

Appendix B: Key Definitions

College Community: Registered students and employees of Camosun College.

Sexualize: To make sexual; attribute sex or a sex role to.

Sexual: An act of or relating to sex; for example: penetration, touching, etc.

Sexual Misconduct: Sexual Misconduct is a broad term used to encompass unwanted or unwelcomed conduct of a sexualized or sexual nature. This includes sexualized violence and means any sexual act or act targeting an individual's sexuality, whether the act is physical or psychological in nature that is committed, threatened, or attempted against an individual without the individual's consent. This includes, without limitation: sexual assault, sexual harassment, sexual exploitation, stalking, indecent exposure, voyeurism, non-consensual posting of sexually explicit pictures or video with the intent to distress.

Reference to an individual applies regardless of gender, sexual orientation or gender identity.

Sexual Misconduct can include but is not limited to:

- **Sexual Assault** means any form of sexual or sexualized contact without consent from all parties
- **Acquaintance sexual assault** is sexual or sexualized contact that is forced, manipulated, or coerced by an acquaintance, partner, friend, family or community member
- **Drug-facilitated sexual assault** is the intentional use of alcohol and/or drugs (prescription and non-prescription) by a respondent to control overpower or subdue a complainant for the purposes of sexual assault.
- **Sexual Harassment** means a course of unwanted remarks, behaviours, or communications of sexually oriented nature and/or a course of unwanted remarks, behaviours or communications based on gender - whether directed towards an individual or group - where an individual responsible for the remarks, behaviours or communications knows or ought to reasonably know that these are unwanted. It includes, but not limited to:
 - sexual/sexualized solicitations, advances, remarks, suggestive comments and gestures (including songs and chants);
 - the inappropriate display of sexually suggestive or sexualized pictures, posters, objects or graffiti;
 - non-consensual posting of explicit, sexual, or sexualized pictures or video with the intent to distress the individual in the picture or video, aggressive comments and slurs on any form of social media;
 - expressions of gender bias which may include remarks that are discriminatory, degrading and create a poisoned learning environment
 - physical contact of a sexual/sexualized nature; and

- sexual or sexualized conduct that interferes with an individual's dignity or privacy such as voyeurism and exhibitionism;
- **Stalking** is a form of criminal harassment involving behaviours that occur on more than one occasion and which collectively instill fear in an individual/group or threaten an individual's/group's safety or mental health. Stalking can also include threats of harm to an individual's/group's friends/and or family. 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; cyber stalking; and uttering threats.

Consent: An active, direct, voluntary, unimpaired and conscious choice and agreement to engage in sexual/sexualized activity.

It is the responsibility of the initiator of sexual activity to obtain consent at all stages of sexual engagement.

It is an act of willingly agreeing to engage in specific sexual behaviour, and requires that an individual is able to freely choose between two options: yes and no. This means that there must be an understandable exchange of affirmative words and or actions which indicates willingness to participate in mutually agreed upon sexual/sexualized activity. It is also imperative that everyone involved understands the following:

- Silence or non-communication must never be interpreted as consent and an individual in a state of diminished judgement cannot consent
- An individual is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate
- An individual who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual / sexualized activity is not consenting to it
- An individual who is drugged is unable to consent
- An individual is unable to give consent when they are impaired from alcohol and/or drugs
- 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
- An individual can withdraw consent at any time during the course of a sexual encounter

Disclosure: A disclosure is the act of making something known. For the purposes of this policy the information being made known pertains to sexual misconduct as defined in this policy.

Complainant: An individual who has disclosed sexual misconduct and chooses to submit a formal complaint or report based on the options outlined in this policy.

Respondent: An individual against whom an allegation of sexual misconduct has been made.

Complaint: A complaint is a statement of facts including a record of time, dates, nature of any incidents and names of witnesses relating to sexual misconduct as defined in this policy. A complaint can be made by an individual who has experienced sexual misconduct or can be reported by a third party.

Third Party Report: A third party report can be made by (a) someone who has witnessed sexual misconduct and reports this to the College or law enforcement agency; or (b) someone who receives written consent from an individual who has experienced sexual misconduct to provide details of the act to the College or a law enforcement agency.

Student Support Manager: In relation to this policy, a Student Support Manager is a designated individual within the College who will assess and triage all disclosures at the College; whether or not the person who has experienced or witnessed sexual / sexualized violence chooses to submit a complaint or report. The Student Support Manager will be responsible for coordinating immediate supports for the individual who has experienced sexual/sexualized violence of their reporting and complaint options and liaising with additional community support services where appropriate.

No Report: Refers to when an individual who has experienced sexual misconduct chooses not to report to the College or to proceed with any other reporting or complaint option. An individual who has experienced sexual misconduct and does not choose to formally submit a complaint or report within the scope of the options presented in this policy is still able to access counselling and/ or accommodation supports.

Report to College: When an individual who has experienced sexual misconduct or a third party individual makes a report to the College but does not file a formal complaint. The College will not commence an investigation where a report is made, unless a threat to a person exists or required to do so by law or pursuant to a college agreement.

Complaint to College: For the purposes of this policy, a formal complaint to the College can be filed by an individual who has experienced sexual misconduct or by a third party. This complaint process is non-criminal and may initiate an investigation that will be overseen by the College.

Report to Police: When an individual who has experienced sexual misconduct makes a police statement, which may be followed by a criminal investigation.

Natural Justice: Is a principle which underpins the processes, practices and outcomes of a response to a complaint. Key elements of a process grounded in natural justice include that the respondent is made aware of the allegations against them, that they be given a fair opportunity to respond and that whomever is adjudicating the evidence must not be biased on either the side of the respondent or the complainant. The outcomes from any process will be in balance with the nature of the misconduct and in keeping with the principles of procedural fairness.

Balance of Probabilities: Is the standard of proof in which the probability of an event occurring is greater than fifty percent.

College-Related Activity: An activity conducted under the authority of the College at any location, having a real or substantial connection to the College, College Activities or College-related functions, whether or not the conduct occurred on College property.

Investigation: An information gathering and assessment process, in response to a complaint, used to determine the nature and circumstances of alleged wrongdoing, matters of credibility and to make findings of fact and to determine whether a breach of this policy occurred. The investigation process may include, but is not limited to, witness interviews, collection and review

of written statements, notes, logs, papers, digital and print records, and any other relevant material.

No-Contact Undertaking: This is an agreement, mutually undertaken by two or more people, to refrain from contacting one another based on specific and transparent conditions.