

SEXUAL VIOLENCE POLICY

1. Sexual Violence Policy

- (a) Hua Xia Acupuncture, Massage, Herb College is committed to providing its students with an educational environment free from sexual violence and treating its students who report incidents of sexual violence with dignity and respect.
- (b) The College has adopted this Sexual Violence Policy, which defines sexual violence and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual violence made by its students that have occurred on its campus, or at one of its events and involve its students.
- (c) The person accused of engaging in sexual violence will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

2. Definition of Sexual Violence

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

For the purposes of institutions’ policies and procedures, keep in mind: it is not for the institution to weigh into whether or not consent has been given. This legislation is asking institutions to include issues related to consent within their policy, not examine or investigate sexual assault allegations.

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

You may also want to check out what other post-secondary institutions have done with respect to messaging around sexual violence and consent online. If unsure, double check with experts (e.g. Klinik, Ka Ni Kanichihk)

to confirm if messaging is appropriate.

Consent:	Consent is the voluntary agreement to engage in the sexual activity in question.
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. [hyperlink the word “crime” to Criminal code definition of Sexual Assault http://laws-lois.justice.gc.ca/eng/acts/C-46/page-63.html#docCont
Sexual harassment:	Sexual harassment is unwanted sexual attention directed at an individual by someone whose conduct including comments, gestures, and/or actions are offensive, inappropriate, intimidating, hostile, and unwelcome. Sexual harassment often occurs in environments in which sexist or homophobic jokes and materials have been allowed.
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.
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.

3. Culturally sensitive:

i) The College understands that some populations are more vulnerable to sexual violence than others. The College also acknowledges that females are most vulnerable to sexual violence. (ex. Indigenous women, women living with cognitive or physical disabilities, newcomer women and women from ethnocultural communities, individuals within the LGBT2SQ+ community, international students). The College’s Sexual Violence Prevention and Education Committee (SVPEC) will consist of at least one female member to be available to any student and including those most vulnerable to address these circumstances.

ii) a proactive role focused on raising awareness and educating on sexual violence; and iii) a responsibility to respond, have appropriate policies and procedures in place to respond in the event that a student comes forward to disclose sexual violence. This would include:

- Listening to complaints/disclosures and responding in a sensitive and understanding manner;
- Providing information to the student about the College’s response procedure;
- Offering information or making referrals to support service providers with experience addressing sexual assault and trauma; and

This does not include ‘policing’ student activities/interactions off site or online. There is no expectation that College will monitor students behaviour at all times. Rather, prevention and education efforts

should be focused on stopping harassment and sexual assault from being perpetrated. The framework contemplated in the act requires College to initiate their response protocol if they become aware of an incident of sexual violence.

4. Training

Awareness, Prevention, Education and Training

- . a) Engage in prevention activities;
- . b) Awareness - The College is committed to the safety of all individuals associated with the college including students, faculty, instructors, staff, and administrators. The College recognizes sexual violence is an issue, we are committed to raising awareness and prevention of sexual violence including but not limited to sexual violence through social and digital media such as Facebook, E-Blast and We-chat.
- . c) Provide the students with ongoing education and training about sexual violence including information on how to respond to the disclosure of sexual violence;
- . d) Contribute 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; and,
- . e) Monitor and update College policies to ensure that they remain effective and in line with other existing policies and best practices.

The College will work with students to develop an annual education strategy that includes training sessions, workshops related to sexual violence on campus. These sessions will explore topics such as rape culture, consent culture, sexual assault awareness, how to seek support, resources for survivors, advice and resources for first responders, etc. The audience for these efforts would include employees, students and visitors to our College. Education will include training on this policy, the prevention of sexual violence and responding to sexual violence, with content tailored to the audience and relevant to their roles and responsibilities in relation to this policy. A particular emphasis will be placed on educating new members of the Hua Xia Acupuncture, Massage, Herb College about this issue through student and employee orientation activities.

The College includes education related to rape culture and sexual violence in course materials and program curriculum where appropriate. They are also encouraged to use trained facilitators who understand the sensitivity with which these topics must be raised, who have the skills to respond appropriately to disclosures and those who may be triggered by the content of the material or resulting discussions.

5. Public reporting

The Sexual Violence Prevention and Education Committee (SVPEC) will 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.

6. Reporting and Responding to Sexual Violence

(a) The College Shall include a copy of the Sexual Violence Policy in every contract made between it and its students, and provide a copy of the Sexual Violence Policy to career college management (corporate directors, owners, partners, other persons who manage or direct the career college's affairs, and their agents), instructors, staff, other employees and contractors and train them about the policy and its processes of reporting, investigating and responding to complaints of sexual violence involving its students. *Any company participating in offering student internships on their premises must provide an undertaking in writing that it is in

compliance with all applicable legislation, including the Manitoba Human Rights Code and the Occupational Health and Safety Act and will provide students access to those policies should they encounter issues relating to sexual violence in the workplace.

(b) The Sexual Violence Policy shall be published on our website.

(c) Career college management, instructors, staff, other employees and contractors of the College) will report incidents of or complaints of sexual violence to (the College Executive Director upon becoming aware of them.

(d) Students who have been affected by sexual violence or who need information about support services should contact the College Executive Director.

(e) Subject to Section 4 below, to the extent it is possible, the College will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on campus or the broader community are at risk. This will be done by:

(i) ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and

(ii) Ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

(f) The College recognizes the right of the Complainant not to report an incident of or make a complaint about sexual violence or not request an investigation and not to participate in any investigation that may occur.

(g) Notwithstanding (f), in certain circumstances, The College may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

(h) In all cases, including (f) above, the College will appropriately accommodate the needs of its students who are affected by sexual violence. Students seeking accommodation should contact the College Executive Director. In this regard, the College will assist students who have experienced sexual violence in obtaining counselling and medical care, and provide them with information about sexual violence supports and services available in the community. Students are not required to file a formal complaint in order to access supports and services.

(i) 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; and,

(j) The College will establish the Sexual Violence Prevention and Education Committee (SVPEC) with representation from students, staff. This committee will report to the President. Generally speaking the purposes of the SVPEC will be to:

- . a) Encourage to work together to promote a safe learning, living and work environment for the members of the College;
- . b) Contribute to an atmosphere in which sexual violence is not tolerated;
- . c) Make recommendations to the President on this Policy with regard to sexual violence prevention and awareness;
- . d) Make recommendations to the President on resources required or other measures related to addressing sexual violence and support services; and,
- . e) Consider and recommend proposals for new training programs brought forward and monitor the

coordination, implementation and success of training programs related to sexual violence.

7. Investigating Reports of Sexual Violence

(a) Under this Sexual Violence Policy, any student of the College may file a report of an incident or a complaint to the College Executive Director in writing. The other officials, offices or departments that will be involved in the investigation are (College Director).

(b) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, the College Executive Director will respond promptly and:

(i) determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;

(ii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;

(iii) determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual violence, the College may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and

(iv) determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.

(c) Once an investigation is initiated, the following will occur:

(i) the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;

(ii) interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;

(iii) informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;

(iv) interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;

(v) providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and

(vi) following the investigation, the College Executive Director will: (A) review all of the evidence collected during the investigation; (B) determine whether sexual violence occurred; and if so (C) Determine what disciplinary action, if any, should be taken as set out in Section 5 below.

8. Disciplinary Measures

(a) If it is determined by the College that the Respondent did engage in sexual violence, immediate disciplinary or corrective action will be taken. This may include:

(i) disciplinary action up to and including termination of employment of instructors or staff; or

(ii) expulsion of a student; and /or

(iii) the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or

(iv) any other actions that may be appropriate in the circumstances.

9. Appeal

(a) Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to (the College Executive Director within (5) days by submitting a letter addressed to (The College Executive Director advising of the person's intent to appeal the decision.

10. Making False Statements

(a) It is a violation of this Sexual Violence Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint.

(b) Individuals who violate this Sexual Violence Policy are subject to disciplinary and / or corrective action up to and including termination of employment of instructors or staff or expulsion of a student.

11. Reprisal

(a) It is a violation of this Sexual Violence Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

(b) Individuals who violate the Sexual Violence Policy are subject to disciplinary and /or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

12. Review

(a) The College shall ensure that student input is considered in the development of its Sexual Violence Policy and every time it is reviewed or amended.

(b) The College shall review its Sexual Violence Policy 3 years after it is first implemented and amend it where appropriate. This date is September, 2020.