



Policies and Procedures: Sexual Harassment Sexual Assault Campus Sexual Violence

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Summit Pacific College

POLICY AND PROCEDURE: Sexual Harassment

Sexual harassment can vary depending on the circumstances, but generally it is defined as unwelcome or offensive sexual advances, requests for sexual favours, unwanted or uninvited verbal suggestions or comments of a sexual nature, derogatory remarks about the opposite sex, or objectionable physical contact carried out in the workplace or in the educational environment.

1. Definition of Sexual Harassment

For the purpose of this policy, sexual harassment is defined as any sex-related comment or conduct by someone who knows, or ought to know, that the comment or conduct is unwelcome.

Some examples of conduct that constitute sexual harassment are, but not limited to, the following:

- innuendoes or taunting about sex or a person's body;
- leering or other offensive or sexually suggestive gestures;
- derogatory or degrading remarks of a sexual nature used to describe or directed towards another;
- the display of, or the distribution of, sexually explicit or otherwise offensive material;
- unwelcome advances, flirtations, propositions of a sexual nature, or repeated invitations after previous requests have been refused;
- unnecessary physical contact, including touching, patting, pinching, brushing against, etc.;
- statements or actions that imply that an individual's "cooperation" will have an effect on the individual's grade, assignment, employment, career development or any other condition of instruction

2. What to Do When Sexual Harassment Occurs

This policy outlines several action steps that can be taken by a student who feels they has been harassed by an employee or fellow student. There are also legal options available including the right to lay a complaint under the *British Columbia Human Rights Code* or under the *Criminal Code of Canada*.

a. Students

Once a written complaint against a student has been submitted to the Dean of Students, the Student Life Committee shall be called upon to investigate/mediate the situation.

The Student Life Committee shall conduct the investigation as follows:

- The committee shall examine the written statement of the complainant, which shall provide details of the time, circumstances, and place of occurrence.
- The committee shall make inquiries of the complainant and the subject of the complaint, explain procedures, and attempt to mediate or conciliate the complaint.
- All submissions and reports from the Student Life Committee shall be made available to both the complainant and the subject of the complaint. Both parties shall be entitled to comment in writing or, at the discretion of the Committee, in an interview. On its own initiative, the Committee may interview the parties and may request written or oral submissions. The Committee shall make a ruling on the complaint and shall notify the President and the relevant parties immediately. The ruling will include disciplinary sanctions if appropriate.

- Any action taken, or sanctions imposed by the Committee will comply with those outlined in the Student Handbook.
- Students shall have the right of appeal as outlined in the Student Handbook.
- A record of the decision against a student will be included in the Dean of Students' file only when the appeal has been finalized.

b. Employees

Credentialed Employee: Once a written complaint against a credentialed employee has been submitted to the Dean of Students/HR, the President and/or a faculty member shall notify the chairman of the Board of Governors. The chairman shall refer the matter to the Superintendent of the district where the employee is credentialed. The action shall then follow the requirements of the General Constitution and By-Laws of the Pentecostal Assemblies of Canada (PAOC).

Non-Credentialed Employee: Once a written complaint against a non-credentialed employee has been submitted to the Dean of Students/HR, the President shall refer the matter to the Administrative Committee (Board of Governors) for a formal hearing. The action shall then follow the requirements of the HR Manual.

Note:

In cases where the nature of the sexual harassment violates the Criminal Code of Canada, the complainant should contact the police, requesting that a criminal charge be brought against the alleged offender.

POLICY AND PROCEDURE: Sexual Assault

Sexual assault includes, but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery or threat of sexual assault.

Any allegation of sexual assault is a concern to the faculty and staff of SPC. Therefore, anyone who has experienced such a violation is strongly encouraged to report the situation immediately to the Campus Pastors, the Dean of Students, the President, or a trusted person who will take action to ensure that appropriate medical and counselling services are provided. Victims of sexual assault may notify the proper law enforcement authorities themselves or ask to be assisted by SPC personnel.

Complaints of sexual assault will be resolved in the same manner as sexual harassment (see policy). In accordance with provincial regulations regarding disciplinary resolutions of sexual assault cases, both the accuser and the accused are entitled to the same opportunities to have others present during disciplinary hearings and to be informed of the outcome. However, SPC will report and cooperate with appropriate law enforcement authorities that have the right and responsibility to act in response to law violations committed on SPC premises and/or by a member of the SPC community. SPC will report complaints of sexual assault that involve minors to the appropriate law enforcement authorities in accordance with the laws of British Columbia.

SPC will notify students of any reasonable and available option in changing their academic or living situations, if so requested.

1. What to Do When a Sexual Assault Has Occurred

a. Step One

A student who has experienced sexual assault or date rape should promptly contact a faculty/staff member. That member will serve as an advocate throughout the post-assault period and continue to support the victim until they feel comfortable contacting a support group or private counsellor. Conversations between the advocate and the student will be held in absolute confidence.

b. Step Two

After calling and/or meeting with the advocate, medical attention should be sought at the local hospital Emergency Room where staff with appropriate training and information will be available to refer for further assistance. The student should NOT bathe, shower, or change clothing, as it is important to preserve evidence for proof of criminal sexual assault.

c. Step Three

Whether charges are pressed or not, the student needs to find and receive the best assistance for physical and emotional needs. The Dean of Students should be informed of the incident so that health implications and stress-related symptoms can be adequately addressed. The faculty advocate who shares the information may keep the student's name anonymous.

The decision of whether or not to press charges is made by the student, regardless of whether the offender is a stranger or known to the victim. If the offender is a student or employee of SPC, the Dean of Students will be informed.

- Further assistance is available by contacting Abbotsford Specialized Victim Assistance: 604.859.7681.
- Any student that is physically assaulted or sees any suspicious persons on campus is to contact Campus Security - 604.851.7215, a Campus Pastor, a Resident Supervisor/Assistant, or the Dean of Students – 604.851.7213, cell 604.614.4844.

2. Disclosure Guidelines of Sexual Abuse

Although SPC desires to help the survivors of sexual abuse, resources are limited. However, those who wish to may share with and confide in a member of the SPC community e.g., RA/RS, Campus Pastor, Dean of Students, staff/faculty member. In some cases, the student may be referred to off-campus professional Christian counsellors who are better equipped to help.

Anyone wishing to disclose an incident of sexual abuse, whether their own or someone else's, must be aware that the law requires that any situation involving a child must be reported. In British Columbia, this applies to any person under the age of 19.

Section 7 of the *Family and Child Services Act* states:

- A person who has reasonable grounds to believe that a child is in need of protection shall forthwith report the circumstances to the superintendent (of Family and Child Services, Ministry of Social Services—MSS) or a person designated by the superintendent to receive such reports.
- The duty under subsection (1) overrides a claim of confidentiality or privilege by a person following any occupation or profession, except a claim founded on a solicitor (lawyer) and client relationship.
- No action lies against a person making a report under this section unless they make it maliciously or without reasonable grounds for his/her belief.
- A person who contravenes subsection (1) commits an offence.

Therefore, any student disclosing an incident of sexual abuse where children may be at risk should understand that such information must be passed on to the Ministry of Social Services. Students sharing such information with another student, for example, can expect that student to ask them to report the same information to the Ministry of Social Services (MSS). As well, the person to whom this information is being disclosed should, if need be, interrupt the one offering such disclosure and indicate their obligation as recipient to report any information suggesting that a child may be at risk. The protection of children is the paramount concern.

POLICY AND PROCEDURE: Campus Sexual Violence

This policy applies to all forms of sexual and gender-based discrimination, harassment and violence, intimate partner violence, stalking, bullying and retaliation.

In cases where the nature of the sexual harassment violates the Criminal Code of Canada, the complainant should contact the police, requesting that a criminal charge be brought against the alleged offender.

1. Purpose and Statement of Policy

SPC is committed to fostering a climate free from sexual and gender-based discrimination, harassment and violence, intimate partner violence and stalking through clear and effective policies, a coordinated education and prevention program, and prompt and equitable procedures for resolution of reports of conduct prohibited under this policy. SPC encourages all members of its community to participate in the process of creating a safe, welcoming and respectful environment on campus

SPC is committed to taking all appropriate steps to eliminate prohibited conduct, prevent its recurrence and address its effects. Individuals found responsible under this policy will face disciplinary sanctions which may include dismissal from SPC and/or termination of employment.

SPC will not tolerate retaliation against an individual who makes a report or participated in any proceedings under this policy. SPC policy prohibits any form of retaliation, and community members engaging in retaliation will be subject to disciplinary action, whether such acts are implicit or explicit, or committed directly or indirectly.

2. Scope of Policy

This policy applies to all students, faculty, staff, guests and visitors. This policy specifically prohibits Sexual Harassment; Non-Consensual Sexual Intercourse; Non-Consensual Sexual Contact; Sexual Exploitation; Stalking, Physical Harm and Intimidation; Harassment; Bullying and Cyberbullying; Intimate Partner Violence, and Retaliation against individuals of any gender.

This policy applies to all forms of Prohibited Conduct that:

- occur on or off campus;
- occur in the context of any SPC education or employment activities and programs

3. Privacy and Confidentiality

a. Definitions

Privacy generally means that information related to a Prohibited Conduct will only be shared with those SPC employees who “need to know” to assist in the active review, investigation, or resolution of the report, including the issuance of interim measures. SPC will determine which employees have a legitimate need to know about individual conduct complaints and will share information accordingly.

SPC may notify the parents or guardians of any dependent students who are respondents regarding conduct charges or sanctions, particularly disciplinary probation, loss of housing, suspension, and dismissal.

Confidentiality means that information shared by an individual with designated SPC or community professionals cannot be revealed to any other individual without express permission of the individual or as otherwise permitted or required by law.

b. Limits to Confidentiality

i. Risk of Harm to Self or Others

SPC employees are required to disclose to the Dean of Students or the President information regarding students where there is an imminent threat of harm to self or others.

ii. Mandatory Reporting of Child Abuse

All SPC employees are required to immediately report any knowledge or reasonable suspicion that a minor (someone under 16 years old) is experiencing abuse or neglect based on information shared by the minor, another individual, or through personal observations or knowledge. All SPC employees suspecting abuse or neglect are required to bring all suspicion to the immediate attention of the Dean of Students.

4. Prohibited Conduct

SPC prohibits a broad spectrum of behaviours, including all forms of sexual and gender-based discrimination, harassment and violence, stalking, and intimate partner violence. The following conduct is specifically prohibited under this policy:

a. Sexual Harassment

Sexual Harassment can vary depending on the circumstances, but generally it is defined as unwelcome or offensive sexual advances, requests for sexual favours, unwanted or uninvited verbal suggestions or comments of a sexual nature, derogatory remarks about the opposite sex, or objectionable physical contact carried out in the workplace or in the educational environment.

For the purpose of this policy, sexual harassment is defined as any sex-related comment or conduct by someone who knows, or ought to know, that the comment or conduct is unwelcome.

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- unwelcome advances, flirtations, propositions of a sexual nature, or repeated invitations after previous requests have been refused;
- unnecessary physical contact, including touching, patting, pinching, brushing against, etc.;
- statements or actions that imply that an individual's "cooperation" will have an effect on the individual's grade, assignment, employment, career development or any other condition of instruction.

b. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is defined as having or attempting to have sexual intercourse with another individual:

- by force or threat of force; or
- without consent; or
- where that individual is incapacitated; or
- involving an abuse of power, authority, or trust that is used to coerce the victim/survivor to engage in sexual activity.

Sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact or mouth to anus contact.

A finding of responsibility for non-consensual sexual intercourse will result in dismissal or termination of employment for SPC employees and contractors.

c. Non-Consensual Sexual Contact.

Non-Consensual Sexual Contact is defined as having a sexual contact with another individual:

- by force or threat of force; or
- without consent; or
- where that individual is incapacitated.

Sexual contact includes any intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner. Sexual contact may be over clothes or skin-to-skin.

d. Sexual Exploitation

Sexual Exploitation is knowingly, intentionally or purposefully taking advantage of the sexuality of another person without consent or in a manner that extends the bounds of consensual sexual activity without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, or personal benefit. Examples of sexual exploitation include:

- voyeurism - observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- non-consensual recording of individuals in locations in which they have a reasonable expectation of privacy, such as restrooms or locker rooms, regardless of whether the images captured reveal sexual activity or nudity;
- prostituting another individual;
- exposing one's genitals in non-consensual circumstances;
- knowingly exposing another individual to sexually transmitted infection or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity, e.g., by using alcohol or other drugs (such as Rohypnol or GHB).

e. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, under circumstances that demonstrate either of the following:

- placing the person in reasonable fear of bodily injury to oneself or others, or of damage to their property; or
- causing substantial emotional distress to the person.

Cyber-stalking is a form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Cyber-stalking is considered stalking under this policy if it meets either of the conditions above.

f. Physical Harm and Intimidation

Physical Harm and/or *Intimidation* includes threatening, causing physical harm, written or verbal abuse, or other conduct that threatens or endangers the health of any person, or implied threats or acts that cause an unreasonable fear of harm in another. When these acts occur in the context of intimate partner violence or when the behaviour is perpetrated on the basis of sex or gender, the conduct will be resolved under this policy.

g. Harassment, Bullying, and Cyberbullying

Harassment, *Bullying* and *Cyberbullying* are defined as repeated and/or severe aggressive behaviours likely to intimidate, threaten, or intentionally hurt, control or diminish another person physically or mentally that includes, but is not limited to: creating web pages with a negative focus, posting insults or lewd photos on social networking sites, and/or spreading rumour with malicious intent. When these acts occur in the context of intimate partner violence or when the behaviour is perpetrated based on sex or gender, the conduct will be resolved under this policy.

h. Intimate Partner Violence

Intimate Partner Violence (including dating violence and domestic violence) includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, or spousal relationship. Intimate partner violence may include any form of prohibited conduct under this policy.

SPC will evaluate the existence of an intimate relationship based upon the complainant's statements and taking into consideration the length of the relationship, the type of relationship, and the frequency of interactions between the persons in the relationship.

i. Retaliation

Retaliation is any real or perceived act or attempt to take an adverse action against, or seek retribution from, any individual or group of individuals involved in the investigation and/or resolution of a report under this policy. Retaliation can take many forms, including abuse, violence, threats and intimidation. Any individual or group of individuals, including but not limited to a complainant or respondent, can be held accountable for retaliation under this policy.

5. Definitions and Concepts

a. Consent

Consent is clear, knowing, and voluntary permission. It can only be given by someone of legal age. Consent is demonstrated through mutually understandable words or actions that clearly indicate a willingness to engage freely in sexual activity. Silence cannot be assumed to indicate consent.

- Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- While consent can be given by words or actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically or verbally refuse sexual activity is not necessarily giving consent.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise free will to choose whether to have sexual contact.
- Individuals who consent to sexual activity must be able to fully understand what they are doing. An individual who is physically incapacitated by alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, fading in and out of consciousness, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.

b. Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request. Consent cannot be obtained by force.

c. Coercion

Coercion is the use of unreasonable and persistent pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviours, including intimidation, manipulation, threat and blackmail. Coercion may be emotional, intellectual, psychological or moral.

Examples of coercion include threatening to disclose another individual's private sexual information and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity. Consent cannot be obtained by coercion.

d. Incapacitation

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. *Incapacitation* is defined as the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. In addition, a person with certain intellectual or developmental disabilities may not have the capacity to give consent. Consent cannot be obtained by taking advantage of another individual's incapacitation.

Where alcohol or other drugs are involved, incapacitation is the state beyond mere intoxication. The impact of alcohol and other drugs varies for person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady balance, strong odor of alcohol, combativeness, or emotional volatility.

6. Investigation and Resolution Options.

SPC's responses to reports under this policy will be guided by principles of fairness and respect for all parties. In every case, SPC will conduct an assessment and determine the most appropriate manner of resolution under the community standards found in the Student Handbook.

Withdrawal, resignation, graduation, retirement, or departure of a complainant or respondent from SPC after an initial report has been made will not discontinue the review, investigation, and/or resolution of the report or complainant. A respondent who separates from SPC under any circumstances is not eligible for re-admittance or re-employment until they have successfully completed the terms of any sanctions imposed.

This policy outlines several action steps that can be taken by a student who feels they have been harassed by an employee or fellow student. There are also legal options available, including the right to lay a complaint under the *British Columbia Human Rights Code* or under the *Criminal Code of Canada*.

a. Sexual Harassment

i. Students

Once a written complaint against a student has been submitted to the Dean of Students, the Student Life Committee shall be called upon to investigate/mediate the situation.

The Student Life Committee shall conduct the investigation as follows:

- The committee shall examine the written statement of the complainant, which shall provide details of the time, circumstances, and place of occurrence.
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- Any action taken, or sanctions imposed by the Committee will comply with those outlined in the Student Handbook.
- Students shall have the right of appeal as outlined in the Student Handbook.
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ii. Employees

Credentialed Employee: Once a written complaint against a credentialed employee has been submitted to the Dean of Students/HR, the President and/or a faculty member shall notify the chairman of the Board of Governors. The chairman shall refer the matter to the Superintendent of the district where the employee is credentialed. The action shall then follow the requirements of the General Constitution and By-Laws of the Pentecostal Assemblies of Canada (PAOC).

Non-Credentialed Employee: Once a written complaint against a non-credentialed employee has been submitted to the Dean of Students/HR, the President shall refer the matter to the Administrative Committee (Board of Governors) for a formal hearing. The action shall then follow the requirements of the HR Manual.

b. Sexual Assault

Any allegation of sexual assault is a concern to the faculty and staff of SPC. Therefore, anyone who has experienced such a violation is strongly encouraged to report the situation immediately to the Campus Pastors, the Dean of Students, the President, or a trusted person who will take action to ensure that appropriate medical and counselling services are provided. Victims of sexual assault may notify the proper law enforcement authorities themselves or ask to be assisted by SPC personnel.

Complaints of sexual assault will be resolved in the same manner as sexual harassment (see policy). In accordance with provincial regulations regarding disciplinary resolutions of sexual assault cases, both the accuser and the accused are entitled to the same opportunities to have others present during disciplinary hearings and to be informed of the outcome. However, SPC will report and cooperate with appropriate law enforcement authorities that have the right and responsibility to act in response to law violations committed on SPC premises and/or by a member of the SPC community. SPC will report complaints of sexual assault that involve minors to the appropriate law enforcement authorities in accordance with the laws of British Columbia.

SPC will notify students of any reasonable and available option in changing their academic or living situations, if so requested.

i. Procedures

1. Step One

A student who has experienced sexual assault or date rape should promptly contact a faculty/staff member. That member will serve as an advocate throughout the post-assault period and continue to support the victim until they feel comfortable contacting a support group or private counsellor. Conversations between the advocate and the student will be held in absolute confidence.

2. Step Two

After calling and/or meeting with the advocate, medical attention should be sought at the local hospital Emergency Room where staff with appropriate training and information will be available to refer for further assistance. The student should NOT bathe, shower, or change clothing, as it is important to preserve evidence for proof of criminal sexual assault.

3. Step Three

Whether charges are pressed or not, the student needs to find and receive the best assistance for physical and emotional needs. The Dean of Students should be informed of the incident so that health implications and stress-related symptoms can be adequately addressed. The faculty advocate who shares the information may keep the student's name anonymous.

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- Further assistance is available by contacting Abbotsford Specialized Victim Assistance: 604.859.7681.
- Any student that is physically assaulted or sees any suspicious persons on campus is to contact Campus Security - 604.851.7215, a Campus Pastor, a Resident Supervisor/Assistant, or the Dean of Students – 604.8517213, cell 604.614.4844.

ii. Disclosure Guidelines of Sexual Abuse

Although SPC desires to help the survivors of sexual abuse, resources are limited. However, those who wish to may share with and confide in a member of the SPC community e.g., RA/RS, Campus Pastor, Dean of Students, staff/faculty member. In some cases, the student may be referred to off-campus professional Christian counsellors who are better equipped to help.

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Therefore, any student disclosing an incident of sexual abuse where children may be at risk should understand that such information must be passed on to the Ministry of Social Services. Students sharing such information with another student, for example, can expect that student to ask them to report the same information to the Ministry of Social Services (MSS). As well, the person to whom this information is being disclosed should, if need be, interrupt the one offering such disclosure and indicate their obligation as recipient to report any information suggesting that a child may be at risk. The protection of children is the paramount concern.

4. Education and Prevention Programs

SPC recognizes that the most effective way to achieve a community free of sexual and gender-based discrimination, harassment, violence, intimate partner violence and stalking is to equip all community members with the skills to recognize and prevent those prohibited forms of conduct. SPC is also committed to the protection of minors and the prevention of child abuse.

Throughout the year, SPC will promote the awareness of sexual and gender-based harassment and violence, stalking and intimate partner violence. Prevention programs include an overview of SPC's values and community standards, policies and procedures, and relevant definitions (including prohibited conduct, consent, and intervention), as well as information about risk reduction. Each year students and faculty/staff will receive primary prevention and awareness programming.