

## COLLEGE PROCEDURES

<b>PROCEDURE NO. 3: Victims of Sexual Violence Support Protocol</b>	<b>Approval: Directors' Table – February 7, 2017</b>
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**NOTE:**

This initial version of our protocol is intended for internal clarification and awareness of our **college employees**. It will help John Abbott College be well-positioned for its coming participation in the province-wide consultation on this subject planned by the Ministère de l'Éducation et de l'Enseignement supérieur (MEES) during the Winter 2017 semester. A revision and full-release of this document will be prepared once we receive feedback from the MEES following its consultation.

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## I. Introduction

John Abbott College seeks to foster and maintain a community of mutual respect and concern for all of its members. There can be no greater violation of the terms of that community, or of the essential dignity of any member of it, than an act of sexual assault, sexual harassment, or other forms of violence (referred to as “sexual violence”) described in this protocol. These acts constitute the deepest affront to our college standards and will not be tolerated in any form.

All members of the community—students (current and applicants), faculty, staff, applicants for employment, persons doing business with or acting on behalf of the College, and visitors to campus—are protected under Policy 4 (concerning sexual harassment, psychological harassment, and abuse of power) and share in the responsibility for creating and maintaining an environment that promotes the safety and dignity of each person. Towards that end, this protocol provides the framework for eliminating sexual assault, sexual harassment, and other forms of sexual violence from our community, preventing its recurrence, and addressing its effects.

John Abbott College **prohibits all forms of sexual harassment, as well as sexual assault and other forms of sexual violence.** Any person found responsible for such violations will face sanctions as per College policies which may include dismissal or expulsion from the College.

Acts of sexual assault or sexual violence may also be prosecuted under the Criminal Code. This protocol applies to all on-campus conduct, as well as any off-campus conduct that has an adverse impact on any member of the College community.

## 2. What is considered sexual assault?

Sexual assault is having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes (but is not limited to) sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Types of sexual assault include rape, fondling, unwanted touching, incest and statutory rape among others.

### **Sexual exploitation**

Sexual exploitation is an act or omission to act that involves taking non-consensual, unjust, humiliating, or abusive sexual advantage of another person.

### **Stalking**

Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts in which the stalker follows, monitors, observes, threatens or communicates to or about a person, or interferes with a person’s property. This includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or make unwelcome contact with another person.

### **Sexual harassment**

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other physical, visual, or verbal behavior of a sexual nature where:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
- 3) Such conduct has the purpose or effect of: unreasonably interfering with an individual's academic or professional performance; or creating an intimidating, hostile, or demeaning employment or educational environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is severe. The more severe the conduct, the less need to show a repetitive series of incidents to establish a hostile environment, particularly if the harassment is physical. ***Recourse for sexual harassment experienced at the College is covered under Policy 4.***

### **Domestic violence / Relationship violence**

Domestic violence includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Relationship violence (also known as domestic violence) also occurs when one partner attempts to maintain power and control over the other through one or more forms of abuse, including sexual, physical, verbal, or emotional abuse. Specifically, domestic or relationship violence is a crime of violence committed by a current or former spouse or intimate partner, or by a person with whom the complainant shares a child in common. Relationship violence also includes a crime of violence against a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under domestic or family violence laws, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Quebec.

### **Dating & acquaintance violence**

Includes physically, sexually, and/or psychologically abusive behavior that arises in the form of a direct violent act, or indirectly as acts that expressly or implicitly threaten violence. Dating and acquaintance violence also occurs when one individual attempts to maintain power and control over the other person through one or more forms of abuse, including sexual, physical, verbal, or emotional abuse. Specifically, acquaintance and dating violence is violence or the threat of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship is determined based upon the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship.

### **Retaliation**

Retaliation is defined as attempts or acts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment, or intent to prevent participation in College proceedings under College Policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel. Retaliation may be committed by any individual or group of individuals, not just a Respondent or complainant. It may be committed against the complainant, Respondent, or any individual or group of individuals involved in the

investigation and/or in the resolution of an allegation of sexual assault, sexual harassment, or other sexual violence. Retaliation could occur before, during or after an investigation and/or College proceedings.

### 3. **What is consent?**

Consent is:

- **ALWAYS REQUIRED** - regardless of the nature of the relationship or past history of the individuals involved.
- Explicitly communicated
- Actively given without force or threat of force or coercion
- Voluntary
- Informed
- Reversible at any time (consent to one sexual act does not imply consent to any other act or to a repetition of that act at a later time)
- A mutual agreement in which all parties have equal power and are capable of making a decision
- Dynamic - if at any time, it is reasonably apparent that either party is hesitant, confused, or unsure then both parties should stop and obtain verbal consent before continuing any sexual activity.
- The responsibility of the party initiating or wanting to initiate sexual contact
- It is up to them to seek out and ensure that they have proper consent!

#### **Bystander intervention**

Bystanders play a critical role in the prevention of sexual violence. The College strongly encourages all community members to take reasonable and prudent actions to prevent or stop an act of sexual assault, sexual harassment or other sexual violence. Taking action may include direct intervention, calling Campus Security or law enforcement, or seeking assistance from a person in authority (e.g. Sexual Assault Resource Team member SART).

Community members who choose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

#### **How can I intervene if someone is in a difficult situation?**

Many times people want to help but they either don't know what to do (knowledge) in a particular situation or how to do it (skills). In most situations, there is more than one way to take action. Each situation is unique, and each person will have different strengths when it comes to intervention.

#### **Think of the 3Ds of intervention:**

##### **Direct**

These strategies involve approaching one of the key people involved in the situation and

attempting to prevent the situation from escalating further. For example, if you feel that a friend is drinking too much, and is not respecting another individual's rights, a direct intervention would be to tell them that you're concerned and suggest that they take a break or bring them a non-alcoholic drink.

### **Delegate**

In some situations, it is best if you involve other people to prevent the situation from worsening and to keep yourself safe. For example, this could mean recruiting friends of the student about whom you are concerned or **calling Campus security** directly (514-398-7777). You are taking action by asking others to help.

### **Distract**

By creating a distraction, you can alter the flow of the situation and potentially prevent a situation from worsening. For example, you might spill a drink or enter a conversation with a couple to try to interrupt the situation and shift it in another direction, thereby protecting a potential victim from being harmed.

**When considering your options, it is most important to make the safest choice available to you that somehow interrupts or intervenes in a potentially dangerous situation.**

### **Effective intervention is prevention**

#### **Remember that:**

- Most problems begin in group settings and progress to isolation...it is easier to intervene before a potential victim has been isolated!
- Friends are usually in the best position to do something. Keep your friends out of harm's way. Keep your friends from harming others.
- You could be in a situation in which you can help in the future. Be aware and willing to help.
- We all have a responsibility to look out for each other.

## **4. What can I do to help if someone is sexually assaulted?**

1. Be willing to believe your friend/ student/ colleague.
2. Ensure that they are safe from immediate harm.
3. Be kind and non-judgmental to the person.
4. Let them know what has happened is not their fault.
5. Put aside your own feelings of distress and deal with them later— your priority is the victim at this time (see section on secondary victims for assistance available to you).
6. Respect their privacy and their dignity (Do NOT ask unnecessary questions).
7. Help connect your friend / colleague/student to campus and community resources.
8. Support their choice of solution to the assault.
9. Be dependable and available when they need you.
10. Be patient.
11. Rape Trauma Syndrome may occur several weeks, months and even years following the incident. Seek counselling at any time to help you or your friend, student or colleague.

Learn about normal emotional reactions to sexual violence by reading the educational and supportive information provided on the topic of sexual violence on the College Counselling Resources for Students and Counselling Resources for Staff Communities on the JAC Portal. Encourage your friends to read it, too.

## **5. What to do if you have been assaulted**

### **If the assault just took place off campus:**

- Try to remain as calm as possible.
- Get to a safe place: your home, the home of a trusted friend.
- Call 911 if you are in need of immediate emergency assistance, call 811 (info-santé) if you need to know where you can go for evidence collection and medical care but can get yourself there.

### **If the assault just took place on campus:**

- Contact the Sexual Assault Resource Team (SART) member and security at the following numbers 514-457-6610 ext. 5555, or go to any of the SART team members' offices for immediate help (list provided at end of this document)

**If you are a student, the assault is recent but care is not urgent, you have the following on campus options:**

**Health and Wellness Centre**

**Herzberg H-139  
514-457-6610 ext. 5308**

**Note that if you want immediate care following an assault and wish to have the option to preserve evidence, this is not available here – see above for instructions.**

Nurses are available Monday-Friday 8:30am-4:30pm. On select days, medical doctors may also be available. They can assist you with non-urgent health information, options for STI testing, and pregnancy tests.

Services provided at the Health & Wellness Centre are completely confidential *except:*

- In cases where there is a minor (under 18) involved in a sexual assault,
- Or if there is a perception of imminent harm to self, others, or the campus community
- If you go to the hospital for evidence collection, the hospital staff **MUST** inform the police. However, this does not mean you must speak with them or file a formal report. You can choose not to.
- In those cases **ONLY** essential information must be transmitted to the appropriate authorities (police, campus security, youth protection services). *This decision will never be taken lightly.*

**Counselling Services**

**Herzberg H-148  
514-457-6610 ext. 5292  
[counselling@johnabbott.qc.ca](mailto:counselling@johnabbott.qc.ca)**

John Abbott College's Counselling Services professionals (psychologists and counsellors) can provide emotional support and psychotherapy to help those involved. Counselling is available during regular hours of operation, Monday-Friday, 8:30am-4:30pm.

Services are completely confidential *except*:

- in cases where there is a child under 18 involved in a sexual assault,
- or if there is a perception of imminent harm to self, others, or the campus community
- in those cases ONLY essential information must be transmitted to the appropriate authorities (police, campus security, youth protection services). *This decision will never be taken lightly.*

### **Community Resources** (available to both students and staff)

Several bilingual community organizations can also provide essential support and guidance to individuals affected by sexual violence. These include:

### **Sexual Assault Victim Helpline (accessible 24/7) 1-888-933-9007 or 514-933-9007**

#### **CALACS**

**514-684-2198**

Centre d'Aide et de Lutte Contre les Aggressions à caractère sexuel

#### **CAVAC**

**1-866-532-2822**

Centre d'Aide aux Victimes d'Actes Criminels (includes support through the reporting process to the police)

## **6. How to Report a Sexual Assault**

A student does not need to decide whether or not to request any specific action by the College at the time a report is made. Delays for such request will be provided at time of contact with a member of the Sexual Assault Resource Team (SART).

John Abbott College is committed to supporting the rights of a person reporting an incident of sexual assault, sexual harassment, or other sexual violence to make an informed choice among the options and services available, including on-campus reporting options, reporting to local police, and the right to not report at all.

### **What can I expect when reporting a sexual assault to campus staff?**

- You will be treated with care, support and respect.
- You will have the support of a member of the Sexual Assault Resource Team (SART).
- In general, the College will consult you prior to pursuing an investigation.
- In some cases, if an incident suggests an ongoing threat to the community, the College must evaluate requests for confidentiality against the College's obligation to provide a safe environment for all community members, including you. In these cases, only relevant details of your experience will be shared if absolutely necessary.
- If you decide to seek treatment at a local hospital, be aware that the hospital is obligated to contact the local police. You may choose whether or not to talk with the police.

**NOTE:** Because preservation of physical evidence in the first 96 hours after an assault is of the utmost importance and to allow you to reserve the option of pursuing a criminal complaint should you want, you should consider doing the following:

- **NOT** change your clothing or shower. If you change your clothes, it is important that they are kept in a paper bag to preserve evidence.
  - **NOT** apply medication to any injuries that have been sustained unless absolutely necessary.
  - **NOT** disturb anything in the area where the assault occurred.
  - **NOT** drink or chew gum.
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- Call the Campus security department if you want to report the assault at 514-398-7777.
  - If you are off campus, call the police if you want to report the assault to them (911).
  - If you are calling from on campus, contact a member of the Sexual Assault Resource Team (SART) at 514-457-6610 ext. 5555
  - If you suspect that you have been given a predatory drug, like Rohypnol or GHB, you will need to contact 811 (info-santé) in order to find out where you can get a urine test done within 72 hours of ingestion.
  - Seek free, confidential counselling at the College Counselling Services. # 5292 or stop by H-148 (Student Services).
  - Help is available for the person assaulted and this person's friends who may be affected as a result.

At any time, feel free to also use the Community Resources listed above



**7. Who are the members of the Sexual Assault Resource Team (SART)?**

**Director of Student Services:** Dennis Waide (if the situation involves students)

**Coordinator of Human Resources:** Annie Tam (if the situation involves staff)

**Representative of Security:** Pat Blue, Head of Security

**Secretary General:** Stavroula (Voula) Makris, Lawyer

**Dean of Academic Systems:** Kim Rousseau

**Representatives of Counselling Services:**

(All members of professional orders and abiding by a code of ethics)

Julie Chevalier (psychologist, Chair of Counselling Services)

Dan Beaulieu (Psychologist)

Antoine Beauchemin (Counsellor)

Joelle Elbaz (Psychologist)

**Representatives of Health and Wellness:**

(Both members of a professional order and abiding by a code of ethics)

Anne Smith (Nurse, Chair of Health and Wellness)

Alison King (Nurse)

**Representatives of Faculty:**

Eileen Kerwin-Jones

TBD

**Residence Manager:** Lois Dion (if the situation involves the Residence)

**Access Centre representative** (as needed)

## **Acknowledgements:**

John Abbott College wishes to thank Lisa Ostiguy, Deputy Provost, Melodie Sullivan, Senior Legal Counsel, and Jennifer Drummond, SARC Coordinator, all three members of the Sexual Assault Response Centre (SARC) at Concordia University, for their tremendous help as well as allowing us to “borrow” concepts and text from their Policy on Sexual Violence and their Bystander Intervention Handout.

<https://www.concordia.ca/students/sexual-assault/resources.html>

We would also like thank the University of Winnipeg’s Jan Byrd, Executive Director, Wellness and Student Life, for her assistance in sharing their Sexual Misconduct Protocol as well as their awareness campaign. <http://uwinnipeg.ca/student-wellness/sexual-misconduct/index.html>

We are also grateful to professors Dr. Anne Forrest and Dr. Charlene Senn of University of Windsor for their insights on their shared project with University of New Hampshire, Bringing in the Bystander. <http://uwindsor.ca/womenstudies/bringing-in-the-bystander>. We also thank them for sharing results of their research on effective interventions to reduce the incidence of sexual violence on campuses.

We also wish to acknowledge Sexual Assault Resource Coordinator (SARC) at Villanova University for their documents on consent and their definitions of sexual violence.

<https://www.l.villanova.edu/villanova/studentlife/health/promotion/sexualassault/sarc.html>