

## 1. Introduction: Commitment to Combatting Sexual Violence

- 1.1. This policy affirms Assiniboine's commitment to combating sexual violence and creating a culture of consent and respect for all members of our diverse community. Assiniboine recognizes that acts of sexual violence may also be acts of sexism, racism, ableism, homophobia, and/or transphobia.
- 1.2. Assiniboine embraces its responsibility to the safety of the College community and its ongoing commitment to social change with the goal of preventing the occurrence of sexual violence by:
  - ▶ raising awareness about what sexual violence is;
  - ▶ dismantling cultures that perpetuate sexual violence;
  - ▶ providing education throughout our community; and
  - ▶ having policies and procedures in place to respond effectively to disclosures of sexual violence, regardless of when or where these incidents took place.

## 2. Purpose

- 2.1. 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.
- 2.2. 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.

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

- 3.1. 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;
- 3.2. a responsibility to develop and follow appropriate policies and procedures to respond if a student or staff member discloses sexual violence. This would include:

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

- ▶ Listening to disclosures and/or formal complaints, and responding in a sensitive and understanding manner;
- ▶ Providing information to the survivor about Assiniboine's disclosure response and formal complaint procedure;
- ▶ Offering or providing information about resources to off-campus support service providers with experience in addressing sexual assault and trauma; and
- ▶ Providing survivors with reasonable interim measures while they are a student or a staff member.

## 4. Principles

- 4.1. **Safe and Inclusive Environment:** Assiniboine is expected to be a safe space where members of the college community are free to work, learn and express themselves in an environment free from sexual and gender-based violence.
- 4.2. **Recognition of Diverse Impact:** Assiniboine recognizes that each person in our diverse community may be impacted differently by sexual violence, based on their identities and 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 that acts of sexual violence may also be acts of sexism, racism, ableism, homophobia, and/or transphobia.
- 4.3. **Trauma - Informed Response to Disclosure:** Understanding the traumatic nature of sexual violence, societal and cultural perceptions, and the fear of victim blaming, Assiniboine prioritizes preparedness to respond sensitively and compassionately to individuals who choose to disclose experiences of sexual violence within our campus community.

## 5. Scope

- 5.1. **Applicability:** This policy applies to all members of the College community, 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.
- 5.2. **Compliance Requirement:** Compliance with this Policy is a contractual term for all agreements with the College and is a prerequisite for accessing College facilities.

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

- 5.3. **College Community:** This policy recognizes that the college community extends beyond its physical campuses. The college community encompasses virtual environments, classrooms, offices, regional centers, work/co-op placements, cafeterias, gyms, and parking lots. It extends to other settings such as travel, college-related social gatherings, or any situation where prohibited behavior could impact work/learning relationships, environments, or performance. This policy allows for complaints to be filed for incidents that occur both on or off campus, when the incident:
- ▶ occurred within the scope of an Assiniboine course, organized class activity (such as a co-op or practicum placement) or athletics event;
  - ▶ is part of an Assiniboine event that has been defined as such; or
  - ▶ may adversely affect the survivor's course of learning, teaching or work at the College.

## 6. 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. For a full list of definitions that relate to this policy please see [Sexual Violence Education & Prevention Definitions](#).

- 6.1. **Behavioural Intervention Team (BIT):** 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, staff, or visitor behaviour, and make recommendations on an appropriate response or intervention.
- 6.2. **Consent:** 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.

The following are some factors relating to consent:

- ▶ Consent is active, not passive, and must be ongoing.
- ▶ Consent is never assumed or implied.
- ▶ Consent is not silence or the absence of "no"
- ▶ Consent cannot be given by someone who 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.

***This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)***

- ▶ 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 can freely choose.
- ▶ It is given independently.

- 6.3. **Disclosure:** For this policy, when a person tells a College Community Member that they have experienced or witnessed sexual violence. A disclosure is different from a report/complaint of sexual violence. Someone may make a disclosure to access support, accommodations, or information.
- 6.4. **2SLGBTQIA+:** The community includes people who identify as two-spirited, lesbian, gay, bisexual, transgender, 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.
- 6.5. **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.
- 6.6. **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.
- 6.7. **Survivor:** is an individual who chooses to identify their experience as sexual violence. The College recognizes that an individual may not identify with the label "survivor" or "victim". The College will respect everyone's preferred term in its interactions with them.

## 7. Prohibited Conduct

- 7.1. **Sexual Violence:** All acts of Sexual Violence are prohibited under this Policy.
- 7.2. **Ignorance Not a Defence:** A lack of awareness of sexual violence or this policy is not a valid defense against any allegation of sexual violence.

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

### 7.3. Sexual or Intimate Relationships:

7.3.1. All intimate and/or sexual relationships between employees and students are prohibited unless an exemption is provided in accordance with the Conflict of Interest or Commitment Policy (HRP 18).

7.3.2. All intimate and/or sexual relationships between supervisors and their direct reports are prohibited under this policy. Individuals in intimate and /or sexual relationships need to disclose this in accordance with the Conflict of Interest or Commitment Policy (HRP 18). Human Resources will take steps to remove or minimize any potential conflicts on a case-by-case basis.

7.4. **Retaliation in any form is prohibited:** Any person found to have engaged in retaliation may be subject to sanctions and/or discipline under relevant policy or collective agreement as appropriate. This includes retaliation against any member of the College Community who:

7.4.1. reports or is witness to an incident of Sexual Violence,

7.4.2. pursued their rights under this Policy, the Sexual Violence Awareness and Prevention Act; under the Criminal Code of Canada and/or The Human Rights Code (Manitoba),

7.4.3. participated or co-operated in an inquiry under this Policy; and/or

7.4.4. was 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 or any other similar circumstance).

## 8. Commitment to Awareness, Prevention & Training

8.1. **Intersectional Recognition:** The College recognizes that sexual violence disproportionately affects 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.

8.2. **Inclusive Approach:** All discussions, programming, activities, or support endorsed by the College will be inclusive, acknowledging that sexual violence can affect individuals of all genders and sexual and gender minorities, both as perpetrators and survivors.

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

8.3. **Sexual Violence Education & Prevention Committee:** The Vice-President, Academic and the Director, Human Resources will appoint members to a Sexual Violence Education & Prevention Committee. This committee will recommend policy, practices, training, and other measures to enhance safety within the college.

8.3.1. The Committee will be led by the Respectful College Coordinator and will include representation from senior leadership, staff, faculty, the Union and students from across our campuses.

8.3.2. Members will receive training on survivor-centred practices and non-biased approaches.

8.3.3. The Sexual Violence Education & Prevention Committee will collaborate with on and off campus partners to develop a yearly action plan to educate the college community on sexual violence and related issues through awareness campaigns, workshops, online resources and other materials, with a focus on vulnerable groups.

8.3.4. The College is committed to providing financial resources to support these education activities.

#### 8.4. Training for Students, Staff & Faculty

8.4.1. Training about this policy, consent and related issues will be integrated into the College Foundations course, which is mandatory for all students to complete.

8.4.2. Training about this policy, consent and related issues will be integrated into staff and faculty onboarding and other human resources training.

### 9. Commitment of College Community

Members of the College community are expected to actively contribute to the prevention, intervention, and effective response to sexual violence. This commitment involves several key actions:

9.1. **Participating in Educational Programs & Campaigns** to learn about sexual violence and develop the skills necessarily to intervene effectively and safely in situations that may lead to sexual violence

9.2. **Modelling Healthy and Respectful Behaviour** in personal and professional relationships

9.3. **Speaking Out** against behaviour that fosters sexual violence and perpetuates rape culture

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

9.4. **Opposing Discouragement** by speaking out against behaviour that discourages disclosure or the pursuit of complaints within the College or judicial system. This includes speaking out against racism and sexism, rape myths, victim-blaming and jokes about sexual violence and gender inequality

9.5. **Developing Allyship Skills** to be an effective and supportive ally to survivors

## 10. Disclosure of Sexual Violence

Members of the Assiniboine community need only disclose that they have experienced or witnessed sexual violence to access support and resources. Survivors can reach out to any staff or faculty that they feel comfortable with to access support.

### 10.1. Supportive and Non-Judgemental Response

10.1.1. Responses to disclosures of sexual violence shall be non-judgemental, supportive, empathetic, and respectful. Please see the [Best Practices in Responding to Sexual Violence Disclosure Information Sheet](#) for guidance on how best to respond to a disclosure of sexual violence.

10.1.2. [Assiniboine On and Off Campus Sexual Violence Resource List](#) will be maintained to ensure accurate resource and support information is available for survivors to consider what they want to do.

### 10.2. Control of Process

10.2.1. Individuals coming forward with a disclosure or a formal complaint have the right to feel in control of the process. Survivors have the right to determine what, when and how much they choose to disclose.

10.2.2. They are not compelled to, nor restricted from, pursuing the issue through law enforcement or through other external recourses.

10.2.3. Survivors will not be pressured to make formal complaints and have the right to choose the avenue for redress or support without bias.

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

10.2.4. Individuals will be fully informed and supported at every step of the process and all efforts will be made to preserve confidentiality.

10.2.5. Survivors have the right to not participate in any inquiry/follow-up process that may occur within the College.

### 10.3. Encouragement to Disclose

10.3.1. Individuals affected by sexual violence are encouraged to come forward to disclose as soon as they are ready, to the avenue they feel most comfortable with

### 10.4. Self-Care

10.4.1. Survivors are encouraged to seek immediate assistance for their well-being, which may be crucial for their physical health, emotional well-being, or evidence preservation.

### 10.5. Co-Ordinated Response

10.5.1. Student Disclosures: Minimal information will be shared with the Behaviour Intervention Team to provide a coordinated, trauma-informed response without automatically requiring a formal investigation.

10.5.2. Staff Disclosures: Minimal information will be shared with Human Resources to provide a coordinated, trauma-informed response without automatically a formal investigation.

10.5.3. College Response: A college response, such as an investigation, may be necessary in instances where there is a reasonable concern for the safety of the individual or other members of the college community.

### 10.6. Substance-Related Disclosures

10.6.1. Individuals disclosing s Individuals disclosing sexual violence involving substances like alcohol or drugs will not face actions under Assiniboine's policies related to substance use on campus.

## 11. Support and Interim Measures (Accommodation)

### 11.1. Support & Accommodation Access

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*



- 11.1.1. Assiniboine will assist survivors in accessing appropriate support and accommodation, which may include creating safety plans, referrals to relevant resources on-campus, or where requested, necessary or required, referral to external community resources.
- 11.1.2. Disclosure of being a survivor of sexual violence is sufficient for seeking support or accommodation without needing to disclose specific details of the experience. These services are provided on a case-by-case basis.
- 11.1.3. Student Success Advisors and/or Human Resources will collaborate with survivors to determine reasonable academic, or workplace interim measures (accommodations) based on their unique needs.
- 11.1.4. Student Success Advisors are prepared to receive student disclosures, provide information, and facilitate accommodations/interim measures.
- 11.1.5. Human Resources can arrange accommodations for staff or faculty who have been impacted by sexual violence.

## 12. Confidentiality

Confidentiality and privacy measures are crucial in upholding a safe and supportive environment for survivors of sexual violence. It is imperative that individuals are fully informed about the limits to confidentiality to make informed decisions regarding their disclosure.

- 12.1. **Confidentiality Principles:** Ensuring confidentiality is essential for fostering a safe environment where survivors feel comfortable seeking support and accommodation. The College strictly observes confidentiality for all involved in sexual violence reports, limiting information access to those with a legitimate need.
- 12.2. **Limits to Confidentiality:** 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:
  - ▶ an individual is at imminent risk of self-harm;
  - ▶ an individual has referenced suicidal thoughts;
  - ▶ an individual is at imminent risk of harming another;

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

- ▶ there are reasonable grounds to believe that others in the College or wider community may be at risk of harm;
- ▶ a child or minor has been harmed or is at risk of harm; and/or
- ▶ any other circumstance where there is risk of harm.

12.2.1. In such circumstances, information would only 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.

12.3. All information collected because 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.

### 13. Formal Complaints

To file a formal report to the College, contact the Respectful College Coordinator:

- ▶ Confidential phone line: (204) 725-8733 or
- ▶ College extension: 204 725-8700 ext 6646
- ▶ Email: [respect@assiniboine.net](mailto:respect@assiniboine.net)

- 13.1. Survivors may file a complaint/report related to an incident of sexual violence perpetrated by a member of the College community. This initiates a formal College response, potentially including an inquiry that to determine if breaches of this policy are substantiated.
- 13.2. A College inquiry will not determine “guilt” or criminality but focuses on assessing evidence based on a balance of probabilities to determine if the evidence is sufficient to substantiate the allegations.
- 13.3. There is no time limit for filing a sexual violence report, although timeliness can affect the investigations effectiveness.
- 13.4. The term “survivor” in this policy does not prejudge inquiry outcomes.
- 13.5. Sexual Violence reports should be made to Assiniboine’s Respectful College Coordinator. Assiniboine commits that the person in this role is trained in conducting investigations, judicial fairness, and specifically in issues relating to investigating complaints of sexual violence.

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

- 13.6. 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.
- 13.7. 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.
- 13.8. The College will impose these interim restrictions only as necessary to meet safety needs.
- 13.9. 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.
- 13.10. Respondents may ask the College to review the reasonableness of interim restrictions following the appeal process outlined in Section 15.
- 13.11. Please see the [Complaint Procedure Guide](#) for complete process information.

## 14. Right to Withdraw a Complaint

- 14.1. A complainant has the right to withdraw a report to the College at any stage by notifying the Respectful College Coordinator in writing.
- 14.2. In exceptional circumstances, where the safety of the complainant or other members of the College community are at risk, the College may initiate or continue an internal inquiry and/or involve law enforcement, even if a report is withdrawn. The confidentiality and anonymity of the person(s) affected will be prioritized in these circumstances.
- 14.3. If a complaint is withdrawn, complainants and respondents can still seek college or community supports, as appropriate.

## 15. Appeals

- 15.1. Students may appeal the decision by submitting the Notice of Appeal form, following the procedures in [A1 Academic and Disciplinary Appeals Policy](#).

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*

- 15.2. The Vice President Academic 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.
- 15.3. Employees may follow the Collective Agreement grievance process, while non-union employees may seek legal advice for remedy.

## 16. Public Reporting

- 16.1. The Sexual Violence Committee will report annually on activities and outcomes related to this policy. This includes awareness-raising efforts, attendance at sessions, and consultation results.
- 16.2. Specific incidents are not publicly reported to maintain confidentiality.

## 17. Policy Responsibility and Review

- 17.1. The Vice-President, Academic, and Director, Human Resources are responsible for policy implementation and amendments.
- 17.2. The Sexual Violence Education & Prevention Committee oversees maintenance and revisions, with College-wide consultations every three years.
- 17.3. Reviews will be scheduled at least every three (3) years and will engage consultations from the ACC, MGEU, staff, faculty and other relevant stakeholders.
- 17.4. The results of future policy reviews, including revisions, will be summarized in a separate document which will be made available on the public website.

## 18. Relevant Legislation

***Sexual Violence, Awareness & Prevention Act Section  
Colleges Act  
Manitoba Human Rights Code  
Manitoba Workplace Safety and Health Act and Regulations  
Freedom of Information and Protection of Privacy Act***

## 19. Related Policies, Procedures, and Documents

***Collective Agreement Article 7 "No Discrimination/Respectful Workplace***

***This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)***



## Sexual Violence Education & Prevention Policy - Policy: M14

Established: July 2018 Established: July 2018

Revised: July 2024

Scheduled Review: July 2027

*Collective Agreement Article 14 "Conduct of Employees"*

*Collective Agreement Article 47 "Grievance Procedure"*

*Student Conduct, Behaviour and Discipline Policy A02*

*Academic and Disciplinary Appeals Policy A01*

*Respectful College Policy M10*

*Workplace Violence Policy M13*

*Complaint Procedure Guide M17*

*Progressive Discipline Human Resources Policy HRG 6*

*Conflict of Interest Commitment Policy HRP 18*

July 8, 2024

A handwritten signature in blue ink, appearing to be "M. Li", written over a horizontal line.

Date

President

Information about the process used for this policy review and the key changes in the policy, may be obtained [here](#).

*This policy is available in alternate formats by contacting [respect@assiniboine.net](mailto:respect@assiniboine.net)*