



NORTHWEST LAW ENFORCEMENT ACADEMY

SEXUAL VIOLENCE POLICY

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NWLEA Sexual Violence Policy

Our policy is in compliance with The Private Vocational Institutions Act of Manitoba effective June 3, 2019.

There is a requirement for a Sexual Violence Policy that:

13(1)

- a) Raises awareness of sexual violence including sexual violence through the use of social media or other forms of digital communication.
- b) Addresses issues related to consent in respect to persons engaging in sexual activities
- c) Includes provisions respecting the prevention and reporting of incidents of sexual violence
- d) Addresses training on the issues of sexual violence and
- e) Establishes complaint procedures and protocols for incidents of sexual violence.

The Sexual Violence Policy must ensure that

13(2)

- a) Policy is
 - (i) Developed in consultation with the students
 - (ii) Culturally sensitive and reflects the perspectives of those most vulnerable to sexual violence and
 - (iii) Easily accessible to students and others in the institution's educational community
- b) Students and others in the institution's educational community are informed of the services and procedures that are in place under the policy to prevent and respond to sexual violence.
- c) The Institution's activities under the policy and the results of those activities are reported to the public; and
- d) The policy and the institution's activities related to the policy comply with the regulations made under clause 42(1)(r)

13(3) Within four years after an institution first adopts its sexual violence policy, and within each subsequent four-year period after that, the institution must undertake a comprehensive review of the policy that includes consultations with students.

Regulations

42(1)(r) In respect of a sexual violence policy that must be adopted and implemented by a private vocational institution,

- (i) Respecting issues that must be addressed and content that must be included in the policy,
- (ii) Governing processes that must be followed and consultations that must be carried out in updating the policy, and
- (iii) Governing the form, manner and frequency in which the activities engaged in and the results achieved under the policy are to be reported to the public

Sexual Violence Definition under Private Vocational Institutions Act

“Means 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.”

Further explanation RE: DEFINITIONS:

Consent: (criminal code) Voluntary agreement by the complainant to engage in the sexual activity. Consent must be present at the time the sexual activity takes place.

Sexual Assault: (criminal code) a deliberate act on another person’s body without consent which violates the sexual integrity of the victim and a reasonable observer would conclude there was a sexual nature to the assault. Example: touching/grabbing a person’s breasts, buttocks, vagina, penis or anus. Sexual Assault include incidents involving intercourse, fellatio and cunnilingus.

Sexual Harassment: (non-criminal code) abusive, unwelcome conduct or comment or any sexual solicitation or advance that is known or ought to be known to be unwelcome. The unwanted behavior may be physical or verbal. Examples:

- Unwelcome physical contact, such as touching, patting or pinching
- Implied or expressed promise of reward for complying with a sexual solicitation or advance

- Implied or expressed threat of reprisal for not complying with a sexual solicitation or advance
- Displaying derogatory material such as pictures or cartoons of either women or men

Stalking: (Criminal Code: Criminal Harassment) besetting or watching dwelling house or any place that person may be, repeated communication directly or indirectly the other person or anyone known to them, engages in threatening conduct directed at the other person or any member of their family which cause the other person to fear for their safety or the safety of anyone known to them.

Indecent Exposure: for a sexual purpose exposes his or his genital organs. (becomes a criminal code offence if the exposure is before someone under the age of 16).

Voyeurism: (criminal code) secretly observes or records a person when they have an expectation of privacy.

Sexual Exploitation: (criminal code) Complainant being between the age of 16 and 18 and engaging in sexual activity with someone who is in a position of trust or authority. Consent is not a factor. Example: If a 17-year-old student starts a sexual relationship with an instructor. That instructor is committing the criminal code offence of Sexual Exploitation.

Sexual Violence under the Academy Policy can occur

- Anywhere as a result of training or studying relationships between student/student.
- Anywhere as a result of training or educational relationships between student/instructor or student/employee

This includes incidents that occur:

- On Academy premises
- During assignments/volunteer events/training sessions or field trips.
- At Academy related social functions
- Over social media, phone, text, email etc.
- Any other location

All members of the Academy (students, employees, instructors and executive) will take all reasonable steps to prevent sexual violence on our property and associated events.

If someone has witnessed, has knowledge or reason to believe that sexual violence has occurred or may occur, they are to report it immediately to the identified person responsible – Dean of Admissions or the Dean of Students or the CEO/President.

If someone has been subject to sexual violence, they should report the incident, as soon as they are ready, to the identified person responsible – Dean of Admissions, the Dean of Students or the CEO/President.

If a student or staff member is not comfortable speaking with any of the afore mentioned persons, they may approach any other staff member.

Academy Recommendation Regarding Sexual Harassment

If you are being harassed, you are encouraged to confront the harasser either in person or in writing, explaining the unwelcome behavior and requesting/demanding it to stop.

This interaction must be documented.

If you choose not to confront the harasser, report it to the designated officer- Dean of Admissions or the Dean of Students or the CEO/President. The report can be done in person or in writing via email or the report set out in the appendix.

Academy Response to Sexual Violence Incidents (Includes Sexual Harassment)

- 1) Listen to the complaint/disclosure and respond in a sensitive and understanding manner.
- 2) Where applicable, offer information regarding medical assistance, Police reporting procedure, forensic medical exam or support service providers (e.g., Klinik) regarding sexual assault and trauma.
- 3) In cases where criminal or civil proceedings have commenced, the Academy may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.
- 4) If the police are not going to be involved, management will initiate an investigation which will include:
 - a) investigate the complaint quickly and as confidentially as possible.
 - b) Meet with the complainant. Obtain a complete description of the incident, including date, time, potential witnesses
 - c) Interview potential witnesses.
 - d) Interview any other person who may have knowledge of relevant incidents related to the complaint or the respondent (alleged offender).

- e) Inform the respondent (alleged offender) of the complaint, provide details of the allegations and give an opportunity for the respondent to make a statement regarding the allegations.
- f) Notify both parties of the outcome of the investigation.
 - i. If the evidence supports the complaint, the Academy will take the necessary steps to stop the sexual violence and if appropriate, discipline the alleged offender.
 - ii. If the evidence does not support the complaint, the Academy will not discipline the person filing the complaint as long as the complaint was made in good faith.

Disciplinary Measures

Individuals who violate this Policy are subject to disciplinary and/or corrective action up to and including termination of employment or in cases involving a student expulsion from the program.

Retaliation

It is a violation of this Policy for anyone to:

- Retaliate or threaten to retaliate against a complainant who was acting in good faith whether it was making a report on behalf of themselves or another person.
- Retaliate or threaten to retaliate against an individual for having participated or cooperated in any investigation

Individuals who violate this Policy, are subject to disciplinary and/or corrective action up to and including termination of employment or expulsion.

False Statements

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

Individuals who violate this Policy, are subject to disciplinary and/or corrective action up to and including termination of employment or expulsion.

Public Reporting

Students and others in the institution's educational community are informed of the services and procedures that are in place under the policy to prevent and respond to sexual violence.

A copy of the policy is available online via our webpage www.northwestlaw.ca.

A copy of the policy is posted in our student lounge and on the bulletin board alongside the weekly class schedule and distributed to each student via the Student Manual.

Students are given a mandatory 5-hour information session on bullying and harassment, including Sexual Violence/Harassment.

Each student is given a form to sign stating that they are aware of the policy, where to locate it, who to approach and the procedure involved.

The students are asked at this time if there is anything they do not understand or approve of in the policy. If there are concerns, they are documented and investigated immediately.

Instructor meetings are held monthly and any issues that have come to light are brought forward.

There is also a two-day Instructor Inservice held each August. The NWLEA Policy is reviewed annually at this Inservice.

The instructors at NWLEA are former or currently serving Law Enforcement Officers (with the exception of the F/Arms Instructor, Health and Wellness the Executive Assistant) and are well educated in the procedures surrounding this topic.

NWLEA Statement

Northwest Law Enforcement Academy is committed to providing a learning and work environment in which individuals are treated with respect and dignity.

The Northwest Law Enforcement Academy is committed to providing a learning and work environment that is free of harassment or discrimination based on ancestry, race, color or ethnic origin, religion, age, gender, sexual orientation, marital status, family status or disability.

The Northwest Law Enforcement Academy has a Sexual Violence Policy which includes prevention, education, support and a reporting process.

For further information contact the Dean of Admissions at 204-953-8300.

ADENDUMS

- 1) The following is the policy as posted in the Student Manual. Each student has a copy of the Student Manual. It is also available online at www.northwestlaw.ca

29. HARASSMENT & SEXUAL VIOLENCE POLICY

The Northwest Law Enforcement Academy is committed to providing a learning/work environment in which individuals are treated with respect and dignity. Everyone has the right to participate and learn/work in an environment that promotes equal opportunities and prohibits discriminatory practices.

- a) **Harassment is a form of discrimination.** Harassment is prohibited by the Manitoba Human Rights Code. Harassment is offensive, degrading, and threatening. In its most extreme forms, harassment can be an offence under the Criminal Code of Canada. The Northwest Law Enforcement Academy is committed to providing a learning/work environment free of harassment based on ancestry, including race or color, national or ethnic origin, religion, age, gender, sexual orientation, marital or family status, or disability.
- b) **Sexual harassment will not be condoned in the Northwest Law Enforcement Academy.** It is the Academy's responsibility to provide an environment free of harassment. The Academy will not knowingly permit and will take reasonable steps to stop this form of harassment. Any employee or student, regardless of position, who sexually harasses other individuals in the Academy, **WILL BE** disciplined.

Sexual harassment is defined as a course of abusive, unwelcome conduct or comment; or, any sexual solicitation or advance that is known, or ought to be known to be unwelcome, especially if it may reasonably be seen to be putting a condition on employment and/or training, or the receiving or withholding of any benefit or service. The unwanted behavior may be either physical or verbal. It may also include one or more of the following:

- Unwelcome physical contact, such as touching, patting or pinching
- Implied or expressed promise of reward or threat of reprisal for complying with a sexual solicitation or advance
- Unwelcome sexual remarks or jokes that denigrate one's gender
- Unwelcome, ongoing, sexual solicitations or advances
- Displaying derogatory materials such as pictures or cartoons of either women or men

- Retaliation against an individual for reporting on behalf of oneself or another; or for having participated or cooperated in any investigation.

For the purposes of this policy, the types of behavior which constitute sexual harassment means harassment which occurs:

- a) In the Academy, or
- b) Anywhere else as a result of training/employment responsibilities or training/employment relationships.

It includes but is not limited to harassment:

- On Academy premises
- During assignments/volunteer events/training sessions or field trips outside the Academy
- At Academy related social functions, over the telephone, cell, text

If you have been harassed, you are encouraged to immediately tell the harasser to stop. If the harasser continues or if you choose not to confront the harasser, report the behavior to either the Dean of Students or another person in authority. The Academy will investigate any complaint quickly and as confidentially as possible. Both parties involved in the complaint will know the outcome of the investigation.

If the evidence supports the complaint, we will do whatever is necessary to stop the harassment, and if appropriate, discipline the perpetrator. If the evidence does not support the complaint, no repercussion will occur for the person filing the complaint, if the complaint was made in good faith.

- c) **Sexual Violence Policy**- The Academy fulfills MB Government Policy under The Sexual Violence Awareness and Prevention Act and policies and procedures in place that allows the Academy to respond in the event a student comes forward to disclose sexual violence this includes:
 - Listening to complaints/disclosures and responding in a sensitive and understanding manner
 - Providing information to the student about the Academy's response procedure
 - Offering information or making referrals to support service providers with experience addressing sexual assault and trauma and
 - Providing the student with reasonable accommodation while at the Academy

All individuals, students and employees, instructors are covered by the sexual violence policy at the Academy.

The Academy communicates its policy (in the Student Manual) on its website. There will be an additional handout associated with the Harassment course.

A briefing on sexual violence will be delivered as part of the mandatory Harassment briefing scheduled at the beginning of each class program.

Sexual violence is defined as 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 persons consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

Sexual assault is defined as 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 behaviors 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 prosecutable crime.

IF YOU'VE BEEN THE VICTIM OF HARASSMENT OR SEXUAL VIOLENCE:

The Academy has a process to receive complaints/disclosures (Complaint Report Form) if a student has been subject to sexual violence either on or off Academy premises.

- **No report**- the victim discloses sexual violence to seek emotional support, medical support or advocacy but does not wish to report formally to the police (there are resources available in the community)
- **Police report**- the victim makes a police report which would be followed by a criminal investigation. Victims can contact the police or visit the nearest police station. There are support services available for individuals who decide to report to the police.
- **Medical assistance/forensic medical exam**- the victim attends the hospital or medical center for medical attention to address possible physical injury, pregnancy and or sexually transmitted infections, forensic exam to collect any forensic samples while the victim/survivor decides whether to report to police.

In Winnipeg you should report within 120 hours (5 days) from the time of the sexual assault, survivors can go to the emergency department of the Health Sciences Centre (use the William Avenue Street entrance or call 204-787-3167). You should tell the Triage Nurse that you have been sexually assaulted and/or you would like to see the Sexual Assault Nurse Examiner (SANE) nurse. Support workers from the Klinik Sexual Assault Crisis Program are available to accompany victims/survivors to hospitals or medical centers in Winnipeg. If the survivor/victim does decide to report the assault, the SANE nurse will call the police on their behalf. A Winnipeg Police Service plain clothes detective with the Sex Crimes Unit will come to the hospital to speak with

the victim/survivor or will contact the person within 24 hours (if unavailable at the time of the exam).

In Winnipeg, beyond 120 hours, survivors can be referred to a medical practitioner in the community where they feel comfortable (family doctor, STI Clinic etc.)

Outside Winnipeg, survivors/victims can visit their nearest emergency room department, teen clinic, health center or nursing station. Staff there can contact the local police or RCMP station for them, if requested.

LOCAL SERVICES LISTING:

For information on services and resources in 150 languages please call 211 or visit the webpage at mb.211.ca

Counselling Services:

- Klinik Sexual Assault Crisis Counselling
- Manitoba Farm & Rural Support Services
- Mount Camel Clinic
- The Laurel Centre
- Women's Health Centre
- Survivors Hope Crisis Centre (North-eastern MB)

Law Enforcement Services:

- To report an emergency call 911
- To report a crime (sexual assault) contact your local law enforcement: WPS - Sex Crimes Unit (204) 986-6222. To speak with a Detective in confidence call 204-986-6245
- RCMP Detachment Office
- Altona Police Service- (residents of Plum Coulee and Altona) 24 hours- 204-324-5353 and general inquiries- 204-324-5373
- Sainte-Anne Police Service- (residents of the Town of Sainte-Anne) 24-hour line- 204-422-8209
- Winkler Police Service (daytime phone- 0900-1630 Monday to Friday) 204-325-0829 and After hours call 204-325-9990
- Morden Police Service- daytime phone (0900-1630 Monday to Friday) 204-822-6292 and after hours call 204-822-4900

Health Services:

- Please visit the Manitoba Health Website for a list of public health services available in your area at www.gov.mb.ca/health

Cultural Services:

- Ka Ni Kanichihk- Heart Medicine Lodge- provides culturally based support and advocacy services for Indigenous women and those who identify as women who have experienced sexual assault and sexual violence. Phone- 204-953-5820, toll free- 1-888-953-5264, text- 204-232-5445 or e-mail rbach@kanikanichihk.ca

Shelter/Emergency Residential Services:

- For confidential information and help call 1-877-977-0007 TTY:1-888-987-2829. Click on the brochure (PDF 46 KB) for a list of services available in Manitoba for victims of domestic or family violence or visit Manitoba.ca/stoptheviolence.

Legal Services:

Community Legal Education Association- The Law Phone in and Lawyer Referral Program
Phone (for legal questions) 204- 943-2305
Toll Free: 1-800-262-8800 (outside Winnipeg)

Crisis Services:

Sexual Assault Crisis Line (24/7) -in Winnipeg- 204-786-8631, toll free- 1-888-292-7565

Klinik Crisis Line (24/7) -in Winnipeg-204-786-8686, toll-free- 1-888-322-3019

- 2) The following page shows the form given to each student upon completion of the Bullying/Harassment/Sexual Violence class.

- 3) The Sexual Violence/Harassment Complaint Form is supplied to all students in the event of an incident.

Please refer to the following pages for the Complaint Form.



SEXUAL VIOLENCE/HARASSMENT COMPLAINT REPORT FORM

1. COMPLAINANT INFORMATION

Name:

Class:

Student Number:

Date and Time Incident Occurred:

2. COMPLAINT REPORTED TO

Name:

Position:

Date and Time Reported:

6. COMPLAINT PARTICULARS

- Chronology of incident – when, who, where, what and how. Provide relevant and sufficient detail for each incident. E.G.: what happened, what was said and/or done, when it happened, was it a single event or is it ongoing, who was involved, who has knowledge of the incident.

*****Note: A respondent has the right to receive information regarding the complaint in order to be able to provide a response. The relevant particulars of the complaint will be shared with the respondent.**

DETAILS OF INCIDENT. PLEASE USE A SEPARATE FORM FOR EACH INCIDENT.

7. STEPS TAKEN TO DATE

Have you spoken with the respondent in regards to your concerns/complaint?

YES

NO

If yes what did you say?

What other action/s have you taken related to this complaint? E.G. filed a formal complaint with WPS, contacted Klinik or other, sought medical attention?

8. COURSE OF ACTION

The following options have been explained to me. I understand I may choose to:

Speak to the respondent myself or with a designated person in authority

Have a designated person in authority speak to the respondent

File a report for information purposes only at this point (if applicable)

Seek counselling from an outside agency i.e.) Klinik

Report the incident to police

I have been provided with contact information for support services and police

9. CHOSEN ACTION

I have chosen the following course of action:

10. DESIRED RESULT

By choosing the above action/s I hope to achieve the following:

Complainant Signature

Date

Complaint Received by

Date