

Herzing College Sexual Violence and Harassment Prevention Policy and Guidelines

Scope

This Policy applies to all members of Herzing College Career Institution (hereinafter referred to as “the Institution.”) community including students, staff, faculty, administrators, contract service providers, contractors, officers, directors, and individuals who have contact with any students, volunteers, and visitors.

Overview

All members of the Institution community have a right to study and work in an environment free of sexual violence and sexual harassment as well as treating those individuals who report incidents of sexual violence or sexual harassment with dignity and respect.

While anyone can be a target of sexual violence and/or harassment, the Institution recognizes that certain populations are at greater risk of sexual violence in Canada, including:

- 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

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

In addition, sexual violence and harassment often goes unreported, particularly by men, members of religious communities, and/or those who have experienced sexual violence and/or harassment not wanting to relive the trauma. The Institution encourages anyone experiencing sexual violence and/or harassment to report the perpetrators and seek support through the Institution or otherwise.

Policy Objectives

Prevention

The focus of this policy is on prevention. Through the application of this policy, students, staff, faculty, and visitors will be aware that student, staff, and faculty health and safety are paramount. In addition, students, staff, and faculty will also be aware that any member of the Institution is ready and willing to provide any support for those experiencing sexual violence or harassment or the threat of same. The goal is to produce an environment where students, faculty, and staff feel safe, and where they understand the policy and how it is applied.

Toward this end, the Institution 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.

Student Awareness

The Institution 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 Institution may provide periodic communications circulated to the students through the Institution media channels, where applicable and appropriate.
- The Institution will assure that all students have access to the policy by assuring it is posted to the Institution Website.
- The general content of the policy and where it can be found in its entirety is covered during student orientation.

Students may seek any staff or faculty member to indicate that they need to speak to someone regarding an issue with sexual harassment or violence. That individual will direct the student to the appropriate staff member, if necessary. As part of their training, all staff and faculty will know where to direct students as appropriate.

Since students may feel more comfortable with a specific staff or faculty member, everyone will receive the same training in disclosure and working with those who have experienced sexual violence or harassment.

Staff and Faculty Training

The training will be held annually and will cover:

- What is sexual violence and harassment? Many students do not realize that repeated attempts to ask someone out, particularly when asked to stop, can be considered harassment.
- What is consent? This is another area where students need to understand the nature of consent and that it can be withdrawn at any time.
- How to report an incident and who in the Institution will be responsible for any follow up. This includes the options for reporting and disclosure.
- Education on the subject of sexual violence including awareness of how social media can potentially be involved.

The Institution 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 Institution with focus on awareness, monitoring and prevention of sexual harassment.

The Institution will also educate individuals not normally a part of the Institution 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.

The Institution 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. However, all members of the community should be aware that, depending upon the wishes of those who have experienced sexual violence and/or harassment, the Institution 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 intent of the Institutions to provide a supportive role and assist the individual by way of the following:

- Educating all members of our community on sexual harassment and prevention;
- Listening to complaints/disclosures and responding in a sensitive and understanding manner;
- Providing information to the student about the Institution's response procedure;
- Offering information or making referrals to support service providers with experience addressing sexual assault and trauma;
- Providing the individual with reasonable accommodation while on campus; and
- To meet the needs of those who have experienced sexual violence and/or harassment, the Institution wishes to make the student aware of their options to assure that their needs are being addressed:

- Bring the matter to the attention of Institution staff person through sharing of their experience or concern. Such staff persons may be Institution councillors, instructors or appointed individuals. Please note that the Institution's ability to take any formal action will be limited in such incidents.
- Raise a formal complaint where the student wishes some form of action be taking to alter their learning environment or involve the Institution 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.

Reporting and Responding to Sexual Violence

Where a complaint of sexual violence or sexual harassment has been made, the Institution will take the following actions where applicable:

- Immediately provide the information for available resources.
- Provide those who have experienced sexual violence or sexual harassment with information about reporting options; and seek clarification on what the individual would like to do next (disclose, support, or seek law enforcement).
- Respond promptly to any complaint and providing reasonable updates to the complainant and the respondent about the status of the inquiry.
- Assist those who have experienced sexual violence or sexual harassment in obtaining counselling and medical care.
- Provide those who have experienced sexual violence or sexual harassment with appropriate academic and other accommodation.
- Provide on-campus inquiry procedures for sexual violence and sexual harassment complaints.

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

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

Our Institution recognizes the right of the complainant to determine whether their complaint will be dealt with by the police and/or Institution management. However, in certain circumstances, the Institution may be required by law or its internal policies to initiate a more formal internal investigation

and/or inform police without the complainant's consent, if it believes the safety of members of its Institution community is at risk

Reporting/Disclosure Options

The Institution recognizes the sensitive nature of sexual harassment and that those who have experienced sexual violence and/or harassment may require different actions by the Institution in its supportive role. We want to emphasize that should a member of our community feel they have been exposed to any form of harassment the Institution is there to support them. The Institution wishes to share the following options for reporting:

Support without official complaint.

If a member of the Institution community believes they have been sexually harassed, they may choose to not put forward a formal complaint but rather simply wish to have the school assist them through the emotional crisis. The individual discloses to seek emotional support, medical support, or advocacy but not to report to authorities.

If such action is chosen by the individual, the Institution will provide a compassionate supportive role. The role in this situation is primarily to be a listener and provide the student with what resources are available to them.

Action where harassment has been by Institution community member.

If a member of the Institution community believes they have been sexually harassed by a member of the community, they may confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop;

or

Report the complaint to the Director/President or Assistant Director/President in writing.

Upon a complaint of alleged sexual harassment being made to the Director/President or Assistant Director/President, management will initiate an inquiry.

Actions where harassment requires involvement of external bodies.

Should the individual wish to lodge a complaint with the local police department or seek medical assistance the Institution will provide a supportive role by providing contact information and assisting with the initial communication to that appropriate body.

Disciplinary Measures

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

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

Where criminal and/or civil proceedings are commenced in respect of allegations of sexual violence or sexual harassment, the Institution may conduct its own independent inquiry and make its own determination in accordance with its own policies and procedures.

Making False Statements

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

Conversely, the Institution is aware that false reporting of sexual assault is very rare and will therefore take each allegation seriously.

Reprisal

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

Public Reporting

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

- Posting the policy on the website and providing access to a copy through enrollment documentation and Student Handbooks/Manuals.
- Post policy within the Institution in prominent locations.
- Solicit feedback from staff and faculty at least yearly during regular meetings.
- Use surveys or other methods to solicit feedback from students and other stakeholders regarding the content and application of the policy.

Policy Development and Review

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

The policy is reviewed periodically by staff, faculty, and students. Input from these reviews is used to update the policy as required by circumstance, but no less than every four years. This review process includes:

- General feedback from staff and faculty regarding the current policy and any changes or additions suggested.
- Feedback from students gathered from periodic surveys of the student body regarding knowledge of the policy, its contents, and any issues that they may perceive or have experienced.

- Feedback from any community police inspections of the college facilities along with any feedback on the existing policy.
- Feedback from working groups established at the Institution to address issues of student health and safety.

Definitions

Consent

Consent is central to sexual assault. The Criminal Code of Canada defines consent as it relates to sexual assault as “the voluntary agreement of the complainant to engage in the sexual activity in question.”¹ An individual must actively and willingly give consent to sexual activity. Simply stated, sexual activity without consent is sexual assault.

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

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

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

In other words, consent:

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

It is not for the Institution to weigh or determine whether or not consent has been given. This purpose of the policy is to inform all members of the community of their responsibility to eliminate harassment and inform those who have experienced sexual violence and/or harassment of their rights.

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

¹ <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-273.1.html>

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 individual. 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.

Language

The use of words, expressions, jokes, and references that are unwelcome or that target specific populations can be considered an expression of sexual harassment. These include slurs used against populations, innuendos and references of a sexual nature, inappropriate questions, or continued solicitations.

LGBT2SQ+

The LGBT2SQ+ community includes people who identify as lesbian, gay, bisexual, transgender, Two-Spirit, queer, questioning, intersex, asexual, pansexual and/or non-binary.

Rape

Rape is a term used to describe vaginal, oral or anal intercourse, without consent. Although the term is no longer used in a legal sense in Canada as Sexual Assault is a broader term, it is still commonly used and widely understood.

Sexual assault

Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the individual. 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.

Sexual Violence

Sexual violence is 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 Harassment:

Sexual harassment is a broad term that covers any course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:

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

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.

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.

Appendix – Contacts for Shelter and Support

Agape House (Eastman Crisis Centre)

www.agapehouse.ca/

204-346-0028

204-326-6062

Alpha House Project

www.alphahouseproject.ca/

204--982-2011

Aurora House

www.aurorahouse-sharethecare.com

204-623-5497

204-623-0536

Bravestone Centre Inc.

www.bravestonecentre.ca/

204-275-2600

Flin Flon Safe Haven

www.womensresource.ca

204-271-5375

204-271-5375

Genesis House

www.geneshouseshelter.ca

204-325-9800

1-877-977-0007

Heartwood Healing Centre (Formerly the Laurel Centre)

www.heartwoodcentre.ca/

204-783-5460

Ikwe-Widdjitiwin

www.ikwe.ca

1-800-362-3344

Jean Folster Place

www.nhcn.ca

204-359-3444

Knowles Centre

(204) 339-1951

www.knowlescentre.org/

Mamewehetowin Crisis Centre

www.circlingbuffalo.ca/first-nation-shelters-in-manitoba/

204-553-2198

Mary's House

www.samaritanhouse.net/shelter-housing

204-727-1268

Mount Carmel Clinic

www.mountcarmel.ca/

204-582-2311

My Sister's House

www.aurorahouse-sharethecare.com

204-623-5497

NCN Women's Shelter

www.ncncree.com/community-facilities-and-programs/ncn-womens-shelter/

204-484-2634

204-679-1996

Nova House

www.novahouse.ca

204-482-1200

1-877-977-0007

204-805-6682

New Directions

www.newdirections.mb.ca/

204-786-7051

Parkland Crisis Centre & Women's Shelter

www.parklandcrisiscentre.ca

204-638-9484

Portage Family Abuse Prevention Centre Inc.

www.abuseprevention.ca

204-239-5233

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

survivors-hope.ca/

204-753-5353

Thompson Crisis Centre

www.thompsoncrisiscentre.com

1-877-977-0007

204-778-7273

Wechihin Waskkahikan Women's Centre

www.firstnationshelters.ca/

204-565-2548

Willow Place

www.willowplaceshelter.ca

204-615-0311

1-877-977-0007

204-792-5302

Women's Health Clinic

www.womenshealthclinic.org/

204-947-1517

Women's Safe Haven Resource Centre

CRISIS (204) 681-3105

www.womensresource.ca

YWCA Westman Women's Shelter

www.ywcabrandon.ca

877-977-0007

204-727-3644