

I. Purpose

This policy affirms Assiniboine Community College's commitment to combating sexual violence and creating a culture of consent and respect, to developing awareness and prevention of sexual violence and responding to the needs of those affected by sexual violence. This Policy also includes an ongoing commitment to the safety of the College community and social change with the goal of preventing the occurrence of sexual violence.

Assiniboine recognizes the diversity of our College community and understands that each person may be differently impacted by sexual violence, based on many factors such as their sex, sexual orientation, gender identity, gender expression, ancestry, ethnicity, race, migration status, language, ability, faith, age and socio-economic status. Assiniboine recognizes also that acts of sexual violence may also be acts of sexism, racism, ableism, homophobia, and/or transphobia.

II. Introduction

Sexual violence is a deeply traumatic and difficult experience. The traumatic nature of sexual assault, societal and cultural messages about sexual assault and fear of victim blaming can make telling someone about sexual violence difficult. It is important to Assiniboine to be prepared to respond sensitively and compassionately should someone in our campus community choose to disclose. This policy is designed to provide guidance on best practices in responding to disclosures of sexual violence as well as how to fulfill our obligations under *The Sexual Violence, Awareness and Prevention Act* ("the Act") by ensuring that there is a clear disclosure mechanism and an education plan in place.

The framework in the Act articulates Assiniboine's role as two main components:

- 1) a proactive role focused on raising awareness and educating the campus community on sexual violence and promoting a culture of consent in which everyone has a role in reducing the events of sexual violence;
- 2) a responsibility to develop and follow appropriate policies and procedures to respond if a student or staff member discloses sexual violence. This would include:
 - a. Listening to disclosures and/or formal complaints, and responding in a sensitive and understanding manner;
 - b. Providing information to the survivor about Assiniboine's disclosure response and formal complaint procedure;
 - c. Offering or providing information about resources to off-campus support service providers with experience in addressing sexual assault and trauma; and
 - d. Providing survivors with reasonable interim measures while they are a student or a staff member.

III. Scope

This policy applies to all members of the College community, which includes all students, employees, governors, contractors, suppliers, volunteers and visitors who experience, are affected by, witness or are made aware of acts of sexual violence. This policy also applies to external organizations, including individuals that lease College

space, operate on College property, or who are directly connected to any College initiatives. This includes acts of sexual violence on or off campus or through the use of any electronic communication, including social media. Supports are available to all survivors regardless of whether or not the the person who committed the sexual violence is attached to the College community.

- 1) **On campus** – In accordance with Section VIII of this policy, a sexual violence complaint may be filed under this policy when the person who committed sexual violence is a member of the College community and if the sexual violence took place on Assinboine land and premises either rented or owned, or using Assinboine-owned or run property or equipment including, but not limited to, telephones, computers and computer networks.
- 2) **Off campus** – In accordance with Section VIII of this policy, a sexual violence complaint may be filed under this policy when the person who committed sexual violence is a member of the Assinboine community and if the sexual violence took place off campus in the following circumstances:
 - a. When the incident occurred within the scope of a College course, organized class activity (such as a co-op or practicum placement) or athletics event;
 - b. When the incident is part of a College event that has been defined as such; or
 - c. In circumstances when the potential consequences of the incident may adversely affect the survivor’s course of learning, teaching or work at the College.

IV. Authority

- 1) *Sexual Violence, Awareness & Prevention Act*
- 2) *Colleges Act*
- 3) *Manitoba Human Rights Code*
- 4) *Manitoba Workplace Safety and Health Act and Regulations*
- 5) *Collective Agreement Article 7 “No Discrimination/Respectful Workplace*
- 6) *Collective Agreement Article 14 “Conduct of Employees”*
- 7) *Collective Agreement Article 47 “Grievance Procedure”*
- 8) *Freedom of Information and Protection of Privacy Act*
- 9) *Human Resources Policy HRG 6 “Progressive Discipline”*
- 10) *Respectful College Policy M10*
- 11) *Workplace Violence Policy M13*
- 12) *Student Conduct, Behaviour and Discipline Policy A02*
- 13) *Academic and Disciplinary Appeals Policy A01*

V. Awareness, Prevention & Training

The College is committed to ending sexual violence through a culture of raising awareness and providing training. The College recognizes that sexual violence is overwhelmingly committed against women identified people, and in particular women who experience the intersection of multiple identities such as, but not limited to Indigenous women, racialized women, black women, trans women and women with disabilities. All discussions, programming, activities or support the College endorses will be inclusive, recognizing that anyone can perpetrate or be subjected to sexual violence, including all genders and sexual and gender minorities.

The College will work in partnership with on and off campus partners, including but not limited to, the Assiniboine Community College Students’ Association (ACCSA), Indigenous Affairs, Assiniboine International, the Manitoba Government Employee’s Union (MGEU), academic departments, Office of the Vice-President Academic (VPA), and Human Resources to develop yearly education strategies which includes awareness campaigns, workshops, online

resources and other materials, with the awareness that some groups are more vulnerable than others. The College is committed to providing financial resources to support these education activities.

1) Role of College Community

Members of the College community are expected to contribute to the prevention, intervention and effective response to sexual violence. All members of the College community will play a role in building a safe and just educational environment by:

- a. Learning about sexual violence by participating in College-sponsored educational programs and campaigns
- b. Modelling healthy and respectful behaviour in personal and professional relationships
- c. Speaking out against behaviour that encourages sexual violence and contributes to upholding rape culture
- d. Speaking out against behaviour that discourages disclosure and/or the pursuit of a complaint within either the College or judicial system. This includes speaking out against racism and sexism, the perpetuation of rape myths and victim-blaming and joking about sexual violence and gender inequality
- e. Developing the skills necessary to be an effective and supportive ally to survivors
- f. Intervening in situations that could lead to sexual violence
- g. Intervening to prevent/stop sexual violence when it is safe to do so

2) Sexual Violence Committee

The Vice-President, Academic will appoint members to a Sexual Violence Committee who will recommend policy, practices, training and other measures which would contribute to a safer College. The Committee will be led by the Director, Human Resources and will include representation from each campus that is comprised of management, staff, faculty, Union and student representation. Training will be provided to the members to ensure that they are knowledgeable about survivor centred responses and have the ability to work from a place of non-bias.

3) Education Plan

The Sexual Violence Committee will appoint a Sexual Violence Education Advisory Sub-Committee, led by the Respectful College Coordinator. The Education Advisory Sub-Committee will ensure that facilitators are knowledgeable and reputable. All facilitators will have received appropriate training and understand the sensitivity with which these topics must be raised.

a. The Education Advisory Sub-Committee will coordinate awareness and prevention campaigns for students that will include:

- i. Orientation –Sexual Violence Policy and introduction to consent
- ii. Bringing in the Bystander Training
- iii. Consent Campaigns
- iv. Participation in national campaigns or awareness days as determined by the committee

b. Training will be required for all faculty and staff and offered at minimum annually on:

- i. Sexual Violence Policy M 14
- ii. Best practices in responding to sexual violence disclosure

4) Parameters of Consent

The College through the efforts of the Sexual Violence Education Advisory Sub-Committee and its education partners will work to promote a consent culture on campus, based on the following principles of consent:

- Consent is active, not passive, and must be ongoing.

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

Consent is only possible when:

- There is equal power between people.
- Everyone feels safe.
- Everyone is able to freely choose.
- It is given independently.

VI. Commitment to Support and Accommodate People Affected by Sexual Violence

Assiniboine students and staff can expect to receive support if they are affected by sexual violence. The College will maintain a webpage with resources to support those affected by sexual violence, with links to on-campus and off-campus resources. Staff and students are encouraged to review these resources and to facilitate self-referrals as appropriate.

1) Accommodations and Interim Measures

Assiniboine community members need only disclose that they are survivors of sexual violence to seek support and/or accommodation. Student Success Advisors and Human Resources will work with survivors in determining reasonable academic or workplace interim measures. Each survivor’s needs will be unique and will be assessed accordingly. Information required to facilitate accommodations, as above, will be limited based on confidentiality. Individuals will be properly informed of limits to confidentiality so as to ensure survivors can make informed decisions.

- a. For students affected by sexual violence to access accommodations or interim measures, they should contact their Student Success Advisor. The College will:
 - i. Provide reasonable academic accommodations (such as extensions on assignments, deferrals of exams, leaves of absences, authorized withdrawals, etc.)
 - ii. Create a safety plan in consultation with the Student Success Advisor, Campus Security, and other offices as appropriate.

- b. For employees affected by sexual violence to access accommodations or interim measures, employees should contact Human Resources. The College will:
 - i. Provide reasonable work accommodations
 - ii. Create a safety plan in consultation with Campus Security, and other offices as appropriate.

- c. In cases where a formal complaint under this policy has been made, the College may immediately restrict the rights and privileges of a respondent before an inquiry has been completed and the College makes a final determination about the alleged misconduct. For example, a respondent may be restricted from entering certain parts of campus and restricted from attending class. The College will impose these interim restrictions only as necessary to meet safety needs. The College will take steps to minimize the impact of interim restrictions on respondents. Interim restrictions are not punishment and do not represent findings of misconduct. Respondents may ask the College to review the reasonableness of interim restrictions following the appeal process outlined in Section IX.

VII. Disclosure of Sexual Violence

1) College staff who receive a disclosure will respond supportively. The **Best Practices in Responding to Sexual Violence Disclosure Information Sheet (Appendix B)** provides guidance on how best to respond to a disclosure of sexual violence. **Assiniboine On and Off Campus Sexual Violence Resource List (Appendix C)** will be maintained to ensure accurate resource and support information is available. The survivor will choose to self-referral as appropriate.

- a. It is important to individuals coming forward with a disclosure and/or formal complaint to feel in control of the process. Individuals are not compelled to, nor restricted from, pursuing the issue through law enforcement or through the Manitoba Human Rights Commission at any time.
 - b. Responses to disclosures of sexual violence shall be non-judgemental, supportive, empathetic, and with unconditional regard and respect.
 - c. Individuals who have experienced or have been affected by sexual violence are encouraged to come forward to disclose as soon as they are ready to do so and to the avenue that they feel most comfortable. This may take time.
 - d. Students and staff who disclose incidents of sexual violence can access supports, regardless of where or by whose hand they experienced an incident of sexual violence.
 - e. People receiving disclosures should inform survivors of all limits to confidentiality prior to hearing the disclosure to ensure that survivors are fully informed and can choose what they wish to disclose.
 - f. Survivors have the right to determine what, when and how much they choose to disclose.
 - g. Survivors will not be required or pressured to make a formal college complaint and have the right to choose if they wish to report to police, College Security, or any other avenue or redress or support. All choices the survivor makes will be respected and free from bias.
 - h. Confidentiality will be maintained, except in circumstances where there is concern of harm for the person or others. In some cases the College will be required to take some action without the survivor's consent (SEE SECTION X). Individuals will be fully informed and supported at every step of the process and all efforts will be made to preserve confidentiality. Survivors have the right to not participate in any inquiry/follow-up process that may occur within the College.
- 2) Whoever receives a disclosure of sexual violence should assist the survivor in understanding all options so that they may choose an option, or combination of options, that are best for them. Options available include:
- a. **Disclosure Only (No formal college complaint)** – the survivor discloses sexual violence to a member of the College community to seek emotional support or medical support, but chooses not to report to the police or file a College complaint. **Assiniboine On and Off Campus Sexual Violence Resource Contact List (Appendix C)** provides survivors with a list of trained people on campus that a survivor could reach out to for support. Confidentiality will be maintained, except in situations outlined in Section X.
 - b. **Medical assistance/forensic medical exam** – the survivor seeks information so that they can attend a hospital or medical centre for medical attention to address possible physical injury, pregnancy and/or sexually transmitted infections; forensic exam and to collect any forensic samples while the survivor decides whether or not to report to police. A survivor may choose to seek medical attention even if they do not want evidence collection to take place.
 - c. **Police report** – the survivor makes a police statement, which would generally be followed by a criminal investigation. Survivors can call the police or go to their nearest police station.

There are community based support services available for individuals who decide to report to police. The College will cooperate with police investigations.

- d. **Report to campus security (where applicable)** – the survivor may choose to inform campus security so that security staff are aware that someone who has committed sexual violence may be on campus or amongst the campus community. If survivors decide to report to campus security, security should offer them support from a trained staff person and/or inform them about off campus services. Campus security will not conduct a criminal investigation and they also will not report to the police without the survivor’s consent, except in conditions as outlined in Section X.
- e. **Formal complaint to the College** – the survivor can file a complaint of sexual violence under this Policy to the Respectful College Coordinator. The College has established procedures related to investigating and making decisions about formal complaints for staff and students. For more information about making a formal complaint see Section VIII Formal Complaint Procedure.
- f. **Civil Claim** – survivors may also launch a civil suit against the alleged perpetrator for damages suffered. This option would fall outside of the College’s authority and all activity would therefore reside with the courts.
- g. **Manitoba Human Rights Complaint** – survivors may also contact the Manitoba Human Rights Commission to discuss their complaint options.

VIII. Formal Complaint Procedure

Survivors have the option to file a College complaint related to an incident of sexual violence perpetrated by a respondent connected to the College community. This will initiate a formal College response that may include an inquiry that will focus on determining if breaches of this policy are substantiated. A College inquiry will not determine “guilt” or whether or not a crime has been committed.

It should be noted that the term “survivor” in this policy does not suggest that the outcome of any inquiry or decision making process has already been determined, and will not prejudice the outcome of the inquiry. For this reason, throughout the inquiry process as outlined in the **Respectful College Policy M10, Appendix D** the survivor will be referred to as the complainant and the person accused will be referred to as the respondent.

1) Complaints of sexual violence

Complaints should be made to the Respectful College Coordinator as soon as the complainant is able to do so. The Respectful College Coordinator has the authority to waive any timelines in the Respectful College Policy, for those filing sexual violence complaints.

The Respectful College Coordinator is trained on conducting investigations and specifically in investigating complaints of sexual violence. To file a formal complaint to the College contact the Respectful College Coordinator:

- at the confidential phone line 204.725.8733
- on confidential College extension 6646
- or by confidential email respect@assiniboine.net

- a) The Respectful College Coordinator will follow the procedures as outlined in the **M10 Respectful College Policy (See Appendix D)**. The Respectful College Coordinator's role is to work with both staff and students and is the connecting person to Human Resources and the Vice-President, Academic.
- b) A person who files a formal complaint may access support services while the inquiry occurs. The same support services are available to those who choose not to file a formal complaint and to those who decide to withdraw their formal complaint.
- c) If a complainant wishes, an inquiry will continue even if the complainant or the respondent ends their relationship with the College.

2) **Timelines & Outcomes of the Inquiry Process**

The College recognizes that a College inquiry process may be difficult for survivors. This process may also be helpful/meaningful for the survivor to achieve healing and closure. Every effort will be made to expedite the process without compromising appropriate procedural fairness for all parties. The Respectful College Policy, Section B (Appendix D) outlines the process the College will follow. The policy ensures that all parties know: their rights and responsibilities, what to expect from the process and when to expect regular updates and any recommendations and/or decisions made throughout the process.

3) **Alternative Resolution**

A complainant may want to resolve the matter before an inquiry is commenced or completed. A respondent could also initiate an alternative resolution process by contacting the Respectful College Coordinator.

Should either party wish to attempt an alternative resolution, the Respectful College Coordinator will follow up with the other party to determine their willingness to participate in an alternative resolution process. For it to be a meaningful process, parties must engage voluntarily and remain free from reprisal. At any stage during the process, the complainant or respondent may indicate they would like the complaint to move to an inquiry and decision making process.

Examples of alternative resolutions include, but are not limited to:

- a. **Impact statement/letter:** The complainant decides to communicate to the respondent that their behaviours, remarks or communications are unwelcome and uncomfortable. The complainant may choose to communicate their concerns directly or indirectly, verbally or in writing, with the assistance of the Respectful College Coordinator.
- b. **Facilitation:** A complainant may request that the Respectful College Coordinator facilitate a discussion between themselves and the respondent. In such circumstances, the Respectful College Coordinator would try to reach a resolution between the complainant and the respondent. Neither party is required to attend any face-to-face meetings during the process unless both agree to do so. This process may involve a shuttle mediation, in which case information is relayed back and forth between the parties. This process may result in a written agreement that could include behavioural expectations, agreement to no contact, or an apology.
- c. **Education:** A respondent may agree to participate in education and training related to anti-violence, anti-oppression and consent.

If the complainant and respondent are able to reach a resolution, a written record of the resolution will be prepared by the Respectful College Coordinator and signed by both parties. The Respectful College Coordinator will keep the signed resolution. Both parties will receive signed copies. Information about this resolution will only be provided to others if it is required to

implement the terms of the resolution. Both parties will be informed of with whom this information is shared.

The Respectful College Coordinator will monitor the implementation and compliance of alternative resolutions. If there is a failure to comply with the resolution, the complaint may be moved to an inquiry process.

4) Support and Representation

The College will provide both complainant(s) and respondent(s) with a support person, if they wish, throughout the process. The ACCSA, Student Success Advisor, MGEU, or Human Resources may arrange support persons, if the survivor wishes. Complainants and respondents also have the right to identify an alternate support person or representative of their choosing to accompany them to any meetings or proceedings related to the handling of their case. Support persons may include a friend, family member, employee union representative, legal representation, colleague, etc.

5) Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint to the College at any stage of the process. They should communicate, in writing, their decision to withdraw their complaint to the Respectful College Coordinator.

In extenuating circumstances, the College may have reason to believe that the safety of the survivor or other members of the College community are at risk. In that instance, the College may initiate or continue an internal inquiry and/or inform the police of the need for a criminal investigation, even when the survivor has exercised their right to withdraw a complaint. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.

If a complaint is withdrawn, complainants and respondents can still seek support from College staff, or community supports, as appropriate. (Very good).

6) Protection from Reprisals, Retaliation or Threats

No one shall retaliate, engage in reprisals or threaten to retaliate against a complainant or other individual(s) for:

- a) having pursued rights under this Policy, the *Sexual Violence Awareness and Prevention Act*; under the *Criminal Code of Canada* and/or *The Human Rights Code (Manitoba)*
- b) having participated or co-operated in an inquiry under this Policy; and/or
- c) having been associated with someone who has pursued rights under this Policy; the *Sexual Violence Awareness and Prevention Act*; under the *Criminal Code of Canada* and/or *The Human Rights Code (Manitoba)*.
- d) any other similar circumstance

Anyone engaged in retaliations, reprisals or threats may be subject to sanctions and/or discipline.

IX. Appeals

Students may appeal the decision by submitting the **Notice of Appeal form** found in **A1 Academic and Disciplinary Appeals Policy** directly to the Vice-President, Academic (VPA). The VPA will hear and make decisions on all appeals relating to Sexual Violence taking into consideration both safety concerns and the impact on the student's ability to progress in the program should the appeal be successful. Where the VPA has been involved in the decision, the appeal would go directly to the President. This would be the final step in the College's appeals process for matters related to this policy.

College employees who are members of a union may file a grievance as permitted by the Collective Agreement. In the case of College employees who are not members of the union, the employee would need to seek legal council to remedy the College's decisions.

There is no appeal process for supplier, volunteer or visitor violations.

X. Confidentiality

Confidentiality is key in creating an environment and culture where survivors feel safe to disclose and seek support and accommodation. The confidentiality of all persons involved in a report of sexual violence will be strictly observed, and the College will restrict routine access to information to individuals with a need for such access.

College Staff who receive a disclosure will refer to the **Best Practices in Responding to Sexual Violence Disclosure Information Sheet (Appendix B)** & the corresponding supports as decided by the survivor. Confidentiality will be maintained, except in circumstances where there is concern of harm for the person or others.

1) Limits to Confidentiality

Confidentiality cannot always be assured. Assiniboine may be required to or choose to investigate an incident of sexual violence, even though the survivor has chosen not to file a report or complaint. The College may also be required to inform the appropriate authorities. Such exceptional circumstances would include when:

- a. an individual is at imminent risk of self-harm;
- b. an individual has referenced suicidal thoughts;
- c. an individual is at imminent risk of harming another;
- d. there are reasonable grounds to believe that others in the College or wider community may be at risk of harm;
- e. a child or minor has been harmed or is at risk of harm; and/or
- f. any other circumstance where there is risk of harm.

- 2) In such instances, the person receiving the sexual violence disclosure from a student should complete an incident report and inform the Behavioural Intervention Team (BIT). Such disclosures from a staff person should be reported to Human Resources. The survivor will be informed of this process.** The BIT Team or Human Resources will determine if and what information needs to be shared with necessary authorities and/or service areas/departments to prevent harm, and the name of the survivor/victim would not be released to the public. All information collected as a result of a report made under the policy and procedure will be managed in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

XI. Public Reporting

The Sexual Violence Committee will report to the Senior Leadership Team and the public on the annual activities and results of this policy. This will include:

- Activities to raise awareness and contribute to the prevention of sexual violence
- Track & report on the results of activities being undertaken, such as the number of staff/students that attend information sessions, training activities undertaken or the results of consultations

The College is not required to report on specific instances of sexual violence however, any reports that are made available to the public would ensure that the confidentiality and privacy of all individuals concerned is maintained.

XII. Policy Responsibility and Review

The overall responsibility for the implementation and recommended amendments to this Policy shall rest with the Vice-President, Academic. This policy will be maintained and revised by the Sexual Violence Committee. Amendments and recommendations requiring approval will be routed through the Vice-President, Academic for College approval. The first review will occur one (1) year after its initial adoption, with subsequent reviews at least every three (3) years thereafter.

July 9, 2018

Date



President

Appendix A –

Terms and Definitions

Note: Many of the definitions below were informed by the Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities document, developed by the Government of Ontario.

The College: A person(s) or group of people responsible for safety of the College Community.

College Community: Any person that is a student, employee, governor, contractor, supplier, volunteer or visitors of the College. This includes external organizations that lease College space, operate on College property or who are directly connected to any College initiatives.

Consent is the voluntary agreement and willing participation in sexual activity, from individuals who have reached the age of consent to sexual activity and have the mental capacity to understand the nature, purpose and consequences of a decision to participate in sexual activity. An individual must actively and willingly give consent to sexual activity. Consent must be informed, freely given and continuous. Sexual activity without consent is sexual assault. The following are some factors relating to consent:

Consent:

- Consent is active, not passive, and must be ongoing.
- Consents is never assumed or implied.
- Consent is not silence or the absence of “no”
- Consent cannot be given if the victim is impaired by alcohol or drugs, or is unconscious or sleeping.
- Consent can never be obtained through threats or coercion
- Consent can be revoked at any time
- Consent cannot be obtained if the perpetrator abuses a position of trust, power or authority

Consent is only possible when:

- There is equal power between people.
- Everyone feels safe.
- Everyone is able to freely choose.
- It is given independently.

Cyber harassment/cyber stalking: Often used interchangeably, cyber harassment and cyber stalking are defined as repeated, unsolicited, threatening behaviour by a person or group using cell phone or Internet technology with the intent to bully, harass, and intimidate a victim. The harassment can take place in any electronic environment where communication with others is possible, such as on social networking sites, on message boards, in chat rooms, through text messages, or through email.

Date rape: The term “date rape” is interchangeable with “acquaintance sexual assault”. It is sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

Disclosure: For the purposes of this document, a disclosure is made to any individual other than the police or other judicial official.

Indecent Exposure the deliberate exposure in public or in view of the general public by a person of a portion or portions of his or her body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behavior.

LGBT2SQ+: The LGBT2SQ+ community includes people who identify as lesbian, gay, bisexual, transgender, Two-Spirit, queer, questioning, intersex, asexual, pansexual and/or gender fluid. The “plus sign” refers to identities not captured by the ones listed here; it is not an exhaustive list.

Rape: Rape is a term used to describe forced vaginal, oral or anal penetration without consent. Although the term is no longer used in a legal sense in Canada, it is still commonly used and widely understood.

Sexual Assault: Is a criminal offence under the Criminal Code of Canada. It is illegal. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim; this may include activities like forced kissing, fondling, oral or anal sex, or other forms of penetration, without consent. Sexual assault does not require there to be touch; it is any unwanted sexual contact. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which can make that person feel uncomfortable, distressed, frightened, threatened, carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to. Sexual assault can occur between strangers, acquaintances or by someone known to the survivor. It can also occur in a dating relationship, between spouses, or in any other relationship.

Sexual Exploitation: is the act of coercing, luring or engaging someone into a sexual act, and involvement in the sex trade or sexual abuse images and sexually explicit websites, with or without consent, in exchange for money or drugs, or in exchange for food, protection, or other necessities. Sexual exploitation is not limited to children and youth.

Sexual Harassment: as defined in the Manitoba Human Rights Code, can be any of the following:

- A series of objectionable and unwelcome sexual solicitations or advances
- A single sexual solicitation or advance if it is made by a person who is in a position to confer a benefit on, or deny a benefit to the recipient of the solicitation or advance, if the person making the advance knows or ought to reasonably know that it is unwelcome
- A reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

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.

Stalking: Stalking is a crime called criminal harassment. Stalking consists of repeated behaviour that is carried out over a period of time, and which causes a person to reasonably fear for their safety.

Stealthling: Non-consensual condom removal during sexual intercourse.

Survivor: is an individual who chooses to identify her or his experience as sexual violence. The College recognizes that an individual may not identify with the label “survivor” or “victim”. The College will respect each individual’s preferred term in its interactions with them

Behavioural Intervention Team: This team consists of security, facilities, Vice President Academic, Respectful College Coordinator and the Registrar. The purpose of BIT is to assess incident reports of non-academic student behaviour, and make recommendations on an appropriate response or intervention.

Victim blaming: Victim blaming occurs when the victim of a crime or an accident is held responsible — in whole or in part, for the crimes that have been committed against them.

Voyeurism: is secretly observing (including by mechanical or electronic means) or making a visual recording (including photographs, film or video recording) of a person who is in circumstances that give rise to a reasonable expectation of privacy. (*Criminal Code of Canada, section 162*: <http://lawslois.justice.gc.ca/PDF/C-46.pdf>)

Appendix B –

Best Practices in Responding to Sexual Violence Disclosure Information Sheet

You don't need to be an expert to respond supportively/compassionately to a sexual violence disclosure. It's okay to not have all the answers immediately at hand. All you need to remember is this **STRONG** message.

S **Start by listening.** You don't need to ask many questions. Don't pry for information. Just listen without judgement. comfortable if there is silence.

T **Treat the person with empathy.** Try to understand what the person is feeling, but don't assume or tell them about your own personal thoughts or experiences.

R **Respect confidentiality.** Sexual assault and sexual violence are very personal and very intimate. Ensure a person's privacy and confidentiality. There may be limits to confidentiality. If it is necessary to report the disclosure to anyone, it is important that they understand how, when, with whom, and why you will share this information.

O **Offer validation.** All someone needs to hear at that point is "I believe you". Don't judge, question or blame.

N **Need.** Focus on what the person needs in the moment. Ask them what support or help looks like to them. Let go of assumptions and your own personal beliefs. Individuals will choose the support and reporting options (if any) that fit them.

G **Be Generous with yourself.** Being trusted with a disclosure can have an impact on you. Do the best you can. Treat yourself with kindness. Always keep confidentiality in mind, but it's ok to ask for help if you need it.

Just as sexual assault and violence can happen to anyone, survivors may choose to reach out to disclose their experiences to anyone. Sexual violence is a highly personal event that may be traumatizing. Many people choose not to disclose at all, or they may choose to respond to someone that they trust, not necessary seeking out a "professional". It is important for all of our community to be **STRONG** in how we respond. The following points will provide more guidance so that the Assiniboine community can learn how to respond to disclosures in a compassionate, supportive and survivor-centred manner.

Be Passionate. Take Initiative. Deliver Results.

Appendix B –

Best Practices in Responding to Sexual Violence Disclosure Information Sheet

1. Try to Provide a Safe Space

You may not have much control over when and where someone chooses to disclose, but whenever possible try to ensure that you are in a space that provides privacy. You want to ensure that you let the person know that you care about what they are saying, so try to minimize any distractions, like phones and computer notifications. People may feel vulnerable, so avoid touching them without their permission.

2. Maintain Confidentiality & Inform of Any Limits to Confidentiality

Before someone discloses full details, it is necessary for you to inform them what your obligations are with respect to confidentiality. There may be some instances (such as when there is an imminent safety risk for them or others) when it will be necessary for you to disclose minimal details to the BIT Team or Human Resources.

Wherever possible, you want to ensure that the information that is trusted to you will be kept in confidence, so that the survivor can choose to whom and what they wish to share.

3. Listen Empathetically and Acknowledge their Experience without Judgement

Just listen. Try to make sure that your body language is open and be aware of your facial expressions and physical response to what you are being told.

This is the time to avoid:

- Making statements about where they were or what they were wearing
- Giving advice
- Suggesting in anyway that the survivor is to blame
- Asking if they were drinking or if there were drugs involved

Supportive statements would include things like:

- Thank you for trusting me to tell me this.
- I believe you.
- I'm sorry this happened to you.
- What I'm hearing is that you feel _____, is that right?
- There isn't one way you should be feeling. What you are feeling is ok.

4. Support the Individual to Make their Own Choices

No one chooses to be sexually assaulted. It is a crime of power and control, making it all the more important for the survivor to be in control of their own processes. Assiniboine respects the individual's right to make decisions for themselves concerning their next steps. Depending upon the circumstances and the nature of their disclosure, their choices may include:

- How much information they want to share and to whom
- Reporting or not reporting it to the police
- Contacting Assiniboine Security
- Seeking or not seeking medical attention (Seeking medical attention is the one follow-up that should be gently encouraged as to prioritize the survivor's well-being, health and safety.)
- Deciding whether or not to seek external counselling services
- Filing a formal complaint under Assiniboine's Sexual Violence Policy

Once someone has shared what they wish about their experience, a good way to support their choices are to ask questions like:

- What would you like to do?
- Would you like me to call anyone for you?
- How can I help you?
- What's your biggest concern right now?

You aren't expected to support the individual throughout the entire journey, but these answers may help you connect them with people who will be able to support their next steps.

5. Recognize Your Own Limitations

You probably aren't an expert in sexual assault. You may not know all of the resources available in the moment. That's ok. Someone trusted you to tell you something that was incredibly personal and impacting. From that point on, you need to know where to go so that you can provide someone with the information and resources that they need in order to make informed choices. Refer to the **Assiniboine On and Off Campus Sexual Violence Resource List (Appendix D of the Sexual Violence Policy)** document to learn more about the resources available for support both on and off campus. This information is also available on the website.

6. Take Care of Yourself

Being trusted with a disclosure can be a stressful and it may have an impact on you. You may wish to seek the support of a counsellor to discuss any feelings that you may have about it. Employees and their families also have access to free and confidential counselling services through [LifeWorks](#) Employee and Family Assistance

Assiniboine appreciates the input of the members of the Sexual Violence Committee (students, faculty, staff, and union representation) as well as the expertise provided by Klinik Community Health Centre in the creation of this document. Assiniboine also acknowledges the Ryerson University's Office of Sexual Violence Support and Education, the University of Manitoba, and Brandon University whose resources informed the development of this material.

Appendix C –

Assiniboine On and Off Campus Sexual Violence Resource Contact List

Assiniboine Community College On-Campus Supports

EMERGENCIES

Call 911 (9 – 911, if calling from a College phone)

IMMEDIATE CRISIS SUPPORT

For immediate crisis support, please call the Klinik's Sexual Assault Crisis Line (24/7)

Toll Free in Manitoba: 1.888.292.7565

Klinik Community Health Centre, Sexual Assault Crisis Services

Klinik Community Health Centre, Sexual Assault Crisis Services is located in Winnipeg, but provides a (no cost) 24-hour sexual assault hotline that is a province-wide service available seven days a week. Klinik's

[Website](#) also provides links to numerous websites that may offer additional supports.

For immediate crisis intervention, call:

Sexual Assault Crisis Line (24/7)

In Winnipeg: 204.786.8631

Toll Free in Manitoba: 1.888.292.7565

TTY: 204.784.4097

For in person counselling in Winnipeg call Sexual Assault Intake: 204.784.4059

College Security

Main Campus 204.725.8700 ext. 7777 or 204.725.8746

North Hill Campus 204.725.8700 ext. 7778 or 204.725.8747

Parkland Campus at 204.725.8700 ext. 6559 or 204.622.2222

Security can be contacted if you require a safe walk on campus or if you have concerns for your safety or others on campus. Security will not conduct a criminal investigation, but can inform individuals about other supports/options for self-referral.









College Staff

People should feel free to disclose incidents of sexual violence to any trusted faculty or staff member at the College. Training and resources are available for all staff so that they are able to respond to disclosures of sexual violence in a compassionate, supportive manner. Any College staff may be contacted during regular business hours. Messages left after hours will be returned the next business day.

Student Success Advisors

204.725.8700 with the appropriate extension number

Student Success Advisors provide support and resources to promote student academic success. While they do not provide counselling services, they are trained, knowledgeable and able to connect students with the appropriate community resources, to provide long-term supports for those impacted by sexual violence.

Campus	Student Success Advisor (SSA)	SSA Location Ext #
Victoria East	 Roy Dearing DearingR@Assiniboine.net	Vic Ave Room 443 # 7160
	 Muriel Shorting shortingm@Assiniboine.net	Vic Ave Room 223-1 # 6964
	 Anne Bridge BridgeA@Assiniboine.net	Vic Ave Room 145 6640
North Hill	 Caley Strachan strachank1490@Assiniboine.net	Len Evans Room P214 # 6963
Adult Collegiate	 Davion Johnson johnsond3@Assiniboine.net	ACCAC Room 106 # 6675
	 Laurie Shewchuk shewchuklj@assiniboine.net	ACCAC Room 104 # 6671
Winnipeg Training Centre	 Lorri McLeod mcleodl5@Assiniboine.net	Winnipeg # 6257
Parkland Campus	 Joan Clarkson ClarksoJ@Assiniboine.net	Parkland Room 109 # 6596

Indigenous Affairs

Assiniboine is honoured to welcome students from many nations across the province and around the country. Everyone is welcome to seek support from our Indigenous Affairs staff. Speak with Cecil, Crystal or Joan, if you would like help connecting with an Elder. Any of the Student Success Advisors can help you connect with an Elder.

Victoria East Campus Monday · Wednesday · Friday North Hill Campus Tuesday · Thursday	 Cecil Roulette RoulettC@Assiniboine.net	Cultural Centre, Room 231 # 7181
Adult Collegiate: Monday · Friday Victoria East Campus: Tuesday · Thursday North Hill Campus Wednesday	 Crystal Bunn bunnca@assiniboine.net	Cultural Centre, Room 231 # 7149
Parkland Campus	 Joan Clarkson ClarksoJ@Assiniboine.net	Vic Ave Room 145 # 6640

ACC Student's Association

204.725.8700 ext. 7213

Respectful College Coordinator

Manitoba Institute of Culinary Arts, North Hill Campus, Room 238
Confidential phone lines 204.725.8733 or 204 725-8700 extension 6646
or by confidential email respect@assiniboine.net

The Respectful College Coordinator would be the most appropriate contact if someone wanted to pursue a formal college complaint under the Sexual Violence Policy.

Athletics Director

204.725-8700 ext. 6340

Human Resources

Staff impacted by sexual violence or staff looking for relevant training can contact Human Resources.

Lifeworks

Employees and their families also have access to free and confidential counselling services through [LifeWorks](#) Employee and Family Assistance Program (user id: acc, password: efap)

Manitoba Government Employees Union

MGEU Union Officer
204.725.8700 ext. 6066.

Assiniboine Community College Off-Campus Supports

Klinic Community Health Centre, Sexual Assault Crisis Services

Klinic Community Health Centre, Sexual Assault Crisis Services is located in Winnipeg, but provides a 24-hour sexual assault hotline that is a province-wide service available seven days a week. Klinic's [Website](#) also provides links to numerous websites that may offer additional supports.

For immediate crisis intervention, call:

Sexual Assault Crisis Line (24/7)

In Winnipeg: (204) 786-8631

Toll Free in Manitoba: 1-888-292-7565

TTY: (204) 784-4097

For in person counselling, call Sexual Assault Intake: (204) 784-4049

Medical Supports

If you, or someone you know, has experienced a sexual assault, it is important to seek medical attention – even if you do not want to have a forensic exam (rape kit) done to collect any evidence. Medical support may mean going to an Emergency Room, booking an appointment with your family physician or attending a walk-in clinic.

Brandon Regional Health Centre – Prairie Mountain Health

Brandon Regional Health Centre – Prairie Mountain Health provides S.A.N.E. nurses (Sexual Assault Nurse Examiners) who are able to provide forensic exams up to 120 hours after a sexual assault to individuals over the age of 18. The BRHC also provides choices and options related to medical care (including medications to provide medical care to prevent possible sexually transmitted infections) or pregnancy. They provide support and referrals to counselling supports and options.

Dauphin Regional Health Centre – Prairie Mountain Health

Dauphin Regional Health Centre provides Emergency Room nurses and doctors who are able to provide forensic exams up to 120 hours after a sexual assault for individuals over the age of 18. The Dauphin Regional Health Centre also provides choices and options to medical care, including medications to prevent possible sexually transmitted infections and pregnancy. They also provide support and referrals to counselling options and services.

Mobile Crisis Unit (MCU) with Westman Crisis Services

(Mobile Unit) 204.727.4411

The MCU is a community-based service that is mobile – caring staff will meet with people in their own home, or another suitable place within the Brandon and Assiniboine area.

Portage and District General Hospital

524 5th Street South East, Portage la Prairie, MB

204.239.2211

Winnipeg – Winnipeg Regional Health Authority

Numerous options are available to you in Winnipeg. Assiniboine recommends that you access the services of the Sexual Assault Nurse Examiner Program [[SANE](#)] at the Health Sciences Centre. These services are comprehensive and specialized in supporting individuals who have experienced sexual assault. This is helpful as your medical, legal and counselling information and options can be provided in one place.

204.787.2071

(HSC Paging will page the Assault Nurse) A Sexual Assault Crisis Program worker can be requested for support in this context.

Legal

To report sexual violence/assault individuals must contact the law enforcement agency that serves their region. This may mean contacting your local RCMP detachment. In emergencies, always call 911. (9 911 from a campus phone)

Brandon Police Services

Non-Emergency

204.729.2345

1020 Victoria Avenue, Brandon, MB

Winnipeg Police Services

Non-emergency calls: 204.986.6222

Hearing impaired line (24 hours) (TeleTypewriter –TTY only): 204.942.7920

Dauphin RCMP

204.622.5050 or 911

Victim Services Coordinator – Brandon

204.729.2335

Victim Services can provide support, information and referral services to help victims of sexual assault or violence. Individuals can contact Victim Services before or after you have reported the incident to police.

Victim Services (Provincial)

[Victim Services](#) helps people access their rights, understand their responsibilities and connects them to other services or agencies. Services are provided free of charge and are available in person, by phone, fax or Internet.

For more information about the **Compensation for Victims of Crime Program**, please call **945-0899** in Winnipeg or **1-800-262-9344** toll free.

[The Compensation for Victims of Crime program](#)

1.800.262.9344

204.945.0899

Contact Victim Services for information on this program. If individuals have given a statement to Police, they can apply to receive benefits from this program. They can help with some medical expenses such as an ambulance bill, lost wages (if work is missed as result of the crime), or counselling fees.

Other Resources

The Women's Resource Centre (counselling)

204.726.8632 or 1.866.255.4332

731 Princess Avenue, Brandon

Westman Women's Shelter

204.727.3644 or Toll Free 1.800.862.2727

Brandon, MB

Counselling & emergency shelter

Parkland Crisis Centre and Women's Shelter

204.638.9484

Dauphin, MB

Portage Family Abuse Prevention Centre

Local Crisis Line: 204.239.5233

Toll Free: 1.877.977.0007

Provides short-term crisis services, shelter (emergency residential shelter and counselling) and wheelchair accessibility for affected by physical or mental abuse or know someone who is.

Community Mental Health

204.578.2400

7th Health Access Centre,

20 – 7th Street, Brandon, MB

Manitoba Human Rights Commission (MHRC)

Provincial: 1.888.884.3007

The MHRC will accept complaints of discrimination and harassment, including sexual harassment. Anyone in Manitoba can contact the MHRC to get more information about their rights or to file a human rights complaint.

Appendix D –

Respectful College Policy M10 – Section B Procedures

2. Complaint Procedures

Any person who believes that they have experienced disrespect, discrimination, harassment or bullying should contact the Respectful College Coordinator:

- at the confidential phone line (204) 725-8733
- on college extension 6646
- at the email respect@assiniboine.net

Any member of the College community who has witnessed another individual or group of the community being disrespected or harassed should also notify the Respectful College Coordinator. The Respectful College Coordinator will try to resolve the matter in a quick and confidential manner.

- It is not necessary for a formal complaint to be filed in order for the College to take appropriate action; it is sufficient that the Respectful College Coordinator be aware of behavior that may be seen as harassing.
- All employees of the College have a right to file a complaint directly with the President at Step 2 of the grievance process in accordance with the provisions of Article 7:07 of the collective agreement.
- If the Respectful College Coordinator is the complainant or the respondent, the Vice President, People & Planning will designate someone to assume the duties of the Respectful College Coordinator.
- If the President is the complainant or respondent, the Chair of the Board of Governors of the College shall assume the duties of the administration of this policy.
- Confidentiality of the persons involved shall be maintained as stipulated in Section 2.9 of this document.

2.1 The Respectful College Coordinator is responsible for ensuring the implementation of the complaint processes.

The Respectful College Coordinator will:

- facilitate informal resolution options with complainants and respondents to help reach mutually agreeable resolutions in a confidential, time sensitive and safe manner
- investigate all formal complaints in a thorough, expeditious, and confidential manner
- recommend to the Vice President, People & Planning, in some cases, that an external investigator be retained
- conduct proceedings in a spirit of fairness to all parties involved
- following a thorough and fair investigation, make a recommendation, based on principal of balance of probabilities, whether or not each allegation is substantiated or not

2.2 The Respectful College Coordinator will advise both the complainant and the respondent of the following:

- that the College takes its obligations to ensure a safe and respectful workplace/learning environment under *The Human Rights Code (Manitoba)* and Manitoba Workplace Safety and Health very seriously
- the options that are available to resolve concerns informally
- the right of the complainant to file a formal written complaint
- the right of the respondent to be informed of the complaint against them and given a reasonable opportunity to respond to the allegations
- the right of both the complainant and the respondent to continue to work/learn in a safe and respectful environment during the course of informal and formal processes related to any allegations
- the right of both parties to be accompanied by a friend, family member colleague, union representative, or student advocate to provide support during any interviews
- the right of the complainant to withdraw his/her complaint at any point in time or to suspend the complaint process while informal resolution options are being explored
- the right of the College to proceed with an investigation, if it is deemed reasonably necessary given the nature and severity of the allegations
- the right of the complainant to choose other avenues of recourse, including but not limited to filing a grievance, criminal prosecution or civil lawsuit, filing a complaint with the Manitoba Human Rights Commission and/or Manitoba Workplace Safety and Health or any other option permitted by law

2.3 The Respectful College Coordinator is the first person to contact to ensure the issue is managed appropriately:

- If someone else receives a complaint, they must contact the Respectful College Coordinator regarding the substance of the complaint as soon as reasonably possible.
- The Respectful College Coordinator will not pre-judge the merits of the case and will be a neutral point of contact.
- The complainant(s) shall provide the Respectful College Coordinator with details of the alleged disrespectful behaviour.
- Based on the information provided by the complainant, the Respectful College Coordinator will determine if the allegations, if substantiated, could establish a breach of this Policy. If not, the matter will not proceed as a formal complaint under this Policy. The Respectful College Coordinator may refer the Complainant to other resources for assistance.
- The Respectful College Coordinator will advise the complainant and the respondent of the informal and formal resolution options available.
- Following consultation with the Respectful College Coordinator, the complainant(s) may choose from a number of options in order to pursue the complaint.
- The College is not obligated to pursue a formal resolution where the initial complaint suggests that other methods may better address the concerns, or when if substantiated the allegations would not constitute a breach of this Policy.

...

2.4.iii. Formal Complaint and Investigation

The objective of Formal Complaint and Investigation is to ensure that all formal complaints of discrimination, harassment, personal harassment (bullying) or sexual violence are resolved by due process. The complainant shall not be compelled to proceed with a complaint and shall have the right to withdraw a complaint at any point. Depending upon the nature and the severity of the allegations the College may, however, find it necessary to proceed with the complaint as an institutional response.

a) Receipt and Documentation of the Complaint

- The complainant must provide a written account of his/her allegations.
- The written complaint will be signed and dated by the complainant as a true statement. It will require the complainant to outline:
 - The particulars of the allegations, including: the dates, times and nature of the concerning behaviour;
 - the name and, if available, contact information of the respondent;
 - names and, if available, contact information of witnesses;
 - copies of any physical evidence such as emails, cartoons, texts, etc.;
 - any other relevant information; and the steps already taken to resolve the matter.
- Timely receipt of complaints is essential to ensuring that they are resolved swiftly and, where an investigation is warranted, it can be undertaken when memories are fresh. The complainant should submit his/her written complaint as soon as possible but preferably within 1 year of the alleged incident(s) to the Respectful College Coordinator or other resource person listed in Section A7 of this Policy. In exceptional circumstances, the time limitation may be extended at the discretion of the Vice President People & Planning.
- Anyone who receives a written complaint will provide it to the Respectful College Coordinator as soon as reasonably possible.
- The Respectful College Coordinator will interview the complainant to obtain further relevant details concerning the allegations.
- The Respectful College Coordinator will prepare a summary of the complainant's allegations that are within the scope of this Policy for the complainant to review, and if acceptable, sign.
- The Respectful College Coordinator will notify the respondent(s) in writing after interviewing the complainant(s), that a formal complaint has been received.
- The Respectful College Coordinator will provide the respondent(s) a copy of both initial complaint and the signed summary of allegations referred to above.
- The respondent(s) will be given time to read the complaint and is asked to provide a written response to the allegations within a reasonable timeframe.
- The Respectful College Coordinator will meet with the respondent(s) after receiving their written response to the complaint.

b) Investigation of the Complaint -The Respectful College Coordinator is responsible for conducting the formal investigation, except where the use of an external investigator is deemed necessary.

- The Respectful College Coordinator will interview the complainant(s), respondent(s), and any witnesses or persons pertinent to the case. The complainant(s) and respondent(s) may identify

witnesses and/or others to be interviewed, but the Respectful College Coordinator will determine how many and which people need to be interviewed.

- The complainant(s) and respondent(s) may be accompanied to the interview by a person of his/her choice, as long as their support person would not also be a potential witness.
- If the respondent(s) refuses to participate in the proceedings; the Respectful College Coordinator will explain that the purpose of the investigation is to gain information, evidence and perspective from both parties so that an assessment can be made. If the respondent(s) will still not participate, the investigation will continue with it being noted, that the respondent(s) was given the opportunity to be interviewed, but declined.
- If a witness refused to participate in the proceedings, it will also be noted in the investigation file, and the investigation will continue.
- The complainant(s), the respondent(s) and all witnesses will be asked to provide any relevant physical evidence such as photographs, emails, texts, performance evaluations, etc.
- College computer accounts/messages, public messages on social media and other documents or sources of information may be accessed during the investigation.
- If, during the course of an informal or formal resolution of a complaint, concerns with respect to the investigation process may be submitted in writing to the Vice President, People & Planning for consideration.
- All processes shall be pursued with due regard for the principles of natural justice and due process of law and, whenever appropriate, in accordance with the respective collective agreement in effect between the College and the Manitoba Government and General Employees' Union (MGEU).

A fair and thorough process supersede the need to come to a quick resolution. All efforts will be made to resolve matters in a timely manner.

c) Early Resolution

At any time through the investigation process, if the evidence gathered suggests a reasonable possibility of resolution, and if both the complainant(s) and respondent(s) agree, the investigation may be suspended to allow the possibility of a voluntary resolution. In this event, the Respectful College Coordinator will coordinate a meeting with the complainant(s), respondent(s), and managers (where appropriate) to discuss the preliminary findings and to facilitate a discussion with the goal of reaching a mutually agreed upon resolution to the issue. When an agreement is reached and the matter is deemed to be resolved, both the complainant(s) and respondent(s) will voluntarily sign a statement outlining the agreed upon terms of the settlement.

The Respectful College Coordinator will prepare a summary report for the Manager(s) and the Vice President, People & Planning.

d) Determination of Findings

When a full investigation is necessary the Respectful College Coordinator will complete an Investigation Assessment Report (IAR) that will summarize and analyze the evidence gathered. Confidentiality of witnesses will be preserved, in accordance with Section B7 if this Policy.

The IAR will assess the credibility of witnesses and will make a determination, based on a balance of probabilities whether or not there is sufficient evidence to substantiate the allegations or not. The investigation findings will usually result in any of the following:

- Evidence supports that discrimination and/or harassment occurred. An appropriate course of action is recommended for the Manager, which may include a letter or progressive discipline.
- Evidence is insufficient to support that discrimination or harassment has occurred. An appropriate course of action or resources may still be recommended to help prevent future allegations or to support the complainant and the respondent's future interactions.
- Evidence clearly supports that the allegations were unfounded and were made with malicious intent to harm the respondent. In these rare cases, appropriate discipline would be applied to the complainant for making a malicious complaint.
- Evidence is insufficient to make a conclusion about the allegations. In these instances an appropriate course of action may be recommended to ensure future concerns are mitigated and to support both the complainant and the respondent in future interactions.

e) Notification and Discussion of the IAR Results and Recommendations

The Respectful College Coordinator will review the IAR with the relevant Managers and the Manager of Human Resources in the case of an employee, or the Vice-President Academic or designate for complaints involving students.

Managers, in consultation with the Manager of Human Resources or the Vice-President Academic or designate, will decide on the need for remedial action, pursuant to the appropriate discipline policy. The relevant Managers and the Director, Human Resources or the Vice-President Academic or designate will meet with the complainant and respondent separately to review the report and discuss the findings.

- if remedial action is recommended based on an investigation finding that the evidence substantiates an allegation, these actions will be discussed with the parties affected at this meeting.
- remedial action will be documented, and will be retained on the individual's file.

...

The pursuit of a complaint under the internal complaint mechanism does not preclude any employee from seeking assistance from the Manitoba Government and General Employees' Union (MGEU) staff representative, the LifeWorks Program or any other external agency.

...

5. Monitoring and Remediation

Follow up is an essential component of the resolution. Unless the complaint has been dismissed, once a resolution of the complaint has occurred, Human Resources and appropriate Manager(s) will:

- develop a monitoring plan to ensure appropriate steps are taken to remedy the issue
- follow up periodically over a minimum of a six-month period from the date of resolution
- document all follow up interviews

6. Confidentiality and Records

- a)** Confidentiality must be distinguished from anonymity. The complainant who wishes to seek a remedy must be willing to be identified to the respondent(s). Anonymity will never be offered to complainants or witnesses.
- b)** Confidentiality of the persons involved in an investigation shall be maintained as appropriate to protect both the complainant(s) and the respondent(s) against unsubstantiated claims that might result in harmful or malicious gossip. Intentional or unnecessary breaches of confidentiality by any person may result in disciplinary action.
- c)** It must be recognized that, to the extent that the parties choose to initiate proceedings or make comments outside the College's internal harassment complaint procedures, confidentiality cannot be guaranteed.
- d)** It must also be recognized that information collected and retained may be subject to release under Manitoba's *Freedom of Information and Privacy Protection Act*, *The Human Rights Code* or rules governing court and arbitral proceedings.
- e)** Investigations that result in findings that substantiate a breach of this policy, will result in documentation filed on the Respondent's personnel/student file. Any formal disciplinary action shall be recorded in the appropriate file and shall be maintained in accordance with procedures specified in college policy. This may also include non-disciplinary corrective action, such as letters of direction or remedial action plans.
- f)** Where an investigation does not find a breach of the Policy, but it is determined that education, counselling and monitoring is appropriate for the complainant and/or respondent, documentation of the complaint and the remedy recommended along with steps taken will be filed on the appropriate personnel/student file.
- g)** In the event the investigation fails to find evidence sufficient to substantiate the allegations and no further action is recommended, no information or record of the complaint, the investigation of the complaint, or the resolution of the complaint shall be placed on the personnel/student file of the complainant(s) without the written consent of the complainant(s), unless the complaint has been found to be false or misleading.
- g)** In the event the investigation fails to find evidence sufficient to substantiate the allegations and no further action is recommended, no information or record of the complaint, the investigation of the complaint, or the resolution of the complaint shall be placed on the personnel/student file of the respondent(s) without the written consent of the respondent(s).

Appendix E - References

Sexual Violence Policies, resources and practices that were reviewed and partially used for development of this policy came from:

- Brandon University
- Humber College
- Mohawk College
- Simon Fraser University
- Ryerson University
- University of Manitoba
- University of Windsor

Government of Manitoba. (2017). *Manitoba post-secondary sexual violence policy guide: promoting awareness and prevention*. Retrieved February 12, 2018, from https://www.edu.gov.mb.ca/docs/sexual_violence/guide.pdf

Government of Ontario. (2013, January). Developing a response to sexual violence: a resource guide for Ontario's colleges and universities. Retrieved February 12, 2018, from Ministry of the Status of Women website: http://www.citizenship.gov.on.ca/owd/english/ending-violence/campus_guide.shtml

Students' Society of McGill University. (2017). Our turn: a national, student-led action plan to end campus sexual violence. Retrieved February 12, 2018, from https://ssmu.ca/wp-content/uploads/2017/10/our_turn_action_plan_final_english_web.pdf?x26516