SBC community has not agreed to the Community Covenant, Guidelines and Policies. Therefore, while SBC will strive to provide supports, services, and appropriate accommodations for the Complainant, SBC cannot pursue disciplinary actions

against a person who is not a member of the community. SBC will seek to make all accommodations it is able to (e.g. prohibiting the Respondent from visiting the SBC campus). As with all incidents of Sexual Violence, SBC will encourage Complainants to report Sexual Violence to the police and pursue a complaint of Sexual Violence through the criminal justice system and/or to pursue a complaint of Sexual Harassment with the Manitoba Human Rights Commission. We encourage all Survivors to report Sexual Violence through one or both of these avenues as they feel comfortable, and we will endeavour to support any community member in the reporting process and through any subsequent process, in addition to cooperating with any external investigation.

Where the Complainant is not a Student or Employee

A person who is not a member of the SBC community may file a formal report against a member of the SBC community. SBC may investigate the report and take disciplinary actions against the Respondent. SBC will seek to provide all appropriate services, supports, and accommodations to the Complainant. However, SBC may be limited in the services, supports, and accommodations it is able to provide if the Complainant is not a member of the SBC community.

4. BURDEN OF PROOF

For a disclosure made pursuant to this policy, the CR being disclosed to will have a presumption that the Survivor or third party is telling the truth.

For a Formal Report made pursuant to this policy, no disciplinary action will be taken against the Respondent unless the decision-making committee is convinced of the truth of the allegations based on a balance of probabilities. This means that the Complainant will not have to prove beyond a reasonable doubt that the incident took place, but that it is likely that it may have happened.

5. REPRESENTATIVES

A Survivor, Complainant, Respondent, or witness may have a support person present at any meetings related to this Policy.

A support person may provide advice to the party they represent, but shall not directly participate in the procedures under this Policy.

6. AMNESTY

As a way of reducing barriers to reporting incidents of Sexual Violence, students who come forward with a complaint will be exempt from discipline by SBC for violating areas of the Community Life Policies and Procedures related to consumption of drugs, alcohol, open dorm hours, previous consensual intimacies, and other similar violations, insofar as they relate to the incidents in question.

This statement will hold true unless the report is found to be frivolous, vexatious, or of bad faith, at which point all factors of the investigation will be taken into consideration when making any disciplinary decisions.

7. OTHER PROCEEDINGS

Where criminal or civil proceedings are initiated regarding an incident of Sexual Violence, SBC may simultaneously conduct its own investigation in accordance with this Policy. Where there is an ongoing criminal investigation, SBC will cooperate with external authorities.

A Complainant at any step in this Procedure may choose to request an external investigation either alongside or instead of any investigation that may occur under this Procedure.

8. CONFIDENTIALITY

CRs will protect the personal information of persons involved in an investigation as stated in section 1E of this Policy. The CRs will do this by keeping all documents in a confidential file and limiting access to confidential files to the necessary CRs and those who need access to the files to carry out the Procedures outlined in this Policy.

For the sake of confidentiality for both the Complainant and Respondent, participants are asked to limit dialogue on subjects surrounding the case. Note also that any words considered to be malicious or slanderous and that are found to be spoken or written about another party member will be considered Harassment.

Lastly, other participants in disclosures and/or Formal Reports made under this procedure shall maintain confidentiality and may not disclose any information during an ongoing process under these Procedures.