



SEXUAL VIOLENCE AWARENESS AND PREVENTION POLICY

Classification:	Safety and Health
Responsible:	All members of The Learning Company Community
Executive Sponsor:	Owner, Director
Approval Authority:	The Learning Company Leadership Team
Date First Approved:	June 1, 2021
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A. PURPOSE

The Learning Company is committed to creating an educational environment that is free from sexual violence and sexual harassment and where individuals feel free to report incidents of sexual violence or sexual harassment.

The Sexual Violence and Harassment policy articulates The Learning Company’s position with respect to sexual violence and establishes a formal response protocol for disclosures of incidents of sexual violence.

The Policy defines the prohibited behaviours, outlines an inquiry process for sexual violence and sexual harassment, and describes the procedures the institution will undertake to educate its community on avenues to prevent sexual harassment.

The Learning Company is committed to raising awareness of sexual violence prevention, reporting, and response protocols through:

- Including the policy in the student handbook and on the website;
- Raising awareness of sexual violence prevention through the website, social media, and other digital platforms;
- Taking reasonable steps to prevent sexual violence in college learning and working environments;
- Providing training about sexual violence issues; and
- Establishing procedures for reporting of and responding to incidents of sexual violence.

B. SCOPE

This Policy applies to all members of the college community and is applicable for any act of sexual violence that occurs in the learning or work environments at the College that involves one or more members of the college community.

The College believes that all individuals of its community should enjoy the opportunity to study and work in an environment free of sexual violence and harassment.

The College acknowledges that there are population groups which experience an increased risk of sexual violence in Canada, including but not limited to:

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

The College acknowledges that many students who pursue vocational education may be within such groups and is committed to providing a positive and safe learning environment.

This policy provides definitions for sexual violence and harassment and outlines an inquiry process for complaints under the policy. It further outlines the procedures the institution will undertake to educate its community on avenues to prevent sexual violence and harassment.

C. DEFINITIONS

College Community

The College Community is all individuals who work, learn, and participate in initiatives at the college. This includes:

- full or part-time students
- Management team members
- Instructional team members
- Administration team members
- contracted service providers
- volunteers
- visitors
- alumni

Sexual Violence

Any sexual act or act targeting a person's sexuality, gender identity or gender expression — whether the act is physical or psychological in nature — that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Sexual violence includes:

- Sexual assault

- Any violence, physical or psychological, carried out through sexual means or by targeting sexuality, including sexual abuse; and
- Criminal harassment (including stalking and cyberbullying).

Sexual Harassment:

Sexual Harassment includes:

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

Consent

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

Consenting to one kind, or instance, of sexual activity does not mean that consent is given to any other sexual activity or instance.

Non-consent (lack of agreement) can be expressed verbally or through conduct (such as physically resisting advances). The Criminal Code makes it clear that a person can, after initially giving consent to engage in sex, revoke consent at any time by expressing a lack of agreement to continue engaging in sexual activity.

Consent:

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

Cyber harassment/Cyber Stalking

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, message boards, chat rooms, through text messages or through email.

Date Rape

Sexual contact that is forced, manipulated or coerced by a partner, friend or acquaintance.

LGBT2SQ+

People who identify as lesbian, gay bisexual, transgender, Two-Spirit, queer, questioning, intersex, asexual, pansexual, and/or gender fluid.

Rape

Vaginal, oral or anal intercourse without consent.

Sexual Assault

Any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual assault is characterized by a broad range of behaviours that involve the use of force threats, or control towards a person, which makes 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 is a crime. Criminal code definition of Sexual Assault: <http://laws-ois.justice.gc.ca/eng/acts/C-46?page-63.html#docCont>

Stalking

Repeated behaviour that is carried out over a period of time, and which causes a person to reasonably fear for their safety.

Victim Blaming

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.

D. AWARENESS, PREVENTION, AND TRAINING

Our college is committed to providing members of our college community an educational environment free from sexual violence and sexual harassment and treating those individuals who report incidents of sexual violence or sexual harassment with dignity and respect.

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

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

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

- Bring the matter to the attention of college staff person through sharing of their experience or concern. Such staff persons may be college councillors, instructors, or appointed individuals. Please note that the Colleges ability to take any formal action will be limited in such incidents.
- Raise a formal complaint where the student wishes some form of action be taking to alter their learning environment or involve the College in possible discussion with the individual on their behalf.
- Initiate a more formal written complaint which may involve investigation by an external body or legal action.

The Learning Company will educate and train faculty, staff and students about this Policy and how to identify situations that involve, or could progress into sexual violence or sexual harassment and how to reduce these forms of prohibited behaviours. The training will be annually held and items covered will be:

- What is sexual violence and harassment & What is consent
- How to report an incident and who in the College will be responsible to follow up.
- Education on the subject of sexual violence including awareness of how social media can potentially be involved.

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

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

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

Student Awareness

The Learning Company assures the student body is aware of the policies and procedures regarding sexual harassment through the following:

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

E. DISCLOSURE OF SEXUAL VIOLENCE

1. The College acknowledges that incidents of sexual violence may be disclosed or reported to any member of the college community. Upon disclosure of an incident to a team member, the member will respond in a supportive manner and respond promptly to the disclosure or complaint. The following steps will be taken:

- a. Provide the information of available support resources (Appendix 1);
- b. Providing reporting options (see section 2, below) to the individual who has experienced sexual violence or sexual harassment;
- c. Clarify the option that the individual chooses to follow;
- d. Provide assistance in obtaining counselling and/or medical care, if requested;
- e. Provide appropriate academic and other accommodation as required (see section 3, below).

2. Options for the individual who has disclosed the violence:

- a. Disclosure without formal complaint;
- b. Medical Assistance;
- c. Police report;
- d. Formal complaint (see procedure in section F);
- e. Other formal options (civil complaint, Human Rights Commission).

3. The College acknowledges that the first concern for an individual who has disclosed sexual violence or harassment is compassion and care. Accommodations and interim measures during disclosure may include:

- a. Creation of an academic plan

- b. Creation of a safety plan
- c. In the case of Perpetrators or respondents: there may be interim restrictions to meet the safety plan of the complainant.

F. FORMAL COMPLAINT PROCEDURE AND INVESTIGATION PROCESS

The college encourages formal complaints to be made in a timely manner as soon as the complainant is able to do so.

1. COMPLAINT PROCEDURE

Regardless of who the disclosure is made to, the formal complaint should be made to the Director using the complaint form (Appendix 2). Complaints may be made verbally or in writing. If verbally, the complaint should be recorded on the form by the Director.

2. INVESTIGATION

The Director will investigate the complaint. The investigation may include speaking with the complainant, respondent, and witnesses.

The complainant(s) and respondent(s) may be accompanied to the interview by a person of his/her choice, as long as this person is not also a potential witness.

The purpose of the investigation and the nature of the complaint will be shared with the respondent prior to the interview. If the respondent does not consent to participate in the investigation, the investigation will continue. The respondent's response will be recorded in the investigation notes.

If a witness does not consent to participate in the investigation, this will be noted in the investigation file.

The complainant(s), the respondent(s) and all witnesses will be asked to provide any relevant physical evidence to the investigator.

College computer accounts/messages, public messages on social media and other documents or sources of information may be accessed during the investigation.

3. RESULTS OF INVESTIGATION AND SUBSEQUENT ACTION

The investigator will communicate the results of the investigation and the subsequent actions that the college will take to the complainant and the respondent. The results and actions may be:

- There is evidence that sexual violence has occurred

- Action: The action based on this outcome may be disciplinary action, facilitation, recommended civil action
- There is insufficient evidence to support the complaint
 - Action: action may be recommended to ensure future concerns are mitigated and to support both the complainant and the respondent in future interactions.
- There is insufficient evidence to make a conclusion about the complaint
 - Action: action may be recommended to ensure future concerns are mitigated and to support both the complainant and the respondent in future interactions.
- The allegations of the complaint are unfounded
 - Action: In rare circumstances, the complainant may face disciplinary action (see section F6).

4. CONFIDENTIALITY

Confidentiality is necessary to creating a culture of safety for the disclosure of sexual violence.

4.1 All information relating to the disclosure of sexual violence will be confidential to all parties and disclosed only as required for investigation, disposition, or as required by law.

4.2 Confidentiality will be maintained except in situations where there is a concern of harm to the individual or others in the college community. These circumstances may include cases where:

- a. an individual is at immediate risk of self-harm;
- b. an individual has disclosed 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.

5. PROTECTION FROM REPRISAL

Retaliating or threatening to retaliate against a complainant, is a violation of this policy and is subject to disciplinary and/or corrective action, under the Disciplinary Action Policy.

6. MAKING FALSE STATEMENTS

Knowingly make a false complaint of sexual violence or sexual harassment or providing false information about a complaint is a violation of this policy. Violation of this section of the policy is subject to disciplinary and/or corrective action, under the Disciplinary Action Policy.

G. CONSULTATION AND REVIEW

- Policy was generated by a committee formulated by the Manitoba Association of Career Colleges with input from member colleges.
- The Policy was circulated to students of the Member Schools by way of a survey seeking input and comments from the widest possible student base assuring students have the opportunity to provide input and guidance from all communities and gender populations.
- The Learning Company reviewed and adapted the policy through the following process.
- The review process includes College representatives and members of the student community in its consultation review processes.
- The College invites student feedback regarding this policy at any time, which can be submitted in confidence via the website. This feedback is used in the policy review process every four years, in addition to a formal invitation for students to participate at that time.

H. PUBLIC REPORTING

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

- List of those responsible for conducting an inquiry into any complaints of sexual misconduct or harassment, including contact information
- Listing the dates of training sessions for staff and faculty of the Institute including reporting on the number of participants that attended the training sessions
- Listing the dates of student group meeting sessions where this policy is discussed and include the number of participants at each session

I. RELATED LEGISLATION

Criminal Code of Canada

J. PROCEDURE

Action

Disclosure response action (Section E1)

Provision of interim Accommodations (If applicable)

Responsibility

Individual to whom the disclosure is made

Appropriate college team member

Decision about options	Complainant
IN CASE OF FORMAL COMPLAINT Submission of Reporting form or recording of formal complaint on the form	Complainant/ Director
Investigation of complaint	Director
Communication of results of the complaint	Director
Action based on results of the complaint	Director, Complainant, Respondent, supporting college teams (as needed)

K. SUPPORTING DOCUMENTATION

- Appendix 1 Resources
- Appendix 2 Reporting Form
- Appendix 3 Safety Plan Outline

L. RELATED POLICIES

- Respectful Environment Policy
- Disciplinary Action Policy

M. RELATED MATERIALS

Approved: December 12, 2022

Approved by: The Learning Company Leadership Team

Travis Chastko
Owner

Amy Kilburn
Director

Appendix 1 - Resources - Sexual Violence Awareness and Prevention Policy

Brandon Police Service

24-hour line 204-729-2345

YWCA-Westman Women Shelter

24-hour crisis 1-877-977-0007

Phone: 204-727-3644

ywcawws@westman.wave.ca

www.ywcabrandon.com

The Women's Resource Centre

731 Princess Avenue

Brandon, MB R7A 0P4

Phone: 204-726-8632

Toll-Free: 1-866-255-4432

Fax: 204-727-6230

reception@thewomenscentrebrandon.com

www.thewomenscentrebrandon.com

<https://www.facebook.com/TWRCBrandon>

Hours of Operation

Monday 10:00am-4:30pm

Tuesday 10:00am-4:30pm

Wednesday 10:00am-4:30pm

Thursday CLOSED

Friday 10:00am-3:00pm

Resource & Links

If you or someone you know is being abused, call the Manitoba Association of Women's Shelter's confidential provincial toll-free crisis line at: 1-877-977-0007.

Crisis lines

Manitoba Suicide Prevention & Support Line (24/7)

Toll free: 1-877-435-7170

Klinic Crisis Line (24/7)

Toll free: 1-888-322-3019

Sexual Assault Crisis Line (24/7)

Toll free: 1-888-292-7565

Survivor's Hope Crisis Centre Inc. (North-Eastern Manitoba)

204-753-5353

Deaf Access Counselling (24/7)

204-784-4097

Human Trafficking Hotline (24/7)

1-844-333-2211

Domestic Violence Crisis Line

1-877-977-0007

More crisis support information, visit: <http://klinik.mb.ca/crisis-support>

Appendix 2 - SEXUAL VIOLENCE FORMAL REPORT FORM

Complainant Information

Name	
Student Number	
Program Name	
Course Name/Number	

Respondent Information

Name	
Student Number	
Program Name	
Course Name/Number	

Incident Information

Date of incident	
Type of alleged incident	
Additional Information	[Provide information about what happened, what was said and/or done, when it happened, was it a single event or is it ongoing, who was involved, who has knowledge of the incident.]

Witness Information

Name	Relationship to complainant	What information can the witness provide?

Complainant signature: _____ Date: _____

Investigation

Meeting with Complainant	
Meeting with Respondent	
Meeting with Witnesses	
Result	<input type="checkbox"/> Sexual Violence has occurred: <input type="checkbox"/> (disciplinary action, facilitation, recommend civil action) <input type="checkbox"/> Insufficient Evidence <input type="checkbox"/> Allegations unfounded:
Recommendation/Actions	

Appendix 3 - SAFETY PLAN

Complete the portions of the plan as needed

Emergency contacts:

Name	Contact Information

People on campus I can trust to help me:

Name	Contact Information

People off campus (friends/neighbours/family) I can trust to help me:

Name	Contact Information

Where can I go on campus for my safety?

Steps I can take on the way to school to feel safe:

Steps I can take at home to feel safe:

Important things to remember when leaving the house (i.e. lock the doors, shut windows):

I will let the following people know where I will be when I am out and check in with them for safety reasons.

When I am on campus I will ensure my safety by:

If I am driving, I can do the following for safety:

If I am driving and I am being followed I will:

To stay safe on the bus I can:
