

Sexual Harassment & Prevention

At ECMT, we are committed to providing a safe and respectful work environment for all staff, students and clients. No one, whether faculty, administration, student or members of the public, should be forced to suffer from harassment at ECMT for any reason, or at any time.

The following policy was developed by the Manitoba Association of Career Colleges, and has been adapted to reflect its application at ECMT.

Policy Application

The Policy applies to all members of Evolve College of Massage Therapy (ECMT) community including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any student initiatives, volunteers and visitors.

Purpose and Intent

All members of ECMT's community have a right to study and work in an environment free of sexual violence and sexual harassment.

The College recognizes that certain populations are at greater risk of sexual violence in Canada, including:

- Young women and girls
- Indigenous women
- Women living with cognitive or physical disabilities
- Individuals within the LGBT2SQ+ community
- Newcomer women

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

The purpose of this policy is to articulate ECMT's position with respect to sexual violence and establish a formal response protocol for disclosures of incidents of sexual violence.

This document sets out our policy on sexual violence and sexual harassment, defines the prohibited behaviours, and outlines our inquiry processes for sexual violence and sexual harassment. The policy further outlines the procedures the institution will undertake to educate its community on avenues to prevent sexual harassment.

Scope

The Policy applies to incidents of sexual violence or sexual harassment that have occurred to members of the College community. The College wishes to offer support to any member of the college community that have been victimized by such actions.

Definitions

CONSENT:

Consent is central to sexual assault. The Criminal Code of Canada defines consent as it relates to sexual assault as the voluntary agreement 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.

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

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

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

In other words, consent:

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

It is not for the institution to weigh or determine whether or not consent has been given. This purpose of the policy is not to examine or investigate sexual assault allegations, but rather to inform all members of the college community of their responsibility to eliminate harassment and inform victims of their rights. For more information on consent, please refer to

<http://www.gov.mb.ca/youarenotalone/consent.html>

CYBER HARASSMENT/ CYBER STALKING:

Often used interchangeably, cyber harassment and cyber stalking are defined as repeated, unsolicited, threatening behaviour by a person or group using cell phone or internet technology with the intent to bully, harass, and intimidate a victim. The harassment can take place in any electronic environment where communication with others is possible, such as on social networking sites, on message boards, in chat rooms, through text messages, or through email.

DATE RAPE:

The term “date rape” is interchangeable with “acquaintance sexual assault”. It is sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

DISCLOSURE:

For the purposes of this document, a disclosure is made to any individual other than the police or other judicial official.

LGBT2SQ+:

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

RAPE:

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

SEXUAL ASSAULT:

Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to Sexual assault is a crime.

SEXUAL VIOLENCE:

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

SEXUAL HARASSMENT:

Without limiting the generality of the foregoing, includes:

Any course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to have been known to be unwelcome, including:

- offensive jokes or comments of a sexual nature;
- displaying of pornographic or sexist pictures or materials, including online;
- suggestive or offensive remarks;
- unwelcome language related to gender;
- remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation;
- leering or inappropriate staring ;
- bragging about sexual prowess;
- physical contact such as touching, patting, or pinching, with an underlying sexual connotation; and

- sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome

STALKING:

Stalking is a crime called criminal harassment. Stalking consists of repeated behaviour that is carried out over a period of time, and which causes a person to reasonably fear for their safety.

VICTIM BLAMING:

Victim blaming occurs when the victim of a crime or an accident is held responsible — in whole or in part — for the crimes that have been committed against them.

Policy Objectives

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

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

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

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

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

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

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

Student Awareness

Evolve College of Massage Therapy assures the student body is aware of the policies and procedures regarding sexual harassment through the following:

- The Policy is presented to the students as a part of their student handbook.
- The policy will be highlighted during annual program orientations.

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

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

Reporting and Responding to Sexual Violence

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

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

Our College recognizes the right of the complainant to determine whether his or her complaint will be dealt with by the police and/or College management. However, in certain circumstances,

the College may be required by law, or its internal policies to initiate a more formal internal investigation, and/or inform police without the complainant's consent, if it believes the safety of members of its College community is at risk.

Reporting/Disclosure Options

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

1. **Support without official complaint.**

If a member of the college community believes she/he has been sexually harassed they may choose to not put forward a formal complaint but rather simply wish to have the school assist them through the emotional crisis. The victim/survivor here discloses sexual violence to seek emotional support, medical support, or advocacy but not to report to police.

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

2. **Action where harassment has been by college community member.**

If a member of the college community believes she/he has been sexually harassed by a member of our College community, she/he may confront the harasser personally or in writing pointing out the unwelcome behaviour and requesting that it stop; or

Report the complaint to the Director or the Assistant Director.

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

Actions where harassment requires involvement of external bodies.

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

Disciplinary Measures

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

expulsion of a student.

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

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

Making False Statements

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

Reprisal

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

Public Reporting

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

- i. List of personnel responsible for conducting inquiry of any complaints of sexual misconduct or harassment, including contact information.
- ii. State the dates of student group meeting sessions where this policy is discussed.

2. Policy Development and Review

- a. Policy was generated by a committee formulated by the Manitoba Association of Career Colleges with input from member colleges.
- b. The Policy was circulated to students of the Member Schools by way of a survey seeking input and comments from the widest possible student base ensuring students have the opportunity to provide input and guidance from all communities and gender populations.
- c. Evolve College of Massage Therapy reviewed and adapted the policy through the following process.
- d. The Policy was implemented on October 11, 2017 and will be reviewed no later than October 10, 2021. The review process will include College representatives and members of the student community in its consultation review processes.