

## SEXUAL VIOLENCE, SEXUAL MISCONDUCT & SEXUAL HARASSMENT PREVENTION POLICY AND GUIDELINES

### Policy Application

The Policy applies to all members of Academy of Learning Career College – Steinbach/Pine Falls, community (the College(s)) including students, staff, faculty, administrators, contract service providers, contractors, officers, directors, and individuals who are directly connected to any of the College(s) student initiatives, volunteers and visitors.

### Purpose and Intent

All members of Academy of Learning Career College – Steinbach/Pine Falls community have a right to study and work in an environment free of sexual violence and sexual harassment.

The College(s) recognize that certain populations are at greater risk of sexual violence in Canada, including, but not limited to:

- Young women and girls
- Indigenous women
- Persons living with cognitive or physical disabilities
- Individuals within the LGBT2SQ+ community
- Newcomer women and women from ethnocultural and racialized communities

We recognize that many of our students attending the College(s) fall within these populations and we want to emphasize that it is our intent to ensure a positive learning environment for all our students regardless of what population they may belong to. To address this, we have called upon members from all populations in the development of this policy.

The purpose of this policy is to articulate the Academy of Learning Career College – Steinbach/Pine Falls' position with respect to sexual violence and establish a formal response protocol for disclosures of incidents of sexual violence.

This document sets out our policy on sexual violence and sexual harassment, defines the prohibited behaviors, and outlines our investigative processes for sexual violence and sexual harassment. The policy further outlines the procedures the College(s) will undertake to educate its community on avenues to prevent sexual harassment.

### The Scope

The Policy applies to complaints of sexual violence or sexual harassment that have occurred on the College(s) campus or at a college event and involve members of the Academy of Learning college community as defined in paragraph one, the Policy Application. This Policy prohibits sexual misconduct, which includes sexual violence and sexual harassment.

### Definitions

**"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.

**"Sexual Misconduct"**

- sexual assault which is any type of an unwanted sex act done by one person to another, without that person's consent, that violates the sexual integrity of an individual ranging from unwanted conversations, touching to penetration.
- any violence, physical or psychological, carried out through sexual means or by targeting sexuality, including sexual abuse; and
- criminal harassment (including stalking and cyber bullying).

**“Sexual Harassment”**, (without limiting the generality of the foregoing), includes:

- Any course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:
- offensive jokes or comments of a sexual nature.
- displaying of pornographic or sexist pictures or materials, including online;
- suggestive or offensive remarks;
- unwelcome language related to gender;
- remarks, jokes, innuendoes, propositions, or taunting about a person’s body, attire, sex or sexual orientation;
- leering or inappropriate staring;
- bragging about sexual prowess;
- physical contact such as touching, patting, or pinching, with an underlying sexual connotation; and
- sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome.

## Consent

Consent is central to sexual assault. The Criminal Code of Canada defines consent as it relates to sexual assault as the voluntary agreement to engage in sexual activity. An individual must actively and willingly give consent to sexual activity. Simply stated, sexual activity without consent is sexual assault.

Young people, like many others, often do not fully understand consent and can feel that the line between consensual sexual acts and sexual assault can be unclear. This is particularly true when an acquaintance, friend, or partner is the perpetrator.

Consenting to one kind, or instance, of sexual activity does not mean that consent is given to any other sexual activity or instance. No one consents to being sexually assaulted.

Where consent does not exist (lack of agreement): a person can express a lack of agreement verbally or through conduct (such as physically resisting advances). The Criminal Code makes it clear that a person can, after initially giving consent to engage in sex, revoke consent at any time by expressing a lack of agreement to continue engaging in sexual activity.

In other words, consent:

- Is never assumed or implied
- Is not silence or the absence of “no”
- Cannot be given if the victim is impaired by alcohol or drugs, or is unconscious
- Can never be obtained through threats or coercion
- Can be revoked at any time
- Cannot be obtained if the perpetrator abuses a position of trust, power or authority

It is not for the institution to weigh or determine whether or not consent has been given. This purpose of the policy is not to examine or investigate sexual assault allegations, but rather to inform all members of the College(s) community of their responsibility to eliminate harassment and inform victims of their rights.

For more information on consent, please refer to <http://www.gov.mb.ca/youarenotalone/consent.html>

## Policy Objectives

Our College(s) is/are committed to providing members of our career college community an educational environment free from sexual violence, sexual misconduct and sexual harassment and treating those individuals who report incidents of sexual violence, sexual misconduct or sexual harassment with dignity and respect.

The College recognizes the sensitive nature of sexual harassment of any form and wishes to assure all members of our community are aware that we wish to approach any such sharing of information with compassion and understanding. We do, however, wish to make all members of the community aware that depending upon the wishes of the victim the College(s) may be limited in their ability to perform any form of investigation to determine the validity of a complaint. It is the College(s) intent to provide a supportive role and assist the individual by way of the following:

- Educating all members of our community on sexual harassment and prevention.
- Listening to complaints/disclosures and responding in a sensitive and understanding manner;
- Providing information to the student about the institution's response procedure;
- Offering information or making referrals to support service providers with experience addressing sexual assault and trauma; and
- Providing the individual with reasonable accommodation while on campus.

To meet the needs of the victim the College(s) wishes to make the student aware of their options to assure that their needs are being addressed:

- Bring the matter to the attention of College staff person through sharing of their experience or concern. Such staff persons may be college councillors, instructors or appointed individuals. Please note that the College's ability to take any formal action will be limited in such incidents.
- Raise a formal complaint where the student wishes some form of action be taken to alter their learning environment or involve the College in possible discussion with the individual on their behalf.
- Initiate a more formal written complaint which may involve investigation by an external body or legal action.
- **Academy of Learning Career College – Steinbach/Pine Falls campuses will educate and train faculty, staff and students about this Policy and how to identify situations that involve, or could progress into sexual violence, sexual misconduct or sexual harassment and how to reduce these forms of prohibited behaviours. The training will be held annually, and items covered will be:**
  - What is sexual violence and harassment & What is consent
  - How to report an incident and who in the College(s) will be responsible to follow up.
  - Education on the subject of sexual violence including awareness of how social media can potentially be involved.

The College will assure that senior staff and those individuals responsible for the investigation and handling of any concerns raised by the student will have participated in the MACC Training program provided by Klinik on an annual basis.

Faculty and staff will undergo internal training provided by the College with focus on awareness, monitoring and prevention of sexual harassment.

The college will educate individuals not normally a part of the College community by providing them with the policy. This may include individuals who may interact with the students periodically such as external contractors and service providers.

## **Student Awareness**

The Academy of Learning Career College – Steinbach/Pine Falls assures the student body is aware of the policies and procedures regarding sexual harassment through the following:

- This Policy is presented to the students as a part of their student handbook.
- There are posters distributed throughout the facility making students aware of appropriate and inappropriate sexual conduct.
- Students will be provided with pamphlets generated through Klinik on Sexual Harassment and prevention.
- The policy is discussed twice per year with students in the program through a group presentation.
- The college may provide periodic tweets circulated to the students through the College Media, where applicable.
- The College will ensure that all students have access to the policy by having it posted to the College(s) Website and bulletin board.

Where a complaint has been made, under this Policy, of sexual violence, sexual misconduct or sexual harassment Academy of Learning Career College – Steinbach/Pine Falls will take the following actions where applicable:

- I. Immediately provide the information of available resources (appendix 1)
- II. Providing those who have experienced sexual violence or sexual harassment with information about reporting options; and Seek clarification on what the individual would like to do next = inform, report or seek law enforcement.
- III. Responding promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the investigation;
- IV. Assisting those who have experienced sexual violence, sexual misconduct or sexual harassment in obtaining counselling and medical care;
- V. Providing those who have experienced sexual violence, sexual misconduct or sexual harassment with appropriate academic and other accommodation;
- VI. Providing on-campus investigation procedures for sexual violence, sexual misconduct and sexual harassment complaints.

## **Reporting and Responding to Sexual Violence**

All members of our College(s) community will take all reasonable steps to prevent sexual violence on our College Campus or at College(s) events and report immediately to the Campus Director or Assistant Campus Director if they are subject to, witness or have knowledge of sexual violence, or have reason to believe that sexual violence has occurred or may occur.

To the extent it is possible, the Campus Director and Assistant Campus Director will attempt to keep all information disclosed confidential except in those circumstances it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others in our Colle(s) community are at risk.

Our College(s) recognizes the right of the complainant to determine whether her or his complaint will be dealt with by the police and/or College management. However, in certain circumstances, the College may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent, if it believes the safety of members of its College(s) community is at risk.

## **Investigating Reports of Sexual Harassment**

If a member of the college community believes she/he has been sexually harassed by a member of our College(s) community, she/he may confront the harasser personally or in writing pointing out the unwelcome behavior and requesting that it stop; or

Report the complaint to the Campus Director, the Assistant Campus Director in writing. If in person he/she will fill out attached (Appendix 2).

Upon a complaint of alleged sexual harassment being made to the Campus Director, Assistant Campus Director, management will initiate an investigation, including as follows:

- I. meeting with the complainant to determine the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
- II. interviewing the complainant, any person involved in the incident and any identified witnesses;
- III. interviewing any other person who may have knowledge of incidents related to the complaint or any other similar incidents;
- IV. informing the respondent of the complaint, providing details of the allegations and giving the individual an opportunity to respond to those allegations;
- V. providing reasonable updates to the complainant and the respondent about the status of the investigation; and
- VI. determining what disciplinary action, if any, should be taken.

## **Disciplinary Measures**

If it is determined by the College(s) that a member of our College(s) community has been involved in sexual violence, sexual misconduct or sexual harassment of a member of our College(s) community, immediate disciplinary or corrective action will be taken up to and including termination of employment or expulsion of a student.

In cases where criminal proceedings are initiated, the College(s) will assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence, sexual misconduct or sexual harassment, the College(s) may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

## **Making False Statements**

It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence or sexual harassment or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment or expulsion.

## **Reprisal**

It is a violation of this Policy to retaliate or threaten to retaliate against a complainant, acting in good faith, which has brought forward a complaint of sexual violence, sexual misconduct or sexual harassment, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

## **Public Reporting**

The College(s) will make the student body and public aware of its compliance with policy by stating on its website and in printed matter the following:

- List of personal responsible for investigating any complaints of sexual misconduct or harassment, including contact information.
- Stating the dates of training sessions for staff and faculty of the College(s).
- State the dates of student group meeting sessions where this policy is discussed.

### **Policy Development and Review**

The Policy was generated by a committee formulated by the Manitoba Association of Career Colleges with input from member colleges.

The Policy was circulated to students of the Member Schools by way of a survey seeking input and comments from the widest possible student base assuring students have the opportunity to provide input and guidance from all communities and gender populations.

The Academy of Learning Career College – Steinbach/Pine Falls reviewed and adapted the policy through the following process:

- The Policy was implemented on October 31, 2017 and will be reviewed no later than October 31, 2024.

Attachments \*Please see in House copy for Attachments\*

- Appendix 1 – Resources
- Appendix 2 – Harassment Reporting Form.