



PREVENTION AND RESPONSE TO SEXUAL VIOLENCE

1.0 PURPOSE

The New Brunswick College of Craft and Design (College) is committed to providing a safe learning and working environment to all its members. This document details our policy and response protocol to sexual violence. It ensures that those who experience sexual violence are respected and believed. The process detailed in this policy aims to protect the rights of individuals and hold those who have committed an act of sexual violence accountable.

2.0 SCOPE

This policy applies to all members of the College community regardless of where the alleged behavior took place. This includes students, employees, contractors, suppliers of services, volunteers, and visitors.

3.0 NBCCD COMMITMENT AND VALUES

3.1. To the College Community

The New Brunswick College of Craft and Design (College) is committed to providing a safer environment that offers respect, equality, and dignity for all. The College is committed to maintaining a campus free of discrimination or harassment. We will not tolerate behavior that generates a hostile or inequitable environment. All forms of sexual violence are unacceptable and reported incidents will be investigated internally with fairness and due process.

We believe prevention through campus-wide education, informed trauma training, and professional development is essential in upholding these values and preventing sexual violence both on and off campus. These informed practices are in place to abolish negative stereotypes and victim blaming from the process. We will monitor our policy to ensure that it remains effective

and abreast of national or provincial changes. Education and training for students and faculty will aim to:

- Contribute to the creation of a campus where sexual violence is not tolerated;
- Provide awareness raising education and training for the College community;
- Address harmful attitudes and behaviours that reinforce unsupportable beliefs about sexual violence such as rape myths or victim blaming;
- Engage in education and prevention activities and creating environments (social and physical) that help reduce the risk of sexual assault;
- Provide appropriate education and training to the College community about how to respond appropriately to the disclosure of sexual assault;

3.2. To the Individual

This policy is intended to ensure that the College offers a supportive environment where individuals feel supported in disclosing an experience of sexual violence. We appreciate the toll sexual violence can have on an individual's personal life and academics. We aim to assist those who have experienced sexual violence by providing information and support. This includes the provision and/or referral to trauma therapy, assistance in acquiring medical care, information on legal options, and appropriate academic accommodations.

We are committed to treating each Complainant with dignity and respect, and offering them access to the services, resources, and support that is required in overcoming an act of sexual violence.

We respect and support that Complainants are the final decision-makers regarding their best interests. Our intention is to ensure they are supported, informed, and empowered to make their own choices throughout the process.

4.0 DEFINITIONS

4.1. Sexual Violence

A broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This form of violence can include Sexual Harassment and Sexual Assault. This term can be used to describe an action or threat to act. It can involve any deed targeting a person's sexuality, gender identity, or gender expression.

4.2. Sexual Assault

Includes any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. It can involve a range of behaviours from any unwanted touching to penetration. Sexual Assault is a criminal offence under the Criminal Code of Canada. It is

characterized by the use of force, threat, or control, resulting in the survivor feeling discomfort, distress, and fear. Sexual Assault is committed when the survivor has not freely agreed, consented to, or is incapable of consenting to the sexual act in question.

4.3. Sexual Harassment

Conduct of a sexual nature that can include but is not limited to unwanted sexual advances, obscene remarks, sexualized verbal abuse, and sexualized imagery. Taunting that pertains to an individual's appearance, sexual orientation, or gender identity are some examples of sexual harassment. This term is to include any form of cyber bullying or harmful actions that are taken on social media.

4.4. Consent

An explicit, voluntary agreement to engage in the specified sexual activity in question. It is an ongoing process and interest in participating in the activity may be withdrawn at any time. For consent to be established a person must, of their own free will, indicate a desire to participate in the mutually agreed upon sexual activity. This is established through an exchange of affirmative words. The following are some guidelines regarding consent:

- Non-communication or silence must never be interpreted as consent.
- Consent is not possible when a person is asleep, unconscious, or unable to communicate.
- Consent is not attainable when coercion or threats are being used to manipulate.
- When someone is under the influence of drugs or alcohol it inhibits their ability to give consent.
- A person is unable to give consent when cognitive impairment or disability affects their comprehension of the act they are agreeing to.
- Previous engagement in the sexual act or being in a relationship does not establish consent for all future sexual activity .
- A person is unable to give consent to someone in a position of power or authority over them.
- A person is unable to give consent if they are considered a minor. In Canada, the age of consent is 16 years old, except in relationships that involve potential for exploitation by using authority (teacher, coach, boss, etc.) in which case the age of consent is 18.
- It is the responsibility of the sexual activity's initiator to ensure their partner provides clear, affirmative communication and willingness to engage throughout the stages of activity.

4.5. Disclosure

The act of informing another that Sexual Violence has occurred. A Disclosure can be shared by the Survivor themselves, a witness to the event, or an individual who has knowledge that an act of Sexual Violence occurred. A Disclosure can be made to any member of the College community. It can pertain to an individual who is or is not a part of the College community, and the event could have happened on or off College grounds. A disclosure will not initiate any disciplinary action should this not be the wish of the complainant.

4.6. Complainant

An individual who has disclosed an experience of Sexual Violence. Through this policy they may also be referred to as a Survivor. Some individuals who experience Sexual Violence identify closely with the latter term as it conveys strength over victimization.

4.7. Respondent

An individual who is accused of Sexual Violence.

4.8. Sexual Violence Response Task Force

A small group of College staff members tasked with regularly reviewing the policy and procedures pertaining to Sexual Violence. Their job is to ensure that the policy's development, execution, maintenance, assessment, intervention, and preventative strategies remain effective. The Task Force is comprised by the Student Disciplinary Committee and the College Counsellor. The Task Force follows the guidelines laid out in the Student Code of Conduct to review complaints and make suggestions regarding disciplinary action. This group will receive thorough trauma-response training and will be informed on confidentiality.

4.9. Formal Complaint

Involves written documentation of an alleged act of Sexual Violence.

- i. **Formal Internal Complaint:** A Formal Internal Complaint is filed as per the guidelines laid out in the Student Code of Conduct.
- ii. **Formal Criminal Complaint:** A Formal Criminal Complaint is filed with law enforcement personnel and follows their required process of investigation.

5. SUPPORT SERVICES AND DISCLOSURE

Any individual who has knowledge of or is a Survivor of sexual violence is encouraged to seek support as soon as possible. At the College they are welcome to disclose an event to any employee of the College with whom they trust. Such disclosures will then be brought to the attention of the trauma-informed College Counsellor to ensure that Complainants are being offered appropriate supports, a specialized approach, and confidential services. It is the Complainant's choice whether or not they wish to utilize the Counsellor's services. If no Formal Internal Complaint has been filed but the College becomes aware of an allegation of sexual violence that poses a threat to the safety of the College community, the College reserves the right to take reasonable steps to ensure the safety of the campus community. They will take steps to ensure confidentiality is respected for both the Complainant and Respondent, barring the limitations indicated in Section 6: Confidentiality.

The College respects that it can be extremely difficult for a Survivor to disclose incidents of sexual violence. It is a Survivor's right to choose whether or not to seek assistance and whom they reach out to. The College supports and empowers the Complainant to choose with whom they seek assistance. Resources can also be found off-campus in the Fredericton Community:

- Sexual Violence New Brunswick (SVNB)
 - 24-hour Confidential Support Line: 506.454.0437
 - Business Line: 506.454.0460
- Sexual Assault Nurse Examiners at Dr. Everett Chalmers Hospital
 - Available through the Emergency Unit: 506.452.5400
- Gignoo Transition House: 506-458-1236
- Women in Transition: 506-459-2300

Online Resources:

Sexual Violence New Brunswick

<https://svnb.ca/en/>

Male Survivor is a research, education, and advocacy organization for male survivors.

<https://malesurvivor.org/>

RAINN (Rape, Abuse & Incest National Network)<https://www.rainn.org/>

The Survivor Manual is a space for survivors to heal and find support to share their story

<https://www.survivormanual.com/>

Fredericton Gender Minorities

<https://www.facebook.com/fgmfredericton/>

Trans Lifeline

<https://translifeline.org/>

Reproductive Justice New Brunswick

<https://translifeline.org/>

6. CONFIDENTIALITY

Confidentiality is essential when dealing with disclosures of sexual violence. The College is committed to respecting the confidentiality of all persons, including the Complainant, Respondent, and witnesses. However, confidentiality cannot be ensured under the following circumstances:

- An individual is at imminent risk of self-harm
- An individual is at imminent risk of harming someone at the College or in the community

- A child or vulnerable person has been harmed or is at imminent risk of being harmed
- The Respondent is in a position of power at the College
- There are reasonable grounds to believe members of the College or wider community are at risk of being harmed
- Disclosure is required by law

Under such circumstances, information would only be shared with the necessary services. The intention would be first and foremost in the prevention of harm. Names of the Complainant and Respondent would not be shared with the public.

7. COMPLAINT PROCESS AND INVESTIGATION

If the Complainant decides to submit a Formal Complaint they have the right to choose the process that best suits their needs. The College Counsellor can assist individuals in filing an Internal Formal Complaint and/or can put them in contact with the proper authorities to file a Formal Criminal Complaint. The College Counsellor is well informed on both processes and can be a resource in supporting investigation requirements. They are available as a knowledge base and support throughout either Complaint process.

7.1. Formal Internal Complaint

Disclosing an act of sexual violence is not a Formal Internal Complaint and will not elicit an automatic review by the Sexual Violence Response Task Force. The College Counsellor can support and assist a Complainant in filing their complaint.

If a Formal Criminal Complaint is filed with the authorities, it may trigger a Formal Internal Complaint. For example, if a case is taken to court involving an NBCCD community member as the Respondent, NBCCD may inquire into the situation internally to ensure safety on campus. The Complainant would be contacted and made aware before action is taken. It could be determined that sanctions are required.

7.2. Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint and halt the investigation at any stage of the process. In most circumstances, the Complainant's decision will be honoured and the investigation will end. However, in certain circumstances the College may be required to continue an investigation if there is reason to believe the College Community is at risk. For instance if a pattern of assaults has been identified, the College may continue to review the situation to ensure safety of its members.

7.3. Fairness

Formal Internal Complaints will be handled with fairness to all individuals involved. NBCCD's primary emphasis is on ensuring the safety of the Survivor. Respondents should seek advice and

assistance. They will be provided with sufficient information to answer the Complaint and will receive referral to a trained, unbiased support person from the community. This person can be of assistance in understanding the process, their rights, and advocating for them.

Disclosures or Complaints that are found following investigation to be in bad faith or made to purposely harm the Respondent may result in sanctions and/or disciplinary measures against the Complainant.

8.0 ACKNOWLEDGEMENT

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9.0 PROCEDURE

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9.1. NBCCD SEXUAL VIOLENCE RESPONSE TASK FORCE

The NBCCD Sexual Violence Response Task Force is tasked with regularly reviewing the policy and procedures pertaining to sexual violence to ensure that the documents remain up-to-date and effective. The Task Force will meet annually to analyze the year-end statistics and monitor patterns of sexual violence over time. The NBCCD Sexual Violence Response Task Force are informed and educated regarding sexualized abuse. They approach disclosures with knowledge, compassion, and confidentiality. When a Formal Internal Complaint is submitted they begin their investigation into the incident. When the investigation is complete the Task Force may make recommendations for disciplinary action.

9.2. COLLEGE COUNSELLOR

The College Counsellor is responsible for ensuring compassionate and prompt response to individuals who experience sexual violence. The College Counsellor is available to provide informed support and will have acquired the appropriate training to assist survivors of sexualized violence. They are knowledgeable about the complaint processes available and are the recommended source of information and assistance on campus related to sexual violence. The College Counsellor will provide Complainants with initial and ongoing support throughout the process they choose. They will outline the options available to the Survivor, including but not limited to support services, medical services, criminal processes, academic accommodations, safety planning, and trauma-informed therapy. The College Counsellor will be an integral part of developing the College's prevention strategies, sexual violence policy, and raising campus-wide awareness through education.

9.3. COUNSELLOR FROM THE COMMUNITY

A Counsellor from the community will be made available to the Respondent to avoid conflict of interest on the part of the College Counsellor. They will be available to assist the Respondent in understanding the process and supporting them through it.

9.4. CONFIDENTIALITY

All College employees with whom a Complainant discloses an experience of sexual violence are expected to maintain confidentiality. They are trained and understand confidential standards. They know to share information solely with the College Counsellor for the purpose of ensuring the Survivor receives appropriate supports available to them. If the employee fears the risk of imminent danger, they should call 911.

9.5. EDUCATION, PREVENTION, AND AWARENESS

The College is committed to engaging in initiatives that educate, create awareness, and prevent sexual violence both on campus and in the community. These initiatives will be tailored to the student population and staff members of the College. It will illustrate the policy and procedures available to them. These platforms will explain the importance of ongoing consent, communication, and will actively work to debunk stereotypes and myths related to sexual abuse. Training will follow the standards laid out by Sexual Violence New Brunswick to include sexual assault crisis intervention training and presentations for students on bystander training, consent training, and rape myths.

9.6. DISCLOSURES

Any member of the College community who experiences sexual violence can disclose their concerns directly to the College Counsellor or to any NBCCD employee and be referred to counselling services for a follow-up. Through the NBCCD Counselling Services, Complainant's can

expect to discuss all relevant options available to them. They will be supported in their decisions and respected throughout whatever process they choose.

9.7. FORMAL COMPLAINTS

i. **Formal Criminal Complaints**

Formal Criminal Complaints are conducted by the local authorities. Complainants who are interested in filing a Formal Criminal Complaint are encouraged to contact their local police department.

- Fredericton City Police: 506.460.2300
- Saint John City Police: 506.648.3333
- RCMP Fredericton: 506.452.3400

ii. **Formal Internal Complaints**

Formal Internal Complaints are filed to the Student Disciplinary Committee following the guidelines in the Student Code of Conduct policy. A written statement detailing the events the Complainant encountered will be required. The College Counsellor can be of assistance to the Complainant throughout the Complaint process. The Task Force is trained in appropriate response to Sexual Violence by the Sexual Violence New Brunswick. They will review the alleged event following steps outlined in the Student Code of Conduct policy that can include are not limited to:

- Interview(s) with the Complainant
- Interview(s) with the Respondent
- Interview(s) with Witness(es)
- Collection of any evidence available
- Video surveillance, communication records, etc.

Following the investigation, the NBCCD Sexual Violence Response Task Force decide on College sanctions under the Student Code of Conduct policy and the Anti-Harassment policy.

When the respondent is an employee at the college (faculty or staff) or a student whose alleged actions relate to an employment relationship, the disciplinary procedures under GNB's Human Resources polices and/or relevant collective agreements will apply.

If the respondent is a student and matter is under review before the courts, NBCCD will take steps in the interim to ensure the safety of its students and employees, including but not limited to, taking non-disciplinary steps such as separating the parties involved, requiring the parties to not communicate directly, non-disciplinary suspension/academic leave.

9.8. SANCTIONS

If it is determined that a violation of this policy has occurred, disciplinary steps can include but are not limited to the following sanctions:

- Written warning
- Written reprimand
- Letter of behavioral expectations
- Compulsory training related to sexual violence
- Monetary compensation
 - If loss, damage, or injury of property were involved in the event
- Loss of privileges for a period of time
 - Ex. No access to the building or studios
- Withdrawal from one or more courses
- Suspension, academic dismissal, or expulsion

In the event that a student does not adhere to a sanction, the NBCCD Sexual Violence Response Task Force may recommend an additional sanction for the college to impose.

9.9 RECORD KEEPING AND REPORTING

The Student Disciplinary Committee is responsible for maintaining accurate records of incidents involving sexual violence. They will be a source of information and detail annual statistics for review of the NBCCD Sexual Violence Response Task Force. This will assist in tracking rates of sexual violence and identifying patterns over time. These records will identify the number of incidents without divulging confidential information. The information collected will assist in policy review.

9.10 POLICY REVIEW

This Policy will be reviewed by the Sexual Violence Response Task Force at least once every three years. Revisions to the Policy will be made according to the College Records provided by Counselling Services, changes to Provincial and Federal laws, and overall needs of the College population.