



SASKATCHEWAN INDIAN INSTITUTE OF TECHNOLOGIES

POLICY & PROCEDURE

Policy Title: Sexual Violence	Related Policies: Anti-Harassment Code of Conduct Code of Ethics	Scope: All Personnel, Students and SIIT Stakeholders
Authorities: This policy is the responsibility of the Academics Department and the Human Resource Department and will be reviewed annually.	Forms: Internal Incident	Effective Date: 2016

1. Policy Statement

The Saskatchewan Indian Institute of Technologies (SIIT) is committed to providing an environment in which sexual violence is not tolerated. SIIT is expected to be a safe and positive space where members of the SIIT community feel able to work, learn and express themselves in an environment free from sexual violence. This commitment applies to all members of the SIIT community in their interaction with other members of the SIIT community.

Persons who violate this policy are subject to disciplinary and/or corrective action up to and including termination of employment or suspension and/or expulsion from studies at SIIT. This policy is not intended to supersede or interfere with prevailing provincial or federal legislation.

2. Guiding Principles

SIIT is committed to building and preserving a safe working and learning environment for its staff, students, clients, and stakeholders.

3. Definitions

Age of consent for sexual activity: The age at which a person can legally consent to sexual activity. In Canada, children under 12 can never legally consent to sexual acts. Sixteen is the legal age of consent for sexual acts.

Coercion: In the context of sexual assault and sexual misconduct, 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 being sexual or performing particular sexual acts.

Consent: As defined by *The Criminal Code of Canada*, consent is the voluntary agreement to engage in the sexual activity in question.

It is the responsibility of the person initiating or engaging in a sexual activity to obtain clear and affirmative responses at all stages of sexual engagement.

No consent is obtained or implied, where:

- a) the agreement is expressed by the words or conduct of a person other than the specific individuals who are involved in the sexual activity;
- b) an individual is incapable of consenting to the activity;
- c) an individual induces another individual to engage in the activity by abusing a position of trust, power or authority;
- d) an individual expresses, by words or conduct, a lack of agreement to engage in the sexual activity; or
- e) an individual, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Consent 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 a mutually agreed upon sexual activity. It is also imperative to understand the following: Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent. Specifically,

- a person is incapable of giving consent if they are 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 who is drugged is unable to consent.
- a person is usually unable to give consent when they are under the influence of alcohol and/or drugs.
- a person may be unable to give consent if they have 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.

Individual: Means a member of the SIIT community who is or has been subjected to the alleged sexual violence incident. Although there are other words used to describe an individual in these circumstances, including 'survivor', 'victim', 'target', and 'complainant', this policy uses the word 'individual'.

Reprisal: Any retaliatory act, either direct or indirect.

Respondent: Means a person whose alleged conduct is the subject of a complaint.

Retaliatory Acts: Means any retaliation, retribution, or reprisal by a Respondent against any Individual who reports an incident of alleged sexual violence, or against an individual who testifies or otherwise participates in an investigation or hearing relating to the allegation of sexual violence.

Sexual Assault: A criminal offence under the *Criminal Code of Canada*. Sexual assault includes any non-consensual physical contact of a sexual nature whether by an acquaintance or stranger. This may include groping, kissing, fondling and forced intercourse.

Sexual Violence: Is any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes sexual abuse, sexual assault or rape. It also includes sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, trafficking and sexual exploitation.

Sexual Violence Response Team: A team of SIIT employees that brings together the skills required to lead the institute's efforts to prevent and respond to sexual violence. The team approach engages the SIIT community to develop procedures that are relevant and accessible and provides individuals linkage to resources.

SIIT Community: The SIIT community includes students, employees, clients, stakeholders, and others who study, work or carry on the business of the Institute.

4. Policy Guidelines

SIIT will not tolerate any form of sexual violence and will take all reasonable and practical measures to ensure that no employee, student, client, or stakeholder is subjected to an act of sexual violence or related misbehavior.

All members of the SIIT community play a role in building a safe environment free from sexual violence and related misbehaviors by:

- Exhibiting healthy and respectful behaviours in personal and professional relationships;
- Reporting behaviour that may encourage sexual violence;
- Intervening in situations that may lead to sexual violence and related misbehavior; and
- Interrupting an occurrence of sexual violence if it is safe to do so or calling the police, RCMP or facility staff if it is not safe to do so.

5. Application of this Policy

This policy applies to all students, clients, and stakeholders of the SIIT community. This policy also applies to all employees of SIIT as well as contract service providers, contractors and the Board of Governors.

For the purposes of this policy, sexual violence is an incident that can occur:

- On SIIT facilities, campuses, training sites; or
- Off site, if:
 - In connection with a SIIT program or activity.

6. Preventative Measures

SIIT takes a proactive approach to sexual violence ensuring that prevention and education efforts are in place to reduce, eliminate, and address the effects of sexual violence. These preventive measures include:

- A sexual violence response protocol;
- A sexual violence response team that is comprised, based on the circumstances, of the Vice President of Human Resources, the Vice President of Academics and other appointed individuals. In the event that the individual or respondent is either the Vice President of Human Resources or the Vice President of Academics, the President will replace the individual or respondent.
- Alignment of current policies and procedures to determine SIIT's capacity to respond to incidents of sexual violence;
- Training for SIIT employees on how to properly deal with reports of sexual violence;
- Leveraging local resources such as sexual assault centres, police forces, violence against women support agencies, and hospital-based sexual assault treatment centres;
- Sexual violence education during student orientation; and
- Engagement activities including institute-wide campaigns and social media initiatives.

7. General Reporting Procedures

SIIT strongly encourages persons who have been victims of sexual violence to report the incident, to seek assistance, and to pursue judicial action. Anyone who has been a victim of sexual violence may choose to pursue both criminal prosecution and SIIT's disciplinary process.

SIIT supports and encourages any individual who has been a victim of sexual violence to report the incident to the reporting sources of their choice. Individuals who believe they have been victimized by an act or acts of sexual violence, or those who believe they were witness to a violation of this policy, should report the incident(s) immediately. Any delays in reporting acts of sexual violence can make the case against the respondent more difficult to establish; however, SIIT is aware that timely reporting may not always be possible. Prompt reporting is best; however, a person may report the incident at any time.

To report an incident of sexual violence, the SIIT Sexual Violence Protocol is outlined in Appendix A

All reports will be taken seriously, and investigated appropriately by SIIT and reported to the appropriate local law enforcement authority. It is a violation of SIIT's Sexual Violence Policy for persons to knowingly make a false report of an incident of sexual violence or to provide false information about a report. Persons who make a false report or provide false information about a report are subject to disciplinary and/or corrective action through SIIT, but may also be subject to legal ramifications.

SIIT will do everything it can to protect the privacy of the individuals involved and to ensure that the individual and the respondent are treated fairly and respectfully. SIIT will protect this privacy so long as doing so remains consistent with the enforcement of this policy and adherence to the law. All records of sexual violence reports and subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law.

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of sexual violence or act as witnesses. SIIT will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence.

Appendix A

SIIT Sexual Violence Protocol

1.0 Reporting Procedure

Circumstance:	Report to:
1. If an SIIT student chooses to report an alleged incident of sexual violence by a SIIT student	The student or their initial person of contact would report the alleged incident to the Vice President of Academics in order to commence the investigation process.
2. If an SIIT student chooses to report an alleged incident of sexual violence by a SIIT employee	The student or their initial person of contact would report the alleged incident to the Vice President of Academics in order to commence the investigation process.
3. If an SIIT student chooses to report an alleged incident of sexual violence by a SIIT stakeholder	The student or their initial person of contact would report the alleged incident to the Vice President of Academics in order to commence the investigation process.
4. If an SIIT employee chooses to report an alleged incident of sexual violence by a SIIT student	The employee or their initial person of contact would report the alleged incident to the Vice President of Human Resources in order to commence the investigation process (in conjunction with the Vice President of Academics).
5. If an SIIT employee chooses to report an alleged incident of sexual violence by a SIIT employee	The employee or their initial person of contact would report the alleged incident to the Vice President of Human Resources in order to commence the investigation process.
6. If an SIIT employee chooses to report an alleged incident of sexual violence by a SIIT stakeholder	The employee or their initial person of contact would report the alleged incident to the Vice President of Human Resources in order to commence the investigation process.

2.0 Procedure

Step 1 The individual will provide a statement to the Vice President of Human Resources or Vice President of Academics. The Vice President will transfer this information to a confidential dated SIIT internal incident form.

Step 2 SIIT will ensure that:

(i) The individual:

- is treated with respect;
- is informed of available resources available at the campus, facility or program site;
- is provided with support;
- is encouraged to seek medical attention immediately;
- has the right to decide whether to report the incident to legal authorities.

(ii) All reports are handled in confidence.

(iii) Reasonable and essential measures are taken to prevent further unwanted contact with the alleged respondent.

Step 3 The Vice President of Human Resources, Vice President of Academics or other designated individual will assess the situation and if required, initiate the sexual violence response team.

Step 4 If required, the sexual violence response team will review the information and determine the disciplinary course of action.

Step 5 The sexual violence response team will submit a confidential report to SIIT's senior leadership.

3.0 Facility Warnings

Upon being notified of a potential sexual violence or other form of sexual misconduct that may also constitute a crime, SIIT will ensure the appropriate distribution of facility-wide warnings in an effort to protect other individuals.

**Appendix B
Resources**

SIIT

Counselor – Saskatoon – (306) 477-9320 Toll Free: 1-800-667-9704

Human Resources – Saskatoon (306) 244-4444 Toll Free: 1-800-667-9704

Provincial Resources

Sexual Assault Services of Saskatchewan (SASS) <http://sassk.ca/>

Email: sasas@sasktel.net

Office: [306.757.1941](tel:306.757.1941)

Cell: [306.526.8776](tel:306.526.8776)

Saskatoon

Saskatoon Sexual Assault Centre <http://saskatoonsexualassaultcentre.com/>

Saskatoon Sexual Assault & Information Centre

201 - 506 25th Street East, Saskatoon, SK Canada S7K 4A7

TEL: (306) 244-2294 | FAX: (306) 244-6099 | E-MAIL: ssaic@sasktel.net

24-Hour Crisis Line

306-244-2224

Saskatoon Police Services 1- 306-975-8300

Prince Albert

Prince Albert Mobile Crisis Sexual Assault

306-764-1039

4050 Second Ave, Unit C

Prince Albert

Prince Albert Police Services (306) 953-4222

Regina

Regina Sexual Assault Centre <http://www.reginalsexualassaultcentre.ca/>

Regina Sexual Assault Centre Inc.

1830 MacKay Street

Regina, Saskatchewan

S4N 6R4

Office: 306-522-2777

Fax: 306-522-5070

rsac@sasktel.net

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Crisis and Information Line: 306-352-0434

Regina Police Services (306) 777- 6500

La Ronge

Piwapan Women's Centre
Box 888, La Ronge, Saskatchewan S0J 1L0
306-425-3910 Fax: 306-425-3921
24 hour Crisis Support Line
(306) 425-4090

La Ronge RCMP (306) 425-6730

Meadow Lake

RCMP
402 1st Avenue East, Meadow Lake, SK S0M 1V0
(306) 236 – 2570

North Battleford

Police Services
1052 101 St North Battleford SK S9A 0Z3
306-446-1720

Yorkton

SIGN
83 North Street
Yorkton
Saskatchewan
S3N 0G9

Phone (306) 783-9409,
Email signadmin@sign-yorkton.org

Yorkton RCMP (306) 782-8600

Creighton

RCMP (306) 688-8888