

Sexual Violence Policy

Purpose of the Policy

As a community, H&Co Academy supports and is committed to maintaining a positive learning and working environment where sexual violence will not be tolerated and is treated with seriousness it deserves. The purpose of this Policy is to articulate commitment to a safe, supportive and healthy environment and to confirm its commitment to provide support to those members directly affected by sexual violence. H&Co Academy is committed to the prevention of and appropriate response to sexual violence, and will also commit to:

- (a) Engaging in prevention activities; and/or
- (b) Upholding a formal procedure for responding to disclosures of sexual violence
- (c) This policy ensures that those affected by sexual violence are believed and appropriately accommodated and ensures that the Academy has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

All individuals associated with the Academy, including students, instructors, faculty, staff and administrators are governed by the policy.

We, as an institution, are required to address issues related consent in this policy.

Disclaimer - This policy was developed with the input of past and present students. Each year when it is presented to the class, any current or relevant information has been adjusted or added into the policy to suit the best interest of the students.

Consent

Consent is central to sexual assault. The Criminal Code of Canada defines consent as it relates to sexual assault as the voluntary agreement to engage in sexual activity. An individual must actively and willingly give consent to sexual activity. Simply stated, sexual activity without consent is sexual assault. Consenting to one kind, or instance, of sexual activity does not mean that consent is given to any other sexual activity or instance; no one consents to being sexually assaulted.

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

In other words, consent:

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

Policy

The Academy's role in education and awareness has two main components: a proactive role focused on raising awareness and educating the campus community on sexual violence; and a responsibility to respond with appropriate policies and procedures in place in the event a student comes forward to disclose sexual violence. This would include:

- (a) Listening to complaints/disclosures and responding in a sensitive and understanding manner
- (b) Providing information to the student about the Academy's response procedure
- (c) Offering information or making referrals to support service providers with experience addressing sexual assault and trauma
- (d) The Academy will not 'police' student activities/interactions on campus or online, and the Academy will not monitor student behaviour at all times, but instead prevention and education will be focused on stopping harassment and sexual assault from being initiated.
- (e) The Academy will not investigate disclosures or reports of sexual violence and will not establish tribunals or Committees to make a determination as to the complaints validity. It is not necessary to establish guilt/innocence in order to activate a response protocol and provide the complaint with reasonable accommodation. Judicial committees or investigative processes can be harmful to the complainant and would only be considered in extreme situations and will only be developed with significant input from law enforcement and experts.
- (f) The Academy will include an information section on Sexual Violence at the Orientation session at the beginning of the program and/or include written information in the orientation package, given at the orientation.
- (g) The Academy will provide information for students and faculty to Community Organizations and experts to deliver information on trauma and sexual violence.
- (h) The Academy will arrange for professional development opportunities focused on sexual violence awareness. Engage in public education and prevention activities.
- (i) The Academy provide the student community with ongoing education and training about sexual violence including information on how to respond to the disclosure of sexual violence; contribute to an atmosphere in which sexual violence is not tolerated while recognizing academic freedom for students, faculty and staff to explore controversial topics related to this issue.
- (j) The Academy will monitor and update policies to ensure that they remain effective and in line with other existing policies and best practices.
- (k) The Academy will encourage the Academy community to work together to promote a safe learning, living and work environment for the members of the Academy community.
- (l) The Academy will contribute to a campus atmosphere in which sexual violence is not tolerated and make recommendations to the Director on resources required or other measures related to addressing sexual violence and support services.

Complaint and response protocol

The individual coming forward with a complaint/disclosure will be in control of the process and they are not compelled to or restricted from pursuing the issue through law enforcement at any time.

Victims of sexual violence can choose an option of complaint/disclosure they feel will be of most help to them.

These options include:

- (a) No report - the victim/survivor discloses sexual violence to seek emotional support, medical support, or advocacy but not to report to police
- (b) Police report - the victim/survivor makes a police statement, which would generally be followed by a criminal investigation. Victims/survivors can call the police or go to their nearest police station.
- (c) There are support services available for individuals who decide to report to police.
- (d) Medical assistance/forensic medical exam - the victim/survivor attends a hospital or medical centre for medical attention to address possible physical injury and/or sexually transmitted infections; forensic exam to collect any forensic samples while the victim/survivor decides whether or not to report to police.
- (e) Formal complaint/disclosure to post-secondary institution - report to an institution's administration, precipitating a student misconduct process if the perpetrator is a student; report to a relevant administrative department if the perpetrator is staff or faculty member.
- (f) Civil claim - victims/survivors may also launch a civil suit against the alleged perpetrator for damages suffered (this would not be the Academy's responsibility).

Confidentiality

All reports and disclosures of sexual violence to the Academy will be treated in a confidential manner and in accordance with the Freedom of Information and Protection of Privacy Act (FIPPA) and with the provisions of applicable collective agreements.

All members of the Academy who receive a report or disclosure of sexual violence or who are involved in addressing or investigating it must keep the matter confidential. This is an order to protect the rights of those involved in the allegations; to prevent an unjustified invasion of their personal privacy; to preserve the integrity of the investigation, and to safeguard individuals against unsubstantiated allegations. The Academy will make every reasonable effort to maintain confidentiality when it becomes aware of an incident of sexual violence and will limit disclosure of information about individuals to those within the Academy who need to know for the purposes of, or those consistent with, addressing the situation, investigating or taking corrective action.

Information disclosed by a person during mediation under this Policy is without prejudice to that person and cannot be used during subsequent steps in handling the matter or in formal complaint process under this Policy. Any person conducting a mediation of a complaint cannot be called to testify in a subsequent proceeding in relation to information disclosed during mediation, unless ordered or compelled by a court, tribunal, or arbitrator.

Documents and information related to a formal complaint, including the written formal complaint, written responses, witness statements, investigation notes and reports, and documents related to the formal complaint and its investigation will be securely maintained by the Academy Administration.

Follow-up on Disclosure

When a person reports sexual violence to an Academy Director and/or Instruction Staff will contact the person to learn more about the circumstances, the person's needs and expectations, and the outcome sought. The staff member will make every effort to assist the person and will discuss options to address or resolve the matter in a timely and supportive way. The appropriateness of these options will depend on the person's needs and on the circumstances.

The Sexual Violence Committee is as follows:

- (a) Heather Day – H&Co Academy Founder/Owner
- (b) Jill Lenton – Academy Director
- (c) Tyreen Garlinski – Instructor
- (d) Sydney Morris – Instructor

The SVC must ensure that the following steps occur:

- (a) The person who had experienced sexual violence is given information regarding internal and external personal support and advocacy services, and internal (non-criminal) and external (criminal and other legal proceedings) complaint processes
- (b) Appropriate academic, employment or other accommodation and interim measures are made available and implemented to stabilize the situation and/or separate the parties and to address any safety or security concerns; and a threat assessment is conducted as required
- (c) The Sexual Violence Review Committee can, on a confidential basis, consult or seek the assistance of other internal authorities, such as Health and Counselling Services, Human Resources or the Sexual Violence Crisis Line

Reporting

The Academy will publicly report on activities being undertaken by the Academy to raise awareness and contribute to the prevention of sexual violence at the institution.

Track and report on the results of activities being undertaken, such as the number of staff/students that attend information sessions, training activities undertaken or the results of consultations.

Timelines

The timelines mentioned in this Policy are meant to ensure that the matters are dealt with in a timely fashion. There may be, in compelling circumstances, reasons to extend a timeline. In such cases, where the request is in good faith and the extension does not prejudice or harm those involved in the complaint, extension may be granted. It can be difficult to determine appropriate timelines for the resolution, investigation or final disposition with respect to a formal complaint. Therefore, where no time lines are mentioned in this Policy, the intention is always to use a reasonable time period and to act

as quickly as the intention is always to use a reasonable time period and to act as quickly as possible in light of the nature and complexity of the circumstances of the complaint and in light of other circumstances that may arise during the process that are beyond a party's reasonable control

Review

The Academy Administration is responsible for the review and implementation of this Policy. This Policy will be reviewed every three years.

Revisions to the Policy will be sent for comments to the students, employees, and to the committee on the prevention of sexual violence referred to previously mentioned in this Policy and any other stakeholder, as determined by Administration, to ensure the provision and consideration of Input from a diverse selection of students, faculty and employees who are reflective of the Academy.

Policy Accessibility, Awareness & Prevention

The Policy will be easily accessible to all in the Academy (students, staff, administration). It will be easily accessible to those with disabilities and language barriers as well.

The Academy will raise awareness of sexual violence and the school resources for assistance through quarterly reviews of the main points of the policy. This will also note specific possible sources of sexual violence through social media or other technology.

The Academy faculty plus one student representative will meet quarterly to discuss the policy and to discuss current and needed changes to the prevention measures that are or need to be in place specific to our schools needs.

Cultural Sensitivity

This policy acknowledges populations that are most vulnerable to sexual violence like the Indigenous women, women living with cognitive or physical disabilities, newcomer women and women from ethnocultural communities, individuals within the LGBT2SQ+ community, international students. As an academy, we will provide additional support resources to these groups as well as additional training to our faculty how to best support any student that would fall under the vulnerable population category.