



POLICY: Sexual Violence Policy		POLICY NUMBER: SV-1
		PREVIOUS/REPLACES: Sexual Violence Policy
APPROVED BY: Executive Council	EFFECTIVE DATE AS OF: April 7, 2020	PRIOR VERSIONS: November 23, 2017

1. Policy Statement:

The Manitoba Institute of Trades and Technology (to be referred to as MITT) is committed to providing and maintaining an environment in which sexual violence is not tolerated. All members of the MITT community (see scope of policy) have the right to live, work, and study in an environment that is free from any form of sexual violence. This document identifies ways to recognize and prevent sexual violence through policies, guidelines, resources, education and community support. It also provides members of the MITT community information to help them to respond effectively to an incident of sexual violence.

Sexual violence means any sexual act or act targeting a person’s sexuality, gender identity or gender expression – whether the act is physical or psychological in nature – that is committed, threatened or attempted against a person without the person’s consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Sexual violence can occur regardless of a previous relationship history.

All reported incidents of sexual violence will be investigated in a manner that ensures due process as outlined in this policy. MITT will take appropriate action using a victim-centered approach. It is MITT’s intent to make individuals feel comfortable about making a report in good faith about sexual violence and that they have been affected by or witnessed. This policy is not intended to prevent or discourage any member of the MITT community from exercising their rights under any other law, including the right to file a complaint with the Manitoba Human Rights Commission or to pursue criminal charges with the Winnipeg Police Service.

1.1 Principles

MITT is committed to the following:

- Assisting those who have been affected by any form of sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options and reporting to police, and appropriate work/academic and other accommodation;



- Ensuring that those who disclose they have been sexually assaulted are supported using a victim-centered approach, and that their right to dignity and respect is protected throughout the process of disclosure, investigation and institutional response;
- Treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests;
- Addressing harmful attitudes and behaviors that reinforce that the person affected by sexual violence is somehow responsible for what happened;
- Ensuring that internal investigation procedures are available even if the individual chooses not to make a report to the police;
- Ensuring coordination and communication among the various MITT departments that are most likely to be involved in the response to a reported sexual violence incident;
- Engaging in public education regarding awareness and prevention activities;
- Providing appropriate education and training to all members of the MITT community regarding sexual violence policies, protocols, and guidelines;
- Monitoring and updating policies, protocols, and guidelines to ensure that they remain effective.

2. Scope:

This policy applies to all members of the MITT community including but not limited to:

- All MITT employees including full-time, part-time, casual and contract;
- All MITT students including full-time and part-time secondary and post-secondary programs;
- All MITT Governing Board Members;
- Volunteers and visitors to the Institute; and
- All other persons who provide goods, services or facilities on behalf of MITT.

This policy also applies to incidents of sexual violence involving a member of the MITT community that occurs off MITT property, where there is a real and substantial link to the Institute.

In the case of an incident that MITT becomes aware of that involves an adult and a minor, this policy shall apply regardless of where or when the incident may have taken place. MITT shall provide support to any individual who reports an incident regardless of where it may have occurred.

This document complements other policies at MITT that deal with harassment, ethics, conduct and behavior. For a complete listing of these policies refer to section 15 of this policy under References.



3. Definitions

a) **Sexual Violence** means any sexual act or act targeting a person's sexuality, gender identity or gender expression – whether the act is physical or psychological in nature – that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Sexual violence can occur regardless of a previous relationship history.

b) **Sexual Harassment** is defined by the Manitoba Human Rights Commission as:

- A series of objectionable and unwelcome sexual invitations or advances; or
- One single sexual initiate or advance by a person in an authority position who should have known it was not welcome by the victim.
- A reprisal, retaliation or a threat of retaliation for rejecting a sexual solicitation or advance.

The unwanted behaviours may be physical or verbal, and may include one or more of the following:

- Unnecessary physical contact, such as touching, patting or pinching;
- Demands for sexual favours in return for a promise of a reward or a threat of reprisal;
- Unwelcome sexual remarks or jokes that put down one's gender;
- Displaying insulting, demeaning, or sexually explicit materials, such as pictures, cartoons or printed matter.

In addition to the previous definition, MITT also considers the following behaviours to be included in the definition of sexual harassment. This includes but is not limited to:

- Offensive or humiliating behavior based on a person's sex or gender;
- Behaviour of a sexual nature that creates an intimidating, hostile or poisoned work environment;
- Behaviour that could be reasonably thought to put sexual conditions on a person's job or academic opportunities;
- Questions and discussions about a person's sexual life;
- Persisting in asking for a date after having been refused;
- Writing sexually suggestive letters/notes or emailing sexual jokes;
- Displaying sexually oriented materials in view of others;



- Sexual exploitation is where a person takes advantage of another through abusive or non-consensual sexual or sexualized acts, such as photographing or recording (video/audio) an individual in a sexual activity or state of undress, with or without their knowledge, or disseminating pictures/recordings without consent.

What is not sexual harassment?

The Manitoba Human Rights Commission states that “Consensual banter or romantic relationships, where the people involved consent to what is happening, is not sexual harassment”. (<http://www.manitobahumanrights.ca/sexualharassment.html>).

- c) **Stalking** is the common term used for criminal harassment and will not be tolerated at MITT. Stalking is a criminal offense according to section 264 of the *Criminal Code of Canada* and is defined as conduct “that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them”.

Specific stalking behaviours outlined in the *Criminal Code* include:

- Repeatedly following from place to place the other person or anyone known to them;
- Repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;
- Besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or
- Engaging in threatening conduct directed at the other person or any member of their family.

MITT also includes the following unacceptable behaviours in the definition of stalking. This includes but is not limited to:

- Repeated phone calls, text, email or instant messages;
- Posting harassing, abusive or inappropriate messages online regarding another person;
- Sending unwanted gifts;
- Arriving uninvited to another person’s school, work, home or otherwise attempting to initiate unwanted meetings;
- Following, watching, or tracking another person or attempting to monitor the whereabouts of another person;
- Threats of harm to the person being stalked, or to their family, friends, pets or property;
- Contacting or harassing the other person’s employer, colleagues, friends or family;
- Acts of vandalism toward the other person’s property.



- d) **Sexual Assault** is any sexual act or activity with another person without consent or by the use or threat of force. This also includes touching with any object or body part. Sexual assault is characterized by a broad range of behaviors that involve the use of force, threats, or control toward a person, which makes that person feel uncomfortable, distressed, frightened, or threatened.

Consent

MITT recognizes that consent as defined in the *Criminal Code (Section 271)* is the voluntary agreement of an individual to engage in a sexual act. It is the act of willingly agreeing to engage in specific sexual behavior and requires that person is able to freely choose between two options: yes and no. Consent is never assumed or implied.

No always means no. Regardless of the situation, the tone of voice or relationship with the other person, saying no means you are not consenting to the sexual activity. “No” can be expressed by using words or it can be communicated through actions such as struggling or trying to leave. Even if you do not resist because you were too afraid this does not mean that you consented. You are not expected to put your life at risk. Consent can be withdrawn at any time. Consent does not imply or mean consent to a different sexual activity.

Consent is always required between all parties, regardless of previous sexual histories together. Previous consent to a sexual relationship or activity does not mean or imply ongoing consent to similar or continued sexual activities, In addition, a person’s overall sexual history cannot be used or interpreted to automatically mean or imply consent.

Consent can never be given by someone who is under the influence of alcohol or drugs. In addition, being under the influence of alcohol or drugs is not an excuse to believe that consent was given.

Section 273.1(2) of the *Criminal Code* states that there is **no consent** given in the following circumstances:

- a) the agreement is expressed by the words or conduct by a person other than the complainant. No one else can consent for you;
- b) the individual is incapable of consenting to the activity;
- c) the accused induces the individual to engage in the activity by abusing a position of trust, power, or authority;
- d) the individual expresses by words or conduct a lack of agreement to engage in the activity;
- e) the individual objects by words or conduct to continue to engage in the activity.



Age of Consent:

In Canada and Manitoba **16 is the legal age of consent** for sexual acts. Children under the age of 12 years can never legally consent to sex or sexual activity. There are variations of the age of consent for adolescents between the ages of 12 and 16. Twelve and 13 year-olds can consent to have sex with other youth who are less than two years older than themselves. Youth who are 14 and 15 years-old may consent to sexual activity that is mutual with a person who is less than 5 years older than themselves.

In addition, **consent cannot be given by anyone under the age of 18** when the sexual relationship would be considered **exploitative** to the young person. This includes where the other person has a relationship of trust or authority over them or they are dependent on that person. People in position of trust or authority include teachers, coaches, employers, family members and others.

In addition to the above, the following guidelines further clarify what is and what is not consent:

- Force may never be used to threaten or coerce someone into unwanted sex or sexual activities. Force includes the use or threat of physical violence or harm, or imposing on someone in any way to gain sexual access to that person. Forced sexual activity is by definition non-consensual and will not be tolerated at MITT.
- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgement cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person may be unable to give consent if they have a mental disability.
- It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement.

Various communication techniques will be employed to raise the awareness of what is and what is not consent (see section 4 of this policy). In addition, all members of the MITT community will receive mandatory training sessions on consent (see section 6 of this policy).



4. Awareness:

MITT is committed to raising the awareness level of the campus community regarding sexual violence. Awareness initiatives will focus on stakeholders understanding what is sexual violence, what is consent, what to do if you or someone you know has been a victim of sexual violence, where to get help, disclosure and reporting options, community resources, healthcare and counselling options.

MITT understands that communication techniques to reach different stakeholders may need to vary to effectively reach different sub-groups. For example, the use of social media may be more effective to reach students, while email may be more effective for employees. International students may have different cultural norms regarding sexual violence and may need additional information to understand what is sexual violence in Canada and what is or is not acceptable.

It is important to note that promoting awareness is an on-going activity. A commitment will be made to ensure that the appropriate members of the Senior Leadership Team are made aware of the legislation, policy, and issues surrounding sexual violence including a plan to communicate information to staff.

Various initiatives shall be undertaken by MITT such as website development, inclusion of sexual violence information during orientation for all members of MITT community, and further education and training initiatives.

5. Prevention:

MITT is committed to the prevention of sexual violence, or preventing violence before it occurs. Violence prevention strategies will vary with some being targeted at a very high level to reach a broad audience, while others will be targeted to very specific groups. Prevention strategies will be comprehensive and ensure that the target audiences receive the message multiple times to ensure sufficient exposure.

The following list provides some activities that will be employed by MITT to help focus on the prevention of sexual violence.

- Establishment of the MITT Sexual Misconduct Response Committee (SMRC) which is a small team of MITT staff members that oversees services for students that have experienced or have been impacted by sexual violence. Membership of this committee will be comprised of a cross-institutional representation of all areas of MITT.
- MITT will develop working relationships with community-based crisis centres in Winnipeg on an as needed basis.
- Prevention programming will be mindful that different communities on campus have different needs and will consider cultural differences. This includes immigrants, people of color, LGBTQ, disabled, and other students that may be more vulnerable to sexual violence than others. This also includes international students and study-abroad students on campus. MITT shall take into account the target audience in the planning, implementation, and evaluation of programming.



- MITT will strive to create an environment where the whole campus starts to think of themselves as proactive bystanders who can stand up and speak out against sexual violence.

6. Training

MITT is committed to providing appropriate education and training to all members of the MITT community in order to improve their understanding on sexual violence issues. Various methods will be used to reach different members of MITT community. Initiatives such as orientation, on-line learning sessions, workshops, speakers, and other forums all may be used individually or in combination to help facilitate training.

Additional training sessions where required will be individually tailored to reach specific target groups for those that have a larger role. For example, clinical services staff at MITT that provide counselling to MITT students on incidents of sexual violence will be provided with targeted training that ensure they have the required knowledge to successfully undertake their function.

Sexual violence training may need to be adapted at times to reach specific target populations that have different cultural differences if deemed appropriate.

Staff training will include an overview of how to support a victim/survivor who is reporting an incidence of sexual violence. Appendix “A” provides a guide for MITT staff to refer to when working with a victim/survivor who is making a report.

7. Complaint/Disclosure Procedures, Investigation Procedures & Response Protocols

a) Complaint/Disclosure Procedures

A disclosure or complaint is the sharing of information by a victim/survivor with any member of the MITT community concerning the incident of sexual violence whether on or off campus which is not made to the police or any other judicial official. A disclosure may or may not be for the purpose of accessing, supports, services, and/or accommodations.

Students:

Students are encouraged to make a disclosure to the MITT Student Services Department at 204-989-6512, studentsuccess@mitt.ca or in-person at 130 Henlow Bay. These individuals have specialized training to deal with sexual violence disclosures. A disclosure can also be made to any member of the MITT community who will forward the disclosure to the Student Services Department. All disclosures will be handled in confidence and will use a victim-centered approach. Any disclosure made by a student will also be forwarded to the Sexual Misconduct Response Committee (SMRC). Appendix “B” provides a list of the current members and their contact information.



MITT Staff:

Any MITT staff member that wishes to make a disclosure should contact the People Services Department at 204-989-6665, peopleservices@mitt.ca, or in-person at 7 Fultz Blvd. All disclosures will be forwarded to the Manager of People Services. Disclosures will be treated in confidence and will use a victim-centered approach. In a situation where the staff member discloses to another MITT staff member, the disclosure should be forwarded to People Services.

In a situation where the disclosure involves a student and a MITT staff member, both People Services and the Student Services Department should be made aware of the disclosure.

Where practical, the victim/survivor shall be made aware of the option of an informal resolution of the complaint. This could lead to a written agreement reached between the parties possibly involving the assistance of a mediator provided by MITT or from an off-campus agency. The process and the resulting agreement will be kept confidential.

MITT Governing Board Members:

Governing Board Members should make a disclosure to the Chair of the Board. In the event the Chair is directly involved in the incident, the disclosure should be made to the Vice Chair or designate.

b) Reporting of Sexual Violence:

A reporting of sexual violence is the sharing of information concerning an incident of sexual violence that includes either making a formal report with MITT or reporting the incident to the police or other third-party organization.

There are a number of possible reporting options available to a victim/survivor who has experienced an incident of sexual violence. Victims/survivors should be aware that there may be a different end result for each reporting and investigation option. MITT will present all available options to the individual and respect their decision on how they wish to proceed.

The victim/survivor may choose more than one of the options listed below, or none of them, should they choose not to address the incident directly with the person accused. When an incident or report involves a student under the age of 18, the student's parents/guardians will be included in the decision-making process to determine which of the reporting options to take.

Some External Reporting Options:

- **Winnipeg Police:**

911 Emergency, **204-986-6222** non-emergency, **204-986-6245** Sex Crimes Unit

This may result in a police investigation, criminal charges and court proceedings. A police report may also involve a protection or restraining order. This may also lead to a medical examination of the victim/survivor to address the physical injury and/or to obtain medical forensic evidence.



- **A complaint filed with the Manitoba Human Rights Commission.** This would likely include an independent investigation and/or mediation led by the Commission, and could result in a formal hearing where damages (financial compensation) could be awarded.
- **Victim Services, 204-986-6350**
Provide crime victims with information about their case at any stage of the investigation and assists them in dealing with problems they have encountered due to the crime.
- **Klinic 24/7 Sexual Assault Crisis Line 204-786-8631**
The sexual assault crisis program offers short-term counselling and focuses on sexual assault trauma. Counselling is also available to friends or family members (secondary victims who have been impacted by the sexual assault).
- **Civil Claim.** Victims/survivors may launch a civil suit against the alleged perpetrator for damages suffered. This would not be the responsibility of MITT.

MITT Reporting Options:

Students:

Students shall make a formal report to the MITT Students Services Department which would lead to a formal investigation by the SMRC. A victim/survivor has the right to withdraw a complaint at any stage of the process. However, MITT may continue to act on the issue identified if there are safety concerns or legal obligations.

MITT Staff:

Staff shall make a formal report to the People Services Department which would lead to a formal investigation by People Services. A victim/survivor has the right to withdraw a complaint at any stage of the process. However, MITT may continue to act on the issue identified if there are safety concerns or legal obligations.

If a reported incident involves a staff member and student, the report will be reviewed by both People Services and the SMRC.

MITT Governing Board Members:

Governing Board Members shall make a report to the Chair of the Board. In the event the Chair is directly involved in the incident, the report shall be submitted to the Vice Chair or designate. Depending on the nature of the incident, notification may be needed to People Services and/or the Province of Manitoba.



When receiving a report, MITT staff will do as much as possible to provide support and ensure that the victim/survivor is consulted before any additional staff or off-campus agencies become involved.

Individuals should be aware of the importance of immediately reporting an incident or assault so that any evidence can be preserved. A delay of more than four days post-incident in reporting could limit the amount of physical evidence available, which could impact a criminal investigation. However, victims/survivors should also know that they can report an incident days, weeks, months or even years after it occurred.

Other reporting considerations for victims/survivors:

- MITT respects and supports the victim/survivor's choice of whether or not to pursue an investigation and/or a formal or informal resolution following an incident.
- Where a complaint of sexual violence has been disclosed or reported to MITT, the Institute shall protect and respect the rights of both the victim/survivor and the accused.
- Within the limits of any applicable legislation and safety risks to individual students, staff and the MITT community, MITT will always respect the privacy and confidentiality concerns of those reporting an incident of sexual violence.
- MITT will respect different cultural sensitivities regarding sexual violence when receiving any disclosure or report of an incident.
- When a victim/survivor chooses to file a report with the Winnipeg Police Service, or pursue a formal complaint with MITT or the Manitoba Human Rights Commission, victims and/or the accused may not have the option of remaining anonymous.
- Victims/survivors are always able to access personal supports and counselling services regardless of the reporting and investigation options chosen.
- All notes and documentation associated with a report of sexual violence will remain confidential and will be stored and maintained by MITT in compliance with the *Manitoba Freedom of Information and Protection of Privacy Act*, *The Personal Health Information Act*, MITT's Privacy and Access to Information Policy and any other applicable legislation regarding student and employee records.
- If an incident is under investigation by the police, Manitoba Human Rights Commission, or any other external agency, MITT reserves the right to proceed with a separate on-campus investigation, or, to discontinue any MITT-led investigation.
- Victims/survivors who have experienced sexual violence or who have been accused will be treated and advised according to the principles of procedural fairness and natural justice. This will include providing the person accused of the sexual violence an opportunity to respond to the allegations made against them.



c) Investigation of Sexual Violence:

An investigation is a formal process undertaken in response to a report of an incident of sexual violence.

Students:

All incidents reported by students will be investigated by the SMRC in conjunction with the Academic Department.

MITT Staff:

All incidents reported by staff will be investigated by the People Services Department.

If the incident being reported involves a staff member and student, the investigation will be jointly undertaken by the SMRC and the People Services Department. Any investigation may also include Campus Security, and/or an independent investigator. The police may be contacted as well during the investigation.

The SMRC and/or People Services will conduct an assessment of all formal complaints made to MITT to determine whether or not an investigation should proceed. The complaint will normally be in writing and must include the following:

- The name of the victim/survivor and contact information;
- A description of the alleged incident;
- An approximate date of when the alleged incident occurred;
- The name of the accused and contact information if available;
- An indication that the victim/survivor desires an investigation; and
- Signature of the victim/survivor.

The nature of the investigation will depend on the allegations and wishes of the victim/survivor. An initial preliminary investigation may result in the recommendation of an informal resolution between the victim/survivor and the accused.

If a formal investigation is warranted, The SMRC in the case of a student or People Services in the case of a MITT staff member, may lead the investigation, or may wish to retain external consultants to conduct the investigation. The nature of each investigation may vary, but will normally include any of the following:

- Interviewing witnesses;
- Reviewing documents and records;
- Reviewing photographs, audio, and video recordings;
- Examining physical evidence; and
- With the consent of participants, arranging for medical and/or psychological evaluations.

In addition, the investigation will consider all applicable federal and provincial legislation, collective agreements and applicable policies at MITT.

Investigations will be conducted in accordance with rules of procedural fairness.



An investigation will normally be completed within **sixty (60)** working days from when the initial report was filed. The timeframe may be extended in instances where additional information is required. A written summary of the results of the investigation including any corrective or disciplinary action will be distributed to the victim/survivor and the accused and reported to the fewest possible individuals at MITT that need to know. Information will be provided in accordance with *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

d) Rights of the Victim/Survivor of a Sexual Violence Incident

Wherever possible, any person who has experienced sexual violence will retain control on how the file is handled by MITT. However, MITT has an obligation to protect the campus community from harm and reserves the right to initiate an investigation even without the consent of the victim/survivor if there is a potential safety risk or if required by law. In such a case the victim/survivor will be notified of the investigation.

For any victim/survivor **over 18 years of age**, reporting an incident or seeking support from MITT does not require a police report or criminal charges to be filed. In addition, police involvement or criminal charges are not required for MITT to investigate or to take administrative or disciplinary action toward any individual accused of sexual violence. For staff and adult students, it is always their choice and decision as to which supports to access and the type of follow-up action to be taken, unless there is a safety concern or legal requirement.

For students under 18 years of age, MITT is required by law to notify police and/or parents/guardians when an incident of sexual violence is reported involving a victim/survivor, or accused, who is a minor. MITT reserves the right to investigate and take appropriate administrative or disciplinary action to resolve an incident of sexual violence involving a minor.

e) Discipline:

Any individual who is found to be in breach of the Sexual Violence Policy will be subject to disciplinary action as follows:

(i) Incident Involves Students

Where the individual is a student, the discipline will be implemented in accordance with the Student & MITT Expectations Policy, Student Discipline Policy and the Student Behaviour Policy. The ages of the students involved in a disciplinary issue or incident may be taken into account.

The result of a formal complaint may result in disciplinary action up to and including student suspension/expulsion.



(ii) Incident Involves MITT Staff

Where the individual is a MITT staff member the discipline will be implemented in accordance with the Relationships and Boundaries with Students Policy, Staff Ethics & Code of Conduct Policy, Off-Duty Conduct by Employees, Non-Discrimination Policy, Progressive Discipline Policy, and any applicable collective agreements.

The result of a formal complaint may result in disciplinary action up to and including termination of employment.

(iii) Incident Involves a Governing Board Member

Where the individual is a Governing Board Member the discipline will be implemented in accordance with the Complaints to the Board or Individual Board Members Policy and the Board Code of Conduct/Board Confidentiality Policy.

The result of a formal complaint involving a Governing Board Member could lead up to and including a recommendation to the Provincial Government to remove the Member.

(iv) Incident Involves an External Stakeholder

Volunteer, contractors, suppliers and visitors who attend on campus will be subject to complaints of sexual violence if they engage in prohibited conduct. Where a complaint is substantiated, MITT will take appropriate actions. The Vice-President of Administration & Finance or designate will make any determination regarding the individual's continued access to MITT in accordance with the following policies.

Where an incident involves a volunteer the Staff Ethics and Code of Conduct Policy would apply. The result of a formal complaint could result up to and including the permanent termination of all volunteer activities at MITT.

Where an incident involves an independent contractor a formal complaint could lead up to and including the termination of the contract. All contractual relationships will be governed by a standard contract that includes a right of termination clause.

Where an incident involves an external supplier a formal complaint could lead up to the termination of the individual whom the complaint was about, or the termination of all business dealings with the supplier.

Where an incident involves a visitor, a formal complaint could result up to and including the permanent loss of visiting rights to any MITT facility.



f) Supports for Students and Staff

MITT students and staff who have experienced any type of sexual violence, on or off campus, are encouraged to seek help. Support and referrals are available from MITT before or during the reporting, investigation, and recovery phases following an incident or complaint. Help and referrals are available to students, staff, volunteers and others who experience sexual violence, to those who are secondary victims, and to those who are accused of sexual violence.

Refer to Appendix “C” of this policy for a listing of supports available.

g) Reasonable Accommodation

If a disclosure is made by an employee or volunteer seeking accommodation in relation to the incident, the individual should be referred to People Services. If the disclosure is made by a student, he/she should be referred to Student Services. In either situation, MITT personnel will support the most appropriate accommodations for the victim/survivor.

h) Protection from Reprisals, Retaliations or Threats

MITT’s ability to provide a safe and respectful learning environment depends on all members of the MITT community being confident to come forward and report an incident of sexual violence.

It is prohibited for any staff member, student, or Governing Board Member to engage in any form of reprisal, retaliation or threat towards any person who has disclosed or reported an incident of sexual violence.

Any individual who makes a disclosure under this Policy, or cooperates in an investigation made under this Policy, and subsequently experiences or believes that they have experienced a reprisal as a result of the disclosure should document the details and immediately inform the SMRC Committee and/or the Student Services Department – Student Advisors, Social Work, Psychology and/or the People Services Department and/or the Office of the President of MITT. All allegations of reprisal will be investigated and if justified appropriate corrective steps will be taken. Any person engaging in acts or reprisal will be subject to disciplinary action up to and including termination of employment or expulsion of academic standing from MITT.

i) Bad Faith Disclosures

Any person found to have made a disclosure in bad faith or in breach of this policy will be subject to appropriate disciplinary action and possible legal action.

8. Consultation

This policy was developed in consultation with both students and staff of MITT.

All students and staff were emailed a draft copy of the Sexual Violence policy and invited to provide feedback. In addition, MITT held two campus meetings that all students were invited to where they were given an opportunity to hear directly from senior MITT academic staff and provided another opportunity to provide feedback on the draft policy.



9. Cultural Sensitivity

Whereas anyone can be the target or perpetrator of sexual violence MITT recognizes that:

- Women including Trans women, Indigenous women, women with disabilities, newcomer women, women from ethnocultural communities, young and senior women are much more likely to be the targets and survivors of sexual violence;
- The impact of sexual violence is experienced differently by different survivors based on their identities and experiences;
- Males are also targets and survivors of sexual violence.

MITT staff will be made aware of cultural sensitivity and sexual violence and how victims/survivors from different backgrounds may require additional supports.

10. Policy Accessibility

MITT will maintain a dedicated section on its external website on sexual violence which will include a link to this policy and other pertinent documents. The policy will also be included in MITT's Board Governance Manual. The policy will be identified to all new staff, students, volunteers and Board Members at initial orientations.

11. Public Reporting

MITT shall track activities that fall under this policy and publically report the statistics on an annual basis. Examples of activities that may be reported include:

- Total number of staff and students that attend training sessions on sexual violence.
- Number of workshops and how many individuals attend.
- Number of Lunch and Learn sessions and how many individuals attend.
- Other initiatives such as crime prevention audit, formation of working relationships with agencies, facilitated training sessions led by outside experts, etc.

MITT will not disclose any information that may identify a staff member or student, who experiences sexual violence or the accused.

The report will be made available to the public on request.

12. Confidentiality

Confidentiality is particularly important to those who have disclosed or have been impacted by sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed. This includes both the victim/survivor and the accused. All privacy legislation and MITT's policy on Privacy and Access to Information shall be strictly adhered to.



All persons involved in the investigation of a complaint must keep the nature of the investigation confidential and any information obtained as a result of the investigation confidential. Sharing information internally within MITT is to be restricted to the fewest number of individuals as possible who have a need to know. Any person breaching confidentiality may be subject to disciplinary action, up to and including termination of employment or expulsion of academic standing from MITT.

However, in the following limited circumstances confidentiality cannot be assured:

- Where it is deemed an individual is at imminent risk of self-harm;
- The information is necessary to prevent or lessen a serious and immediate threat to public safety or public health;
- Reporting is required by law (e.g., in the case of a minor);
- It is necessary to ensure procedural fairness in an investigation or other response to a report;
- To obtain confidential professional advice; or
- The person the information is about has provided written consent to the release of the personal information.

If any information about the complaint is required to be disclosed in accordance with the Policy, the disclosure shall be the minimum amount required to accomplish the purpose for which the disclosure is required.

13. Administration:

The President and CEO of MITT is responsible for ensuring that this policy is adhered to.

14. Review

A comprehensive review of this policy will be conducted every four years from when the policy became effective which will include consultation with students and must be approved by Executive Council.

15. References:

Legislation and Government Documents:

The Advanced Education Administration Act

The Manitoba Human Rights Code

The Freedom of Information and Protection of Privacy Act and Regulations

The Personal Health Information Act and Regulation

The Accessibility for Manitobans Act

Manitoba Post-Secondary Sexual Violence Policy Guide – Promoting Awareness and Prevention



MITT Policies:

Accessible Customer Service Policy
Non-Discrimination
Off-Duty Conduct by Employees
Privacy and Access to Information
Progressive Discipline
Relationships and Boundaries with Students
Respectful Workplace and Harassment Prevention
Staff Ethics & Code of Conduct
Student Behaviour Policy
Student Discipline Policy
Student & MITT Expectations Policy
Violence Prevention Policy

Other Documents:

Manitoba Teachers' Society Code of Professional Practice
MITT Collective Agreement



APPENDIX “A”

GUIDE FOR MITT STAFF WHEN RECEIVING A SEXUAL VIOLENCE REPORT

- Assure the victim/survivor that your conversation will be confidential and that they can trust you to receive their report; you will consult with them first before anyone else is brought into the conversation.
- Try to determine if the victim/survivor is in immediate physical danger from another person or if there is any risk of suicide or self-harm.
- Try to determine if the victim/survivor requires and is willing to seek medical attention for their physical and/or mental health.
- Listen to the victim/survivor without judgement – be patient.
- Do not minimize their feelings or reactions to the incident.
- Phrases to consider using:
 - “I’m sorry this happened.”
 - “I’m so glad you are sharing this with me,”
 - “It’s not your fault.
 - “I believe you.” (avoid asking “why” questions)
 - “You are not alone.”
 - “You can trust me.”
 - “This doesn’t change how I think of you.”
- Provide referrals to on- and off-campus supports (see Appendix “C”).
- Explain how MITT may be able to formally respond and investigate (SMRC); confirm the victim/survivor is in agreement before the SMRC is consulted or given any information provided by the victim/survivor.
- Give the victim/survivor time to consider their options – **support their decisions.**



APPENDIX “B”

SEXUAL MISCONDUCT RESPONSE COMMITTEE

Ryan Filteau, Senior Manager, Student Success 204-989-7180 ryan.filteau@mitt.ca
130 Henlow Bay – Student Services

Rebecca Brooks, Dean, Academic Programs, 204-989-7168, rebecca.brooks@mitt.ca
130 Henlow Bay – Student Services

Jason Mahon, Manager, Operations and Facilities 204-989-6531 jason.mahon@mitt.ca,
130 Henlow Bay

Shari Loewen, Manager, People Services 204-989-2872 shari.loewen@mitt.ca,
7 Fultz Blvd.



APPENDIX “C”

SUPPORTS FOR STUDENTS AND STAFF

Supports include:

- **Health Sciences Centre, Emergency Department (204) 786-8631**
A Sexual Assault Nurse Examiner (SANE) trained in medical examination and the legal, forensic, and psychological needs of sexual assault survivors is available 24/7.
- **Klinic Sexual Assault Crisis Program (204) 786-8631**
Counsellors are available through Klinic’s 24/7 Sexual Assault Crisis Program for immediate, confidential counselling by phone. Klinic Staff can meet victims at the hospital to give support during the reporting process, and will assist in obtaining medical, legal, and social services. Klinic also offers short-term, in-person counselling to recent or past victims of sexual assault and to their families, friends and supporters, with no wait-lists or fees.

All contact with Klinic is confidential and services may be accessed regardless of whether an individual is prepared to report the sexual violence incident to police, or to MITT.

- **Mount Carmel Clinic (204) 582-2311**
Offer health and counselling services. Website identifies health services to all groups including immigrants, refugees, indigenous, LGBT amongst others.
- **Ka Ni Kanichihk – Heart Medicine Lodge (204) 953-5820**
KaNi Kanichihk’s Heart Medicine Lodge provides culturally based support and advocacy services for Indigenous women and those who identify as women who have experienced sexual assault and sexual violence (18 years and older).
- **Domestic Violence Crisis Line 1-877-977-0007**
Provides counselling on domestic violence 24/7 days a week.
- **Deaf Access Counselling TTY: 204-784-4097**
Operates 24/7 days a week.



Additional Support for Students Only:

- **MITT Clinical Services – Social Work and Psychology**

204-989-6512 studentsuccess@mitt.ca 130 Henlow Bay – Student Success Centre

The clinical services staff at MITT can provide counselling for MITT students seeking support for an incident of sexual misconduct. Social Work and Psychology services are available between 8:30 am and 4:30 pm on Tuesday, Thursday and Friday. Students may have a preliminary meeting with a Student Advisor prior to seeing a clinician.

All information shared with an MITT clinician is confidential, except where there is a risk of imminent harm to self, others, or the campus community.

Clinicians working with students under the age of 18 may be required by law to notify parents, guardians, or police if a minor has been involved in an incident of sexual misconduct.

- **Kids Help Phone 1-800-668-6868**

Operates 24/7 days a week. Provides anonymous phone counselling, web counselling and referral service for youth.

Additional Support for Staff and Volunteers Only:

- **MITT People Services Department**

204-989-2872 or peopleservices@mitt.ca

People Services at MITT can provide counselling and additional referrals and support for any staff member or volunteer that seeks support from an incident of sexual violence. People Service Consultants are available during regular office hours. It is recommended to schedule an appointment but drop-ins will be accommodated if a consultant is available.

All information shared with any member of People Services is confidential, except where there is a safety risk.