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| POLICY: Sexual Violence and Misconduct Policy | | POLICY NUMBER: SV-1 |
| | | PREVIOUS/REPLACES: Sexual Violence Policy |
| APPROVED BY: Executive Council | EFFECTIVE DATE AS OF: January 20, 2025 | PRIOR VERSIONS: November 16, 2021 April 7, 2020 November 23, 2017 |

See the related [PROCEDURES](#)

1. Policy Statement

The Manitoba Institute of Trades and Technology (MITT) is committed to cultivating a campus environment where Sexual Violence and Misconduct are not tolerated, and to ensuring that those impacted by Sexual Violence and Misconduct are supported.

This policy outlines MITT's commitment to:

- Promoting a safe and inclusive learning environment free from sexual violence and misconduct.
- Educating the MITT community regarding our shared responsibility for creating a culture of consent, and preventing sexual violence by rejecting harmful attitudes and behaviors that perpetuate rape culture.
- Supporting survivors by offering information, counselling, facilitating access to medical services, and academic accommodations.
- Establishing clear, fair, and respectful processes for reporting, investigating, and resolving complaints.
- Holding accountable those found to have breached the policy.
- Ensuring compliance with relevant legislation, including sections of [The Advanced Education Administration Act](#) pertaining to sexual violence policies.

2. Scope

This policy applies to all Members of the MITT Community and all acts of Sexual Violence or Misconduct where there is a clear connection to the learning or working environment at MITT, and where the incident(s) occurred:

- On-campus: Including MITT property, buildings and spaces either rented or owned.
- Off-campus: Engaging in MITT-related activities, including:



- i. Academic activities such as a course, co-op or practicum placement, or any other work-integrated learning activities;
- ii. Co-curricular activities including student clubs, field trips and events;
- iii. Staff and/or student related activities or events; and
- iv. Virtual environments including social media, where the community member is participating in a MITT course, program, or event, represents MITT, or is otherwise engaged in a MITT-related activity.

In the case of an allegation of sexual violence that MITT becomes aware of involving 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 policy complements existing MITT policies addressing harassment, ethics, conduct and behavior. For a complete listing of these policies refer to Section 15 of this policy under References.

3. Definitions

For the full list of definitions, see Appendix A.

- a) **Complaint:** A Complaint is a written statement of facts that alleges Sexual Violence or Misconduct involving a community member. A Complaint can be made by someone who has experienced or been a witness to Sexual Violence or Misconduct.
- b) **Consent:** Clear, voluntary, and mutual agreement to engage in sexual activity.
- c) **Disclosure:** The communication to any member of the MITT Community of an experience of Sexual Violence or Misconduct. A Disclosure can be made to seek support and/or to learn about the options to make a Complaint but does not constitute a complaint or result in an investigation, except where required by this Policy.
- d) **Member of the MITT Community (“Community Members”):** all registered MITT students (including full-time and part-time students attending secondary, post-secondary, or continuing education programs), MITT employees (including full-time, part-time, casual, and contract), MITT Governing Board members, volunteers and visitors to MITT, and all other persons who provide goods, services, or facilities on behalf of MITT.
- e) **Respondent:** The person whose actions are alleged to have constituted sexual violence or misconduct and is the subject of the Complaint.



- f) **Sexual Violence and Misconduct:** Any unwanted sexual act, behavior, or communication that occurs without consent. This includes sexual assault, harassment, stalking, exploitation, indecent exposure, and any other conduct of a sexual nature that violates an individual's autonomy, dignity, or boundaries.
- g) **Survivor:** Someone who has experienced sexual violence. Although the term survivor is used throughout the Policy, the person who has experienced sexual violence has the right to determine how they choose to identify and recognize their own experience.

4. Guiding Principles

Equity, Diversity and Inclusion

MITT values equity, diversity, and inclusion within its diverse community of students and staff. Efforts to address and prevent Sexual Violence and Misconduct are guided by intersectionality, recognizing that experiences differ based on factors such as gender identity, Indigeneity, race, socioeconomic status, trauma, age, sexual orientation, ability, faith, or immigration status.

MITT recognizes that sexual violence, while possible across all identities and relationships, is a form of gender-based violence disproportionately affecting women and gender-diverse individuals. Certain groups, including Indigenous women, women with disabilities, newcomer and ethnocultural women, LGBT2SQ+ individuals, and international students, may face heightened risk due to intersecting identities.

Trauma-Informed Process

MITT recognizes that experiencing Sexual Violence and Misconduct, as well as participating in the Disclosure or Complaint process, can cause or exacerbate trauma. Acknowledging that all parties involved may have past experiences of trauma, MITT commits to embedding Trauma-Informed and Harm-Reduction Approaches into its policy, procedures, guidelines, and staff training to minimize harm for Survivors/Complainants, Respondents, and those managing Disclosures and Complaints.

This policy promotes accountability by encouraging acknowledgment of harmful actions and their impacts. It prioritizes the needs and well-being of those affected, while addressing systemic harm and colonization. Efforts will focus on repairing harm, fostering healing, and centering survivors' voices, with respect for dignity, autonomy, and the intersections of oppression.

Statement of Rights of Complainant and Respondent

All persons who Disclose or file a Complaint about an incident of Sexual Violence or Misconduct can expect from MITT:



- a. To be treated with compassion, dignity, and respect, and to not be questioned about their past sexual history
- b. To be respected in their choice as to whether they wish to Disclose or file a Complaint regarding their experience, and to be provided clear explanations of the limits to confidentiality associated with different reporting options
- c. To be informed about available on- and off-campus services and resources and have the autonomy to choose whether to access those services, as well as which services will be most beneficial
- d. To receive timely assistance with safety planning, appropriate academic and/or workplace accommodations, and measures to prevent further contact with the alleged Respondent
- e. To have their personal information and disclosure of their experience kept confidential unless they have agreed to share it, except in limited cases where Disclosure is required by law, in which case the Survivor will be told when their information will be shared
- f. Where a Survivor chooses to file a Complaint, a fair and unbiased investigation process, regular updates on its status, and a clear outline of the procedures involved

All Respondents alleged to have violated this policy can expect from MITT:

- a. To be treated with compassion, dignity, and respect, and to not be questioned about their past sexual history
- b. To be presumed to have not violated this policy until a fair Investigation is completed
- c. To be informed about available on- and off-campus services and resources and have the autonomy to choose whether to access those services, as well as which services will be most beneficial
- d. To have their personal information and disclosure of their experience kept confidential unless they have agreed to share it, except in limited cases where disclosure is required by law, in which case the Respondent will be told when their information will be shared
- e. Where a Complaint is filed:
 - i. to receive prompt notice and information about the allegations against them, including a summary of allegations and evidence
 - ii. to be advised of the possible sanctions and consequences
 - iii. to have a reasonable opportunity to respond to the allegations
 - iv. to have a procedurally fair and unbiased investigation process, regular updates on its status, and a clear outline of the procedures involved

5. Prevention, Education, and Training

MITT is committed to raising awareness of sexual violence and misconduct within the campus community through comprehensive initiatives that promote understanding of consent, reporting options, and available support resources.



Awareness initiatives will include the development of a dedicated website, integration of Sexual Violence and Misconduct information into orientation sessions for all MITT Community Members, and ongoing education and training programs. MITT acknowledges that promoting awareness is an ongoing effort, and leadership will remain informed of relevant legislation and policies to facilitate effective communication with staff.

Training is a critical component of MITT's approach, aimed at enhancing understanding of sexual violence issues among all community members. Various methods—such as orientation sessions, online learning, workshops, and guest speakers—will be utilized to deliver training effectively. Specialized training will be provided to staff in roles that require a deeper understanding, such as clinical services personnel who counsel students. Additionally, staff training will include guidance on supporting victims/survivors during the reporting process, ensuring they are equipped to handle disclosures with sensitivity and knowledge.

6. Disclosures

Any Community Member can make a Disclosure, including Survivors and third party disclosures. The decision to Disclose and the decision to make a Complaint are separate decisions and an individual may choose to Disclose but not to make a Complaint. MITT will respect an individual's choice and a Disclosure will not result in a Complaint or an Investigation or any other action by MITT, subject only to the exceptions indicated in Section 10 of this Policy. Any individual who makes a Disclosure can choose to submit a Complaint later if they wish.

Alcohol and Drug Immunity Clause

Those who wish to make a Disclosure or Complaint will not face any disciplinary consequences for any drug or alcohol use related to the incident.

7. Supports, Services, and Protections

MITT will make appropriate support services, assistance, and accommodations available to Members of the MITT Community on the basis of a Disclosure, regardless of whether they decide to make a Complaint or whether MITT has the Jurisdiction to Investigate. If information about the Survivor or the Disclosure must be shared in order to allow the Survivor to access support services and assistance, the information shared will be limited to the information required to provide the services or support.

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 to directly or indirectly intimidate, threaten, pressure, discriminate against, harass, or take revenge on



anyone who:

- a. Makes a Disclosure or Complaint about Sexual Violence or Misconduct, or
- b. Participates in an Investigation under this policy.

Anyone found to be retaliating against a Survivor, Discloser, or Complainant will face disciplinary action up to and including termination of employment or expulsion from MITT.

8. Complaints

Making a Complaint to MITT occurs when a MITT Community Member who has experienced Sexual Violence or Misconduct pursues a formal process involving an expectation that action be taken against the Respondent. Any person who experiences or witnesses Sexual Violence or Misconduct involving a Member of the MITT Community may make a Complaint to MITT.

Withdrawing a Complaint

The decision to make a Complaint regarding Sexual Violence or Misconduct is the choice of the Community Member affected. Anyone who files a Complaint has the right to withdraw the Complaint at any time and has the right not to participate in any MITT Investigation. In such cases, the Sexual Misconduct Response Committee will decide how to address the Complaint in the interest of protecting the larger community. If a Complaint is withdrawn, MITT supports and accommodations are still available for both the Complainant and Respondent.

Interim Measures

MITT reserves the right to institute Interim Measures it deems appropriate to prevent retaliation and protect the safety of the MITT Community and its members during an evaluation of a Complaint or pending the outcome of an Investigation. Interim Measures are not disciplinary and do not indicate a finding of misconduct. MITT will aim to implement the least disruptive Interim Measures, regularly checking in with the individuals involved to assess their effectiveness and make adjustments if needed, ensuring the measures do not unfairly restrict anyone's rights or act as disciplinary actions.

9. Jurisdiction

The procedures available to MITT to address Complaints of Sexual Violence or Misconduct only apply to Complaints where:

- a. The Complainant was a Member of the MITT Community at the time of the alleged incident.
- b. The Respondent was a Member of the MITT Community at the time of the alleged



incident.

- c. The Respondent is a Member of the MITT Community at the time the Complaint is filed.

If at any time during the Investigation or decision-making process, the Respondent's relationship with MITT ends, MITT may:

- a. Halt the process, with the option to resume if the Respondent returns to MITT; or
- b. Proceed with the process to its completion, whether or not the Respondent chooses to participate.

A student who is also a MITT staff member who commits Sexual Violence or Misconduct may be subject to sanctions both as a student and an employee in accordance with the relevant collective or employment agreement and policies.

10. Confidentiality

MITT will treat Disclosures and Complaints of incidents of Sexual Violence and Misconduct as confidential in accordance with the provisions of the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act.

In some circumstances, confidentiality may not be maintained where information needs to be shared to address a safety concern to Members of the MITT Community or in cases where employees are legally required to share the information. If MITT receives information which suggests any of the situations below, MITT may not be able to maintain confidentiality:

- a. Where there are reasonable grounds to believe an individual is at imminent risk of self-harm
- b. There are reasonable grounds to believe that an individual may pose a risk or threat to Community Member who has made a Disclosure or submitted a Complaint
- c. There are reasonable grounds to believe an individual poses a threat or risk Community Members
- d. The information is necessary to prevent or lessen a serious and immediate threat to public safety or public health
- e. Where reporting is required by law (such as in cases involving a minor, obligations relating to occupational health and safety, human rights legislation, or community safety)
- f. Where information is necessary to ensure procedural fairness in an Investigation or other response to a Complaint

MITT reserves the right to start an internal investigation or notify law enforcement without the Consent of the person Disclosing or filing a Complaint of an incident of sexual violence or misconduct. This step may be taken if MITT believes the circumstances present a risk to the safety of any Member of the MITT Community, or if the situation has the potential to negatively impact public confidence in MITT as a safe and responsible institution. Such actions are considered reasonable and necessary if MITT determines that failure to act could undermine trust in MITT's commitment to providing a secure environment for all Community Members.



All individuals 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 possible who have a need to know. Any person breaching confidentiality may be subject to disciplinary action.

11. Policy Accessibility

MITT will maintain a dedicated sexual violence section on its public website 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.

12. Maintenance of Statistics and Public Reporting

MITT will maintain and produce a public Sexual Violence and Misconduct report. This report will compile annual statistics on the supports, services, and accommodations provided to Disclosers and Complainants, including information about awareness and prevention initiatives for students and staff relating to Sexual Violence and Misconduct. MITT will not disclose any information that may identify a Survivor, Discloser, or Respondent. The report will be made available to the public on request

13. Administration

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

14. Review

A comprehensive review of this policy will be conducted every two years from when the policy became effective. This review will include consultation with students and must be approved by Executive Council. Results of the consultation efforts will be publicly posted on the MITT website along with the revised version of the policy. Policy Committee members will be made aware of the principles of a Trauma-informed Approach and their applicability to this Policy.

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

Code of Conduct and Staff Ethics

Off-Duty Conduct by Employees Privacy and Access to Information Progressive Discipline

Relationships and Boundaries with Students

Respectful Workplace Harassment Prevention and Non-Discrimination

Student Behaviour Policy

Student Discipline Policy

Student and MITT Expectations Policy Violence Prevention Policy

Other Documents

Manitoba Teachers' Society Code of Professional Practice

MITT Collective Agreement



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| Sexual Violence and Misconduct Procedures | POLICY NUMBER: SV-1 |
| | PREVIOUS/REPLACES: Sexual Violence Policy |

See related [POLICY](#)

Purpose

The purpose of these procedures is to provide specific guidance regarding the MITT’s expectations for disclosures, complaints, investigations, and provision of supports for incidences that fall within the scope of the Sexual Violence and Misconduct Policy (otherwise referred to as “the Policy”).

Procedures

1. Disclosures

a. Process Options

Any individual who experiences or witnesses Sexual Violence or Misconduct, or has reason to believe that Sexual Violence or Misconduct involving a Community Member has occurred or may occur, may pursue any or all the following options:

- i. Seek support and academic or non-academic accommodations
- ii. Make a Disclosure (without a Complaint)
- iii. Make a formal Complaint
- iv. Make a report to the police or community victim services

b. Making a Disclosure

Those receiving a Disclosure will limit sharing of in order to implement the Policy, including providing support, accommodation, interim measures, and the investigation processes.

A Disclosure is not the same as a Complaint under the Policy and generally does not initiate an Investigation or other process except where MITT has a reason to believe one of the following circumstances applies:

- i. A person is at risk of self-harm or of harming others;
- ii. There is an imminent risk of harm to the MITT Community and/or the broader community



- iii. The Disclosure involves Sexual Violence or Misconduct by an employee or representative of MITT
- iv. A person under the age of 18 is involved; or
- v. Disclosure is otherwise required by law

In these instances, the minimum amount of information needed to meet legal or other obligations will be disclosed, and every effort will be made to involve the person making the Disclosure in decision-making and to reduce harm. Any instructors or MITT staff who are unsure about their responsibility to disclose should seek advice from the Manager of Student Services, Financial Aid and Awards (SSFAA) or a member of the Sexual Misconduct Response Committee (SMRC).

Staff receiving a Disclosure are encouraged to, on a confidential basis, consult or seek the assistance of other internal personnel or resources of MITT to facilitate the safety, follow-up, and support of those involved in a Disclosure of Sexual Violence or Misconduct.

c. Student Disclosures

While a Disclosure can be made to any MITT Community Member, those making a disclosure are encouraged to contact Student Services directly. Student Services will provide expertise in obtaining supports and services as well as information regarding options for making a Complaint regarding the incident. Students also have the option to submit a report regarding an incident of Sexual Violence online, either anonymously or not, via REES (Respect, Educate, Empower, Survivors).

In general, support and accommodation will be coordinated by the Manager of Student Services, Financial Aid and Awards (“Manager of SSFAA”).

d. Student Disclosure Response

Staff who receive Disclosures of Sexual Violence or Misconduct (“Disclosees”) are encouraged to provide empathetic listening and emotional support while maintaining professional boundaries. It is crucial that they refrain from assuming the role of a counsellor or providing therapeutic advice. Instead, staff should guide the individual to appropriate, qualified counseling services and support resources to ensure they receive the necessary professional assistance. This approach fosters a safe environment for individuals Disclosing their experiences while ensuring that staff remain within their professional roles.

Disclosees should not take steps to address the alleged act of Sexual Violence or Misconduct on their own initiative and outside of formal processes. They should also be conscious of their own biases and assumptions, and refrain from making judgements regarding the Discloser as well as the Respondent.

All MITT staff, who are not professional counsellors, who receive a Disclosure from a Student shall take



the following steps:

- i. **Create a Supportive Environment:** Where possible, find a private and comfortable space to talk, ensure that the location is free from distractions and interruptions. Give your full attention to the Student, maintaining eye contact and open body language. Avoid interrupting or jumping to conclusions. Acknowledge and validate their feelings and reassure them that seeking help is a brave and positive step.
- ii. **Address Safety Concerns:** Ask the student if they feel safe and address any immediate danger, including if the Respondent is nearby or if the student has thoughts of self-harm. If the student is worried about their safety, you can offer options like contacting MITT security, local police, or finding a safe place on campus; make it clear these are choices, not requirements. Encourage the student to seek medical care if they are injured, thinking of self-harm, or want evidence collected for a police report. The Disclosee should offer to call or refer the student to the supports listed in Appendix C. If unsure about further steps, staff can consult MITT Security, the Manager SSFAA, or their supervisor, while keeping the students' information confidential.
- iii. **Explain the Limits of Confidentiality:** Clearly outline what confidentiality means and its limits, including any mandatory reporting obligations as outlined above and in Section 10 of the Policy. Reassure them that you will do your best to keep the information private.
- iv. **Provide Information on Process Options:** Explain to the student the four process options available to them as stated above, and the differences between each, and ask the Student what option they are interested in. Be sure to advise that they can return to these options at a later time, and do not have to decide in the moment. Respect the Student's choices and timeline regarding what to do next. Do not pressure them to report the incident, make a Complaint, or take any specific action. If a Student wishes to pursue a Complaint, please follow the procedures set out in section 2: Complaint Resolution Procedure.
- v. **Provide Information on Resources**
 - (1) Inform the Student about the Policy and of the support services that are available to them. A list of support resources can be found in Appendix C and on the MITT Sexual Violence and Support webpage.
 - (2) Staff should emphasize that they are here to help, and part of that help means connecting them to the appropriate staff who can provide professional support and advice on options moving forward. This can include but is not limited to access to counselling, medical services, and academic accommodations. Staff



should advise the Student that they can notify the Manager of SSFAA that a Disclosure has been made for ensuring the Student has all the information they need to make an informed decision. Emphasize that the notification will be confidential and that it does not mean a Complaint is filed. It is up to the student if they would like the Manager of SSFAA to be notified or not, and if yes, whether identifying information such as their name and contact information is shared.

- (3) If the student consents, staff will notify the Manager of SSFAA that a Disclosure has been made. Staff shall only share the date of the Disclosure and advise if information about this Policy and available supports has been provided to the Student. All initial responses from the SMRC to the staff with respect to a Disclosure shall be sent via email.
- (4) Where the Student has given consent to share their name and contact information, the Manager of SSFAA (or another member of the SMRC) will reach out to the Student offering to meet and outlining options for supports, services, safety planning, accommodation, MITT Complaints processes and other options for reporting. The Student is not required to respond to the e-mail, nor will they receive further contact should they choose not to respond.
- (5) Where the students' contact information was not provided, the Manager of SSFAA shall contact the Staff who made the notification by email to provide the same information on supports and resources that would have been provided directly to the Student. The staff will then provide the information on supports and resources to the Student through the Student's preferred method of contact.

Where the Manager of SSFAA or another responding member of the SMRC determines that MITT may have an obligation to Investigate for reasons set out in Policy section 7, a briefing note regarding the Disclosure will be forwarded to the SMRC to determine if any further action, including an Investigation, is required. Information regarding the disclosure will be redacted as much as possible to maintain confidentiality while sharing the pertinent information regarding the incident with the Committee.

- vi. **Consider Self-Care:** Receiving a disclosure of sexual violence can lead to secondary trauma, where the person hearing the account may experience emotional distress or trauma symptoms. Those receiving disclosures should be aware of the potential signs of secondary trauma, such as emotional exhaustion, anxiety, or difficulty concentrating. It is important to prioritize self-care and seek available support, such as through the MITT Employee Assistance Program, to manage these impacts and continue providing empathetic and effective assistance. Recognizing the potential for secondary trauma and reaching out for help as needed ensures both the well-being of the supporter and the



e. Staff Disclosures

Any MITT staff member that wishes to make a disclosure should contact the Human Resources Department and/or union representative. All Disclosures involving staff will be forwarded to the Director, Human Resources and Organizational Development. Disclosures will be treated in confidence and will use a Survivor-centered approach. In a situation where the staff member discloses to another MITT staff member, the disclosure should be forwarded to Human Resources.

Where the Disclosure involves a student and a MITT staff member, both Human Resources and the Manager of SSFAA should be made aware of the Disclosure.

Where the Discloser is both a MITT staff and student, they may Disclose or make a formal Complaint through both the student and staff processes. MITT will ensure that the individual's privacy is respected, and that academic and/or workplace Accommodations are provided as appropriate. Where practical, the 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.

f. MITT Governing Board Member Disclosures

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.

2. Support and Protections

Any Member of the MITT Community who has experienced any type of Sexual Violence or Misconduct, on or off campus, are encouraged to seek support. Support and referrals are available from MITT before and during the Complaint, Investigation, and recovery phases following a Complaint. Help and referrals are available to students, staff, volunteers and others who are impacted by Sexual Violence or Misconduct, to those who are secondary victims such as witnesses, to those who have received a Disclosure or Complaint, and to Respondents.

3. Academic and Workplace Accommodations

If a Disclosure is made by a staff or volunteer seeking accommodation in relation to Sexual Violence or Misconduct, the individual should be referred to Human Resources. If the disclosure is made by a student, they should be referred to Student Services. In either situation, MITT personnel will support the most appropriate



accommodations for the victim/survivor.

Applicable staff and departments shall ensure that accommodations are properly implemented.

Accommodations for a Survivor or a Respondent who is a student may include, but are not limited to,

- a) Extended deadlines for assignments
- b) Permission to write a make-up exam or test
- c) Flexibility of attendance or participation requirements

Accommodations for a Survivor or Respondent who is a MITT staff may include, but are not limited to:

- a) Permission to work remotely
- b) A leave of absence
- c) Adjustments to work schedule
- d) Moving to a different office
- e) Removal from staff directory
- f) Assignment of a new telephone number/extension or new email address.

4. Protection from Retaliations or Threats

Anyone who has reason to believe they are experiencing retaliation as a result of a Disclosure or cooperation in an Investigation should document the details and immediately inform the Manager of SSFAA, a member of the SMRC, and/or the Human Resources department. All allegations of retaliation will be investigated and if justified, appropriate steps will be taken to address it.

5. Complaint Resolution Process

a. Reporting Options

There are many possible reporting options in the community available to a Survivor who has experienced an incident of Sexual Violence or Misconduct, including:

- i. Reporting to the Winnipeg Police, 911 Emergency, or Sex Crimes Unit
- ii. Filing a complaint with the Manitoba Human Rights Commission
- iii. Filing a civil claim

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

b. MITT Complaint Options



A Survivor may choose to submit a Complaint to MITT regarding an incidence of Sexual Violence or Misconduct to initiate an investigation. A Complainant 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. A Complaint can be made in person, on the phone, or online, and a Complainant can request assistance in providing a written Complaint.

Throughout the complaint resolution process, the survivor will be referred to as the Complainant and the person alleged to have breached the Policy will be referred to as the Respondent.

The Complaint must be in writing and contain sufficient details to allow MITT to assess the Complaint and Investigate, if required. The complaint should include the following:

- i. Name of the Complainant and contact information
- ii. Name of the Respondent (if known)
- iii. Name and contact information of any witnesses
- iv. A statement of facts including the dates, times, and nature of any alleged incidents
- v. An indication of the Complainants desired outcome, including an investigation or other type of resolution
- vi. Complainant's hand-written signature
- vii. Attachment of any physical evidence, including photographs, text messages, documents, and audio or video recordings

Students:

Students shall make a formal Complaint to the Manager of SSFAA which would lead to an assessment by the SMRC of whether to proceed with an investigation. If a Complaint is received by another staff member, it can be referred to the Manager of SSFAA for review under this Policy. The Manager of SSFAA supports students through the complaint resolution process under this Policy.

MITT Staff:

Staff shall make a formal Complaint to the Human Resources Department which would lead to an assessment by Human Resources of whether to proceed with an investigation. Any staff who is approached by another staff who wishes to file a Complaint should refer the Complainant to the Human Resources department. If a reported incident involves a staff member and student, the report will be reviewed by both Human Resources and the SMRC.

MITT Governing Board Members:

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



Process for Determining Whether a Complaint will Proceed with an Investigation:

Once a student Complaint is shared with the Manager of SSFAA, the Manager will refer the Complainant to supports or additional resources including planning for accommodations if needed, and will notify the members of the SMRC that a Complaint has been received. The SMRC will conduct a preliminary assessment to determine whether the Complaint falls within the jurisdiction of this policy, as well as whether any interim measures are required. If the decision is determined to be outside the jurisdiction of the policy or that the incident should not be investigated, the SMRC will provide written notice and reasons for the decision to the Complainant.

6. Investigation of Sexual Violence and Misconduct

An investigation is a formal process undertaken in response to a Complaint of an incident of Sexual Violence or Misconduct. The SMRC and/or Human Resources will assess all formal complaints made to MITT to determine whether an investigation will proceed. If the Complaint proceeds to an Investigation, the Manager of SSFAA will issue a Notice of Complaint in writing to all parties advising them of their rights and responsibilities and the next steps in the process. A notice of the Complaint will include the following:

- a. A link to this policy and other related policies
- b. A summary of the allegations that make up the complaint
- c. Confirmation of the right to a support person or representative during the complaint resolution process, including the contact information for internal support staff designated to support the parties as well as external support options.
- d. Details of any interim measures that will be in place during the complaint resolution process, including advising that such interim measures may be revised if needed throughout the process with further notice provided to the parties.
- e. Information about confidentiality and the right to be free from reprisal or threats of reprisal under this Policy.
- f. The name and contact information of the Manager of SSFAA, the investigator and decision maker (if appointed at the time of issuing the Notice).

Once the Manager of SSFAA has issued a Notice of Complaint to the parties, the SSFAA will meet separately with the Complainant and Respondent and will:

- a. Explain to each party their rights and responsibilities in the complaint resolution process,



including information about alternative resolution options and investigation and decision-making processes

- b. Discuss details of interim measures, if applicable
- c. Explore whether the complainant and respondent are interested in exploring an alternative resolution, as opposed to the completion of an investigation and decision-making process.
- d. Answer any questions the Complainant and Respondent may have.

7. Interim Measures

Interim measures are temporary actions implemented to protect the safety and well-being of all parties involved during the assessment of a complaint or while an investigation is ongoing. These measures aim to prevent further harm, ensure fairness, and support those affected.

Interim measures may include, but are not limited to:

- a. Adjustments to academic schedules or work assignments
- b. Restrictions on contact between the complainant and respondent, or other Members of the MITT community
- c. Restrictions on access to campus or parts of the campus facilities
- d. Suspension from specific MITT activities or roles

The Complainant or Respondent can notify the Manager of SSFAA if their circumstances have changed, and the interim measures can be adjusted if appropriate throughout the complaint resolution process.

8. Alternative Resolution

The nature of the investigation will depend on the allegations and of the wishes of the Complainant. An initial preliminary investigation may result in the recommendation of an informal resolution between the Complainant and Respondent. Participation in alternative resolution requires consent from all parties and is subject to approval by MITT. It is not appropriate in cases where there is a significant power imbalance or safety concerns. Parties may withdraw from the process at any time and pursue a formal investigation if desired.

Alternative resolution is a voluntary and collaborative process that allows parties involved in a complaint to resolve issues without a formal investigation. This approach is designed to promote understanding, healing, and mutual agreement, while prioritizing the needs and safety of all individuals. Examples of alternative resolution methods include the development of written agreements outlining agreed upon behaviours or actions, such as:

- a. The respondents' agreement not to contact or communicate with the complainant
- b. The respondents' agreement to participate in education about sexual violence and consent
- c. The respondents' agreement to participate in counselling



- d. The respondents' agreement not to access designated campus premises or services

Alternative resolution may also include restorative justice approaches, which focus on understanding and addressing harm. This can involve facilitated discussions where participants, including those who have caused harm and other stakeholders, engage collaboratively to:

- a. Understand the harm that occurred and its impact.
- b. Take accountability for past actions.
- c. Develop agreements to promote healing and ensure future safety.

If the complainant and respondent reach a resolution, a written record of the agreement will be created and signed by both parties. The Manager of SSFAA will ensure copies are provided to the complainant, respondent, and any relevant offices. The signed agreement will be securely maintained in the student record.

The Manager of SSFAA will monitor the implementation of the alternative resolution agreement to ensure compliance. If a party fails to meet the terms of the agreement, the complaint may proceed to a formal investigation and decision-making process, as outlined in this policy.

9. Investigation

If a formal investigation is warranted, The SMRC in the case of a student or Human Resources 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:

- a. Interviewing witnesses;
- b. Reviewing documents and records;
- c. Reviewing photographs, text messages, audio, and video recordings;
- d. Examining physical evidence; and
- e. 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*.

10. Safety and Legal Obligations in Cases of Sexual Violence

MITT prioritizes the autonomy of those who experience sexual violence, striving to give them control over how their case is managed. However, MITT may initiate an investigation without the Complainant's consent if there is a safety risk to the campus community or if legally required. In such cases, the survivor will be informed.

For individuals over 18, filing a complaint or seeking support from MITT does not require filing a police report or pursuing criminal charges. MITT can investigate and take administrative or disciplinary action independently of law enforcement. Adult survivors retain the right to choose which supports to access and what follow-up actions to pursue, except in cases involving safety concerns or legal obligations.

If the survivor or respondent is a minor, MITT is legally required to notify parents/guardians and Child and Family Services. In such instances, MITT may also investigate and take necessary administrative or disciplinary actions to address the situation.

11. Discipline

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

- a. Incident Involves Students: Where the respondent is a student, the discipline will be implemented in accordance with the Student and MITT Expectations Policy, Student Discipline Policy and the Student Behaviour Policy. The result of an investigation may include disciplinary action up to and including student suspension/expulsion.
- b. Incident Involves MITT Staff: Where the respondent is a MITT staff member the discipline will be implemented in accordance with the Relationships and Boundaries with Students Policy, Code of Conduct and Staff Ethics Policy, Off-Duty Conduct by Employees, Progressive Discipline Policy, and any applicable collective agreements. The result of an investigation may include disciplinary action up to and including termination of employment.
- c. Incident Involves a Governing Board Member: Where the respondent 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 an investigation involving a Governing Board Member could lead up to and include a recommendation to the Provincial Government to remove the Member.



- d. Incident Involves an External Stakeholder: Where a complaint is substantiated, MITT will take appropriate actions. The President and CEO or designate will make any determination regarding the individual's continued access to MITT in accordance with the following policies.
 - i. Where an incident involves a volunteer the Code of Conduct and Staff Ethics Policy would apply. The result of a formal complaint could result up to and including the permanent termination of all volunteer activities at MITT.
 - ii. 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.
 - iii. Where an incident involves an external supplier a formal complaint could lead to the termination of the individual whom the complaint was about, or the termination of all business dealings with the supplier.
 - iv. 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.



APPENDIX “A” DEFINITIONS

Accommodations: supportive adjustments provided to those affected by Sexual Violence and Misconduct to help them continue their academic or work responsibilities.

Complainant: An individual who files a Complaint.

Consent: Clear, voluntary, and mutual agreement to engage in sexual activity. This includes:

- i. **Affirmative and Informed Consent:** Consent must be an active, affirmative agreement to engage in sexual activity. This means all parties must give a clear “yes” through words or actions that demonstrate mutual understanding and willingness. Both parties must fully understand what they are consenting to. Consent cannot be given if one or both parties are unaware of the nature of the act
- ii. **Freely Given:** Consent must be given freely, without any form of coercion, manipulation, force, or pressure. Any use of threats, intimidation, or blackmail negates consent. Consent can be withdrawn at any time, and once it is withdrawn, all sexual activity must stop immediately.
- iii. **Consent Must Be Explicit, Not Implied or Assumed:** Consent must be ongoing and specific throughout any sexual encounter. Giving consent to one act does not imply consent to other acts or future sexual activity. Saying “yes” to one type of activity (e.g., kissing) does not automatically mean consent for others (e.g., intercourse). Silence, passivity, or lack of resistance is not consent. The absence of a “no” is not the same as giving a “yes.” Consent cannot be assumed based on body language, relationship status, past sexual history, or clothing. Clear, affirmative consent is required for each new encounter.
- iv. **Capacity to Consent:**
In Canada and Manitoba 16 is the legal age of consent for sexual acts. There are variations of the age of consent for adolescents between the ages of 12 and 16. 12- and 13-year-olds can consent to sexual activity 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 with a person who is less than 5 years older than themselves. Children under the age of 12 years can never legally consent to sex or sexual activity.

Consent cannot be given when there is a power imbalance, or the sexual relationship would be considered exploitative. This includes where the other person has a relationship of trust or authority over them, or they are dependent on that person. This may include romantic or sexual activities or relationships involving all individuals in positions of authority (including, without limitation, instructors, managers, supervisors, coaches or trainers) including minors and any students and/or employees over whom they exercise authority (for example, with respect to



grading, teaching, evaluating, mentoring, advising, or supervising).

Consent cannot be given if a person is incapacitated due to drugs, alcohol, or any condition that affects their ability to make rational, informed decisions. This includes situations where someone is asleep, unconscious, or otherwise unable to communicate their consent.

Discloser: The individual that shares a Disclosure regarding an incidence of Sexual Violence or Misconduct with a Member of the MITT Community. This can be a Survivor, a witness, or an individual who has information suggesting an incident of Sexual Violence or Misconduct took place or is about to take place.

Disclosure: The communication to any member of the MITT Community of an experience of Sexual Violence or Misconduct. A Disclosure can be made for the purpose of seeking support and/or to learn about the options to make a Complaint but does not constitute a complaint or result in an investigation, except where required by this Policy.

Disclosee: The individual who receives a disclosure of Sexual Violence or Misconduct. A Disclosee may be a staff member or any Member of the MITT Community who is approached by someone sharing their experience of Sexual Violence or Misconduct.

Harm-Reduction: A strategy aimed at minimizing the risk and impact of sexual violence by implementing practical, non-judgmental measures that prioritize the safety, well-being, and autonomy of all individuals involved. This approach applies to everyone impacted by the sexual violence disclosure and complaint process, including staff, Respondents, and the broader MITT community.

Interim Measures: temporary actions taken while a Complaint or Investigation is in process to ensure the safety and well-being of all parties involved. They are typically in place until a resolution is reached in the case.

Intersectionality: A Framework and acknowledgement that people can occupy various political and social identities—such as race, gender, class, sexual orientation, ability, and others— which can intersect and interact to create overlapping systems of discrimination and privilege

Rape Culture: A culture in which sexual violence, particularly rape, is normalized, excused, or tolerated due to societal attitudes about gender, sexuality, and power. Rape culture sustains an environment where sexual violence can thrive, making it harder for survivors to seek justice and for society to properly address the root causes of this violence.

Sexual Harassment: any unwelcome sexual advances, requests for sexual favors, or other verbal, written, physical, or visual conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. It can occur in any setting, regardless of gender, sexual orientation, or relationship dynamics, and may involve a single incident or repeated behavior. This includes:



- i. Unwelcome sexual comments, jokes, or gestures
- ii. Displaying or sharing sexually explicit images, messages, or materials
- iii. Persistent or inappropriate flirting, requests for dates, or advances after being told "no"
- iv. Making derogatory remarks about someone's gender, sexuality, or appearance
- v. Unwanted physical contact, such as touching, hugging, patting or brushing against someone
- vi. Sending sexually suggestive texts, emails, or social media messages
- vii. Offering academic or professional rewards in exchange for sexual favors, or threatening negative consequences for refusal
- viii. Sexual exploitation 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

Sexual Misconduct Response Committee (SMRC): Committee representing diverse MITT staff roles who are responsible for responding to complaints of sexual violence or misconduct.

Sexual Violence and Misconduct: 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.

Stalking: repeated and unwanted attention, contact, or behavior that causes a person to feel harassed, intimidated, or fearful of their safety. Stalking can occur in-person or through digital and online means and may involve attempts to monitor, follow, or control someone's movements, activities, or communications. This includes:

- i. Repeatedly following or showing up uninvited at someone's home, workplace, place of worship, classes, or other places they are known to frequent
- ii. Watching or monitoring someone's activities
- iii. Leaving unwanted gifts, notes, or messages
- iv. Making persistent and unwanted attempts to interact or initiate conversations
- v. Sending repeated, unwanted emails, texts, or social media messages
- vi. Creating fake profiles to harass, intimidate, or impersonate the person
- vii. Sharing or threatening to share private information, photos, or videos without consent (doxing or digital harassment)

Sexual Assault: 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.



Survivor: Someone who has experienced sexual violence. Although the term survivor is used throughout the Policy, the person who has experienced sexual violence has the right to determine how they choose to identify and recognize their own experience

Trauma-Informed: A framework that recognizes the widespread impact of trauma and integrates this understanding into every stage of the response, Disclosure, and Complaint process. This approach prioritizes the safety, well-being, and dignity of all individuals involved, including Survivors, Respondents, Staff, and the broader community. It seeks to minimize harm, avoid re-traumatization, and ensure that all parties are treated with fairness, compassion, and respect. This approach also acknowledges that trauma affects individuals differently and ensures access to appropriate resources, emotional support, and accommodations for both the Complainant and the Respondent, fostering a balanced and supportive environment throughout the process.