

## Policy on Preventing Sexual Violence, Harassment and Discrimination

### PREAMBLE

**Equitas** is committed to practices and policies that build a safe and secure environment, free from violence, intimidation, harassment and discrimination and that enables full participation for anyone who wishes to contribute to the Equitas mission. Sexual discrimination, exploitation, intimidation, harassment and assault are not tolerated by Equitas.

This policy articulates the Equitas' commitment to address sexual violence, harassment and discrimination and to counteract its harmful affects. It aims to foster awareness and prevention, outlines support for survivors/victims, and sets out fair procedural frameworks for accountability. It describes appropriate responses to disclosures of sexual violence and specifies procedures for reports or complaints.

This Policy replaces the *Pledge on the Prevention of Sexual Violence, Exploitation, Harassment and Discrimination* approved by the Board in July 2018 and it provides more detailed information on how to respond to disclosures, reports or complaints. This Policy is aligned with our mission and values. It builds upon and provides additional details regarding existing commitments, contained in Equitas' Human Resources Policy and our Gender Policy, to prevent and respond to all forms of discrimination or harassment.

As an organization committed to the advancement of equality, social justice and respect for human dignity, we expect the highest standard of behaviour from our employees, board members and volunteers to treat each other and any third party involved in Equitas activities in a fair, dignified and respectful manner. We also expect our partners and participants in our programs to uphold the same high standards of behaviour. We will choose to work with partner organizations who share our values, in particular our commitment to practices that promote equality and non-discrimination. We will work with these partners to ensure that all our activities are safe and free of sexual violence, exploitation, harassment and discrimination. All participants in these activities, including trainers and resource persons, will be expected to uphold the same standards. Equitas will also work with and support our partners to put in place appropriate policies and mechanisms in their own organizations as needed.

### OUR COMMITMENTS

#### **Equitas:**

- Reaffirms its commitment to the establishment of working environments free from sexual violence, exploitation, harassment and discrimination within our organization.
- Commits to strengthening our policies to ensure that appropriate procedures and mechanisms are in place to respond in a transparent and accountable manner to any incidents of sexual violence, exploitation, harassment and discrimination which may involve Equitas employees and/or programs.

- Educates and provides ongoing training to empower employees, volunteers, partners and participants to prevent, respond to and report all incidents in an environment of safety and security.
- Will create and maintain an enabling environment to encourage disclosure of incidents.
- Proactively puts in place measures to protect employees, volunteers and participants in its programs against sexual violence, exploitation, harassment or discrimination, including from any third-party.
- Provides appropriate assistance, support and referrals to individuals who are impacted by sexual violence.
- Protects anyone disclosing or reporting an incident from reprisal or punishment.
- Proactively assures that a confidential reporting mechanism is in place and that information about this Policy, the reporting mechanism and other options for disclosing incidents is available and accessible to employees, volunteers and participants in our programs.
- Makes confidential inquiries whenever an incident is disclosed.
- Launches an Investigation upon receipt of a formal complaints received and take actions depending on the circumstances in conversation with the person(s) impacted by the incident.
- Respects the principles of natural justice and will ensure that the procedures and processes put in place as part of the policy are fair to all parties.

In adopting this Policy, Equitas also recognizes the need to continuously learn and develop its knowledge and understanding of good practices in this field. It is also understood that there will be a need for investments in education, training as well as the creation of appropriate mechanisms to respond to incidents when they arise.

## DEFINITIONS<sup>1</sup>

**Sexual violence** means any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse, sexual assault, rape, incest, childhood sexual abuse and rape during armed conflict. It also includes sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, human trafficking and sexual exploitation.

**Sexual harassment** is any conduct, comment, gesture or contact of a sexual nature or about a person's gender that is likely to cause offence or humiliation to any employee, prospective employee, intern, volunteer or client. Sexual harassment is also any unwelcome conduct, comment, or gesture that might, on reasonable grounds, be perceived by an employee or prospective employee as placing a condition of a sexual nature on employment or on any opportunity for professional development, training or promotion. The following list provides examples of the sort of behaviours that may constitute sexual harassment or inappropriate gender-related comments and conduct:

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<sup>1</sup> Definitions build on several sources, including:

- *Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities*
- *Equitas Human Resources Policy 2008*
- *Developing a Response to Sexual Violence: A Resource Guide For Ontario's Colleges and Universities*) [http://www.women.gov.on.ca/owd/english/ending-violence/campus\\_guide.shtml#toc5av](http://www.women.gov.on.ca/owd/english/ending-violence/campus_guide.shtml#toc5av)
- *Concordia University Policy Regarding Sexual Violence, effective December 12, 2018*

- i) offensive gender-related comments about a person's physical characteristics or mannerisms;
- ii) unwelcome physical contact;
- iii) propositions of physical intimacy;
- iv) gender-related verbal abuse, threats, or taunting;
- v) leering or inappropriate staring;
- vi) bragging about sexual prowess;
- vii) demands for dates or sexual favours;
- viii) offensive jokes or comments of a sexual nature;
- ix) display of sexually offensive pictures, graffiti, or other materials;
- x) questions or discussions about a person's sexual activities;
- xi) rough and vulgar humour or language related to gender.

**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 an offence under the Criminal Code of Canada. It can occur between strangers, acquaintances or be perpetrated by someone known to the survivor/victim. It can occur in a dating relationship, between spouses, or in any other relationship.

**Discrimination** is any harmful practice or behaviour, whether intentional or not, which has a negative effect on an individual or group targeted because of their race, ancestry, place of origin, religion, language, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, age, marital status, family status, handicap (disability), or other analogous ground.

**Consent** is bound and guided by the Criminal Code of Canada and means the voluntary agreement of a person to engage in the sexual activity in question. Anything other than voluntary and continuous agreement to engage in sexual activity is not consent. In absence of explicit consent, consent can never be presumed. For example, there is no consent where:

- the agreement is expressed by the words or conduct of a person other than the complainant;
- the complainant is incapable of consenting to the activity;
- the respondent induces the complainant to engage in the activity by abusing a position of trust, power or authority;
- the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
- the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

**Disclosure** means a statement made by a survivor/victim for the purposes of receiving confidential support, assistance and/or accommodation.

**Report** means a statement made by a survivor/victim or a witness, bystander or concerned person who wishes to bring forward information about an incident of sexual violence without necessarily seeking a recourse, support or follow up. A report may be considered a disclosure and may become a complaint, depending on the status and wishes of the person reporting. Statements made online or via social media platforms, such as Facebook and Twitter, are not considered to be a report.

**Complaint** means a statement made by a survivor/victim for the purposes of pursuing an available process, whether informal or formal, and/or disciplinary actions against a respondent. Statements made online or via social media platforms, such as Facebook and Twitter, are not considered to be a complaint.

**Survivor/Victim** means a person who has experienced sexual violence as defined in this Policy.

**Respondent** means any person against whom a report or complaint is made, in connection with this Policy

**Intersectionality**

Sexual violence impacts people of all genders and gender identities. Sexual violence is overwhelmingly committed against women and gender non-conforming people, and in particular younger people and individuals who experience multiple and intersecting forms of marginalization. Equitas strives to reduce barriers in order to better support survivors/victims in the community. To this end, the support or assistance provided under this Policy shall take into account, as needed and as requested, the different perspectives, voices or circumstances of each survivor/victim. Every effort to address issues of sexual violence and discrimination must be grounded in an understanding that each person's experience is impacted by many factors. Equitas recognizes that a person's perspective or circumstance (such as national or ethnic origin, sex, sexual orientation, gender identity, age, religion, faith, disability/ability, indigeneity, immigration status, medical condition such as HIV status, language ability, and/or socio-economic factors) could make them more vulnerable to sexual violence or discrimination and could impact their needs and choices with regard to recourses.

## **PROCEDURES FOR RESPONDING TO INCIDENTS OF SEXUAL VIOLENCE AND DISCRIMINATION**

### **Education, Training and Communication**

Equitas is committed to promoting a safe environment for its staff, board members, volunteers, partners, participants and beneficiaries. Equitas will work to eliminate sexual violence through the dissemination of educational material and training for all our staff, board members and volunteers as well as our partners and participants. These educational initiatives will include issues such as rape culture, consent culture, power dynamics, sexual violence awareness, how to seek support, resources for survivors/victims, resources for first responders and options for disclosing or reporting. These educational initiatives will also include related Equitas policies, guidelines and processes.

In order to create an informed culture on sexual violence, Equitas also commits to undertaking the following:

- All new incoming staff, Board members and volunteers will receive information on this Policy and the applicable procedures;
- Information about this policy and our commitments will be shared regularly through our internal communications channels.
- Ongoing training will be provided annually for the Equitas team.
- Tools (tip sheets, guidelines, posters, forms) will be developed and made easily accessible to the Equitas team.
- The Policy will be made publicly available on the Equitas web site: [www.equitas.org](http://www.equitas.org)

### **Disclosure of an incident of sexual violence or discrimination**

Any person could be the first person informed of an incident of sexual violence or discrimination. The survivor/victim can decide how and when they wish to disclose this information to Equitas.

The first person aware of an incident of sexual violence should encourage the survivor/victim to contact someone in Equitas with responsibility for implementation of this policy, e.g. the Office Manager, the survivor/victim's supervisor, the Executive Director or another person specifically designated by the Executive Director for the purpose of implementing this policy.

### **Reporting**

A survivor/victim or a witness, bystander or concerned person who wishes to bring forward information may make a report about an incident of sexual violence or discrimination without necessarily seeking a recourse, support or follow up. A report may be considered a disclosure and may become a complaint, depending on the status and wishes of the survivor/victim. Statements made online or via social media platforms, such as Facebook and Twitter, are not considered to be a report.

In these situations, such a report should be made to the Office Manager, Executive Director or a person designated by the Executive Director. Reports may be received in any format. The attached Complaint Form can be used as a guide to identify the types of information that are helpful to include in a report.

### **Making a Complaint**

Survivors/victims of sexual violence have options when deciding where and how to file a complaint in response to an incident or incidents of sexual violence. Note that disclosing is not the same as reporting or making a complaint. Disclosure of an incident of sexual violence for the purposes of support, assistance and/or accommodation is confidential, subject to the limits set out in this Policy. Making a complaint is a choice made by a survivor/victim who wishes to move towards a legal and/or disciplinary process in which anonymity is not possible. A Complaint Form can be found in annex to this policy.

Complaints should be received by the Office Manager, Executive Director or a person designated by the Executive Director. The attached form provides guidance on the information to include in a complaint. However, depending on the circumstances, it is not necessary for all the questions to be answered for a complaint to be received. Victims/survivors may seek assistance from any Third Party in filing a complaint.

Following submission of a complaint, the survivor/victim will be provided with a signed copy of the form acknowledging receipt.

### **Documentation**

Once there has been a disclosure, report or complaint, it is important to make and keep written notes about the events and the follow up actions taken. Such documentation will remain confidential and the Executive Director is responsible for ensuring appropriate systems are in place to document incidents.

### **Support for Victims/Survivors**

The Office Manager, Executive Director and/or a person designated by the Executive Director will work with individual survivors/victims in determining their support and/or workplace accommodation needs and assist them in accessing these. The needs of each survivor/victim are different and they will be assessed on a case-by-case basis. Workplace accommodations can include measures put in place to provide security for the victim/survivor and protect them from any threats or retaliation. Recommendations regarding support or accommodations will be approved by the Management Team.

In all cases, the survivor/victim will be provided with information on methods available to facilitate a resolution, the process for filing a complaint and other available options to address or resolve the matter.

### **Confidentiality**

Ensuring confidentiality of disclosures is vital in creating an environment and culture where survivors/victims feel safe to disclose and seek support and accommodation. There are, however, limits to the confidentiality that can be assured under certain circumstances, such as:

- An individual is judged to be at imminent risk of self-harm or of harming another;
- Evidence of sexual violence is available in the public realm (for example: video shared publicly on social media);
- Reporting or action is required by law (for example: subpoena, a minor at risk of harm).

Equitas reserves the right to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the consent of the survivor/victim, if it believes that there is a risk to the safety of others. A decision to initiate an internal investigation and/or pursue other recourses

without the consent of the survivor/victim will only be taken in extraordinary circumstances following an assessment by the Management Team. If such a decision is taken, the survivor/victim will be notified that the incident is being investigated.

### Options for Resolution

In consultation with the victim/survivor, the following options for resolution will be explored:

- Upon reception of a disclosure or report, the Office Manager, Executive Director or person designated by the Executive Director will inform the Management Team who will determine how to respond. The options may include:
  - Approving support or accommodations for the victim/survivor
  - Steps to ensure protections from reoccurrence of the alleged actions
  - With the survivor/victim's permission, engage in early resolution, including steps to address the incident directly with the person or persons allegedly responsible for the violence or acts of discrimination. Mediation could be an option depending on the wishes of the survivor/victim. If early resolution is successful, it will be documented by Equitas.
- Upon reception of a formal complaint, the Executive Director will inform the Board Chair and the Board's Executive Committee will determine appropriate measures, including mediation, accommodation and/or select an impartial and qualified investigator to investigate the complaint.
- The victim/survivor may file a complaint with government authorities, such as the *Commission des normes du travail du Québec* (<http://www.cnt.gouv.qc.ca/>), or the Commission des droits de la personne et des droits de la jeunesse (<http://www.cdpdj.qc.ca/fr/accueil.asp?noeud1=0&noeud2=0&cle=0>).
- If the victim/survivor alleges criminal behaviour, the victim/survivor will be supported if they wish to file a complaint directly with the police.

Where disclosure of the identity of the victim/survivor may be required or inferred for the purpose of responding to the incident, the matter will be pursued only with the complainant's knowledge and consent.

### Investigations

Both the person making a complaint and the person against whom it is made will be informed about how the internal procedure works. The Executive Director will ensure that the following information is provided to the survivor/victim and the respondent:

- Who will investigate?
- Any accommodations or other interim measures to be put in place.
- Expectations regarding confidentiality and disclosure, including who is aware of the complaint.
- How long the process is likely to take?
- What will happen at the end of the investigation?
- Who will decide what action the employer will take?
- What solutions or results are possible?

The respondent will have an opportunity to view the written complaint and respond in writing if they so desire. The survivor/victim will have an opportunity to view the written response and reply if they so choose.

Any person wishing to lodge a complaint of sexual violence or discrimination against the Executive Director should do so by contacting the Chair of the Board and/or a member of the Board's Executive Committee.

### **Reprisal**

Persons who make a disclosure, report or complaint, as well as anyone else who is involved, should not face any form of reprisal for doing so. This form of retaliation is called reprisal and could take the form of denying privileges, changing work assignments and/or dismissal. Protection from reprisal covers:

- Complainants
- Witnesses
- Advisors
- Representatives of complainants and witnesses
- Investigators
- Decision makers / management

### **Representation**

The people involved in an internal complaint resolution process may choose to be accompanied with someone to represent them if they wish. Representatives may be a colleague, a facilitator if the incident occurs during the IHRT or another Equitas training program or anyone else.

### **Investigation of Complaints**

If an internal complaint is filed under this policy Equitas may decide to try to resolve the matter informally through mediation, if this approach is acceptable to the victim/survivor and the circumstances warrant.

When mediation is not an option, the Executive Committee will approve the appointment of an independent investigator. Investigators must have knowledge about sexual violence and discrimination, human rights, including the applicable laws and have experience investigating complaints of harassment and/or assault. The investigator is responsible for making sure that the investigation process is impartial and confidential.

The investigator will examine the circumstances of a complaint. The investigation shall include interviews with both sides and with witnesses, as well as a review of any relevant documents. The investigator will present a written report of their findings to the Board Executive Committee who shall inform the Executive Director.

In most cases, investigations should start immediately after an investigator is chosen, and finish within ninety (90) days.

### **Final Report following an Investigation**

The investigator should keep notes and use them to prepare a written report, presenting the conclusions of the investigation. The report should be provided on a confidential basis to the Executive Committee, the Executive Director, as well as to the parties involved.

In the event that the complaint is well founded, depending on the gravity of the incident, the Executive Committee in consultation with the Executive Director will ensure that all necessary measures are taken to:



- Protect the health and safety of the victim/survivor.
- Immediately stop any form of violence, exploitation, harassment or discrimination towards the complainant.
- Provide a personal or written apology to the victim/survivor.
- Provide necessary sensitization and training to ensure there is no repeat of the offending behaviour.

In certain cases, if the offending behaviour has been serious enough and/or a pattern of violent or discriminatory behavior has been established, the Executive Director may impose administrative or disciplinary measures including suspension without pay or, when warranted by circumstances, immediate dismissal for cause. In such cases, the Executive Director will first consult with the Board Executive Committee before taking action. (see Sections 8.4 and 8.5 of the Human Resources Policy on Dismissals).

In the event that investigation provides reason to believe that there was criminal behavior involved, the victim/survivor will be encouraged and supported in referring the matter to the appropriate authorities.

In the event that there is not enough evidence to determine if the complaint is well founded, the parties shall be advised accordingly.

In the event that the complaint is proven to have been made in bad faith or is vexatious, the complainant shall be advised and may be asked to apologize to the respondent. Further disciplinary measures might also be called upon, not excluding termination of employment for cause (see Sections 8.4 and 8.5 of the Human Resources Policy on Dismissals).

### **Policy Review**

This policy will be reviewed on a periodic basis to ensure Equitas' policies and practices are able to benefit from good practices in the sector as well as Equitas' own lessons learned. Additional procedures and forms may be developed to assist in the implementation of this policy.

### SEXUAL VIOLENCE AND/OR DISCRIMINATION COMPLAINT FORM

\*\*\*If you do not have enough space to complete any of the sections of this form, please feel free to add additional pages as schedules.

CONTACT INFORMATION OF VICTIM/SURVIVOR	
Name: _____	First Name: _____
Title: _____	
Phone number at work: ( ) _____	
Phone number at home: ( ) _____	

SUMMARY OF THE FACTS
Describe the incident, listing the facts, circumstances, events, words and actions that form the basis of your complaint of sexual violence, harassment and/or discrimination. Be as specific as possible about dates and locations.

<b>NAMES OF ANY WITNESSES OF THE EVENT</b> <i>Note that witnesses will only be contacted with the consent of the person filing the complaint</i>	
1.	_____
2.	_____
3.	_____
4.	_____

<b>DESCRIBE THE EFFECTS AND CONSEQUENCES OF THE SITUATION ENCOUNTERED</b>	

<b>AGAINST WHOM ARE YOU MAKING THE COMPLAINT?</b>	
Name, First Name:	Name, First Name:
_____	_____
Title/Affiliation:	Title/Affiliation:
_____	_____

<b>YOU CAN ADD HERE ANY OTHER COMMENT THAT YOU CONSIDER RELEVANT</b>

**I formally file a complaint in accordance with the Policy on the Prevention of Sexual Violence and Discrimination in relation with the above facts.** I declare that the information provided in this form is true and to the best of my knowledge.

I understand that in doing so, Equitas may launch a formal investigation into the incident and/or take other steps in accordance with its Policy on the Prevention of Sexual Violence, Harassment and Discrimination and that my identity could be revealed.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Acknowledgement of receipt**

\_\_\_\_\_  
Received on

\_\_\_\_\_  
Signature

\_\_\_\_\_  
First Name, Name  
Title