



Ben's International Driving School

Sexual Violence Prevention Policy and Response Protocol

Last revised: April 9, 2021

Introduction

Manitoba requires all post secondary institutions play an active role in and as defined under *The Sexual Violence Awareness and Prevention Act*. This Act identifies institutions' roles and responsibilities under two pillars.

- i) raising awareness and
- ii) a responsibility to respond via policies and procedures should a student come forward.

This information is being provided to all members of Ben's International Driving School's community (instructors/administrators /officers / directors / students – active and potential) as an element of our efforts to increase awareness and fulfill our obligations under the *Sexual Violence Awareness and Prevention Act*.

All members of the Ben's International Driving School's community have a right to study and work in an environment free of sexual violence and sexual harassment. This section outlines the school's awareness activities and response procedures for disclosures of incidents of sexual violence or harassment.

Section I – Policy Statement

Sexual violence is unacceptable and will not be tolerated. The school is committed to providing a work and learning environment that is free from sexual violence and sexual harassment. Ben's International Driving School acknowledges and will take action under the following principles and is applicable to everyone who owns, works or studies at the school:

- Survivors will be believed and respected as the final decision-makers as to what is in their own best interest
- Individuals who have committed an act of sexual violence will be held accountable by the school and face disciplinary action up to and including expulsion
- That the school will make every effort to respect confidentiality and anonymity
- That there is a formal procedure for responding to incidents of sexual violence
- The school will engage in public education and prevention activities

Section II - Definitions

It is important that our school community is provided with accurate and relevant information and some terminology used within the context of sexual violence and harassment.

- **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. 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 once 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 the 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 more information on consent please refer to:
<http://www.gov.mb.ca/youarnotalone/consent.html>)

➤ **Cyber harassment/cyber stalking**

- ❖ Cyberstalking is a criminal offense and involves using electronic and or digital technologies like the Internet, or other applications, to stalk or harass a person or group of people. Cyberstalking can include threats, solicitation for sex, false accusations, defamation, slander, libel, identity theft, and vandalism. A cyberstalker may be someone the victim knows or a stranger.

➤ **Date rape**

- ❖ Also known as acquaintance **rape**, is the forcing or coercing of a victim into unwanted sexual activity by a friend, romantic suitor, or peer through violence, verbal pressure, misuse of authority, use of drugs, or threats of violence.

➤ **Sexual Harassment**

- ❖ The *Criminal Code of Canada* defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee; or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.
- ❖ For more information: <https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/sexual-harassment.html#s01>

- **Stalking**
 - ❖ Stalking, or “criminal harassment” as it’s called in Canada, is defined as “repeated and unwanted attention that causes a person to fear for their safety or the safety of someone they know.”
 - ❖ For more information: <https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/publications/criminal-harassment-stalking.html>
- **Victim Blaming**
 - ❖ Victim blaming is a devaluing act that occurs when the victim(s) of a crime or an accident is held responsible — in whole or in part — for the crimes that have been committed against them. This blame can appear in the form of negative social responses from legal, medical, and mental health professionals, as well as from the media and immediate family members and other acquaintances.
 - ❖ For more information: https://crcvc.ca/docs/victim_blaming.pdf
- **LGBT2SQ+**
 - ❖ Includes people who identify as lesbian, gay, bisexual, transgender, Two-Spirit, queer, questioning, intersex, asexual, pansexual and/or gender fluid.
- **Disclosure and Reporting**
 - ❖ A disclosure is different than a report. A disclosure is when you share your story with anyone who you feel comfortable with. This can include friends, family, co-workers, a trusted instructor, counsellor, chaplain, doctor or others you choose to share your story with.
 - ❖ A report refers to an official report to the school and/or a more formal process made to law enforcement.

Section III - Sexual Violence Response Protocol

It is understood that the sensitive nature of sexual harassment may require different actions by the school in its supportive role. A member of the school community who feels they have been exposed to these actions needs to feel heard in a safe and supportive manner.

Statement of Survivor’s Rights

Survivors have the right to:

- Be believed
- Be treated with sensitivity and compassion
- Be treated with dignity and respect
- Be informed about on- and off-campus services and resources
- Decide whether or not to access available services and to choose those services they feel will be most beneficial
- Decide whether to report to local police
- Have a safety plan, and to have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator(s)

Confidentiality

At Ben's International Driving School, we understand that keeping information confidential is important and may be a deciding factor in whether or not a person chooses to share. We respect our community

member's experiences and desire for autonomy. Supports and resources are available regardless of whether or not someone chooses to formally report or disclose an incident.

Ben's International Driving School will make every effort to respect confidentiality and ask for consent before acting on information that is provided to us. However, there are times when complete confidentiality cannot be assured. These may include:

- When we believe that a person is a danger to themselves or to others;
- When a person involved is a minor (under 18 years old) or is a vulnerable person; and
- When there is reason to believe that the safety of the Ben's International Driving School community is at risk.

If one of these situations occurs, the school must alert the appropriate authorities. This may include disclosing information to facilitate an investigation, offering coordinated support, ensuring safety planning or taking corrective action.

Complaint and Response Protocol

Under this Sexual Violence Policy, any member of the school community may make a complaint in the following ways to “the Manager”:

- In person: at Ben's International Driving School, 8 Symington Lane N, Navin MB
- By phone: 204-583-0980
- By email: bensinternationaldrivingschool@gmail.com
- By postal mail: Ben's International Driving School., 8 Symington Lane N, Navin MB R5T 0J1

It is recognized at Ben's International Driving School that some populations are more vulnerable to sexual violence than others and will make attempts to accommodate those individuals to the greatest extent possible. (e.g. making a female available to hear a complaint, recognizing that women are far more likely to be a victim of sexual violence). These populations include but are not limited to Indigenous women, newcomer women and men from ethnocultural communities, individuals within the LGBT2SQ+ community, and international students.

Upon receiving a complaint, a school representative will discuss the options available to the complainant and support them to make a disclosure or report, seek medical or police assistance or respond to other requests that may be reasonably accommodated.

Ben's International Driving School will make every effort to offer accommodations that disrupt the life of the victim/survivor as little as possible and make every attempt to provide reasonable accommodations for to the individual should they choose to complete their Class 1 Truck Driver Training program. This may include but not limited to the deferral of completion timeline, transfer of classes to an alternate date, deferred tests/exams/road tests, and transition to part time. It is important to note that these types of accommodations may also require sponsor approval. The school will also provide, when requested, appropriate referrals to community service organizations with subject matter experts, trained and qualified to deal with victims of sexual violence, that may be able to provide any additional services and support (housing/counselling/financial etc.).

In keeping with the *Statement of Survivor's Rights*, the school offers the following options:

1. **Disclosure / No report** – the victim / survivor discloses sexual violence to seek emotional support, medical support or advocacy but not report to police.

The school will provide a supportive role, listen and share with the student with what resources may be available to them as per the reporting protocols.

2. **Report** – launch a complaint if he / she has been sexually harassed by a member of the school community.

She / he may confront the harasser personally or in writing pointing out the unwelcome behaviour and request that it stop

OR

the victim / survivor may wish to report a complaint to the school in writing.

The school will provide a supportive role by providing contact information and assisting with the initial communications to the appropriate individuals / authority / service as requested / required.

3. **Police Report / Medical attention** – the victim / survivor wishes to make a complaint with the local police department or seek medical assistance.

The school will provide a supportive role by providing contact information and assisting with the initial communications to the appropriate authority / service.

4. **Anonymous and third-party reporting**

- a. To police / external bodies – The Winnipeg Police Service, in partnership with community organizations, offers an option for anonymous third party reporting. Third party reporting allows a survivor to report an assault to a community organization, which will pass the report on to Winnipeg Police or the RCMP. After information is passed to police, if the police want to speak with the survivor, they will contact the community organization first, who will then contact the survivor, allowing them to decide whether or not they want to speak to the police.
- b. Community organizations who offer anonymous third party reporting include Klinik Community Health Centre, Ka Ni Kanichihk Heart Medicine Lodge, and Sage House (Mount Carmel Clinic)

The school will provide a supportive role by providing contact information and assisting with the initial communications to the appropriate authority / service.

Staff are expected to adhere to the following internal reporting protocol:

- Staff who are not administrative / management will provide the complainant with information on how to report a complaint to the Manager / Administrator as described above.
- Inform to their supervisor / manager.
- Management or administrative staff will communicate and provide options that may be available;
- Use the Sexual Violence Reporting Form to assist in receiving details of the complaint.
- It is expected that all staff (operations / management / administrative) will be supportive and ensure immediate safety needs are met and /or assists in the request for medical / local law enforcement attention if and as necessary.

Accountability Reporting

The school will create awareness and make the student body and public aware of its compliance with this policy through the following communication actions / activities:

1. Listing personnel responsible for conducting inquiries of any complaints including contact information posted on display within a public area of the school, within the school's handbook and will also be included on the school website: bensinternationaldrivingschool.com

2. Identifying the training dates of orientation and refresh sessions of the Policy for staff of the school including the number of participants on display within a public area of the school and included on the school website: bensinternationaldrivingschool.com
3. Log of dates of student “day one” orientation where the policy is communicated and include the number of participants at each session on display within a public area of the school.
4. Log of dates and communications effort to raise awareness and support prevention (emails to students / PD for staff / resources shared / website updates etc.)

Disciplinary Measures

If it is determined that a school community member has been involved in sexual violence or harassment of another school community member, immediate disciplinary or corrective action will be taken. This includes termination of employment or expulsion of a student.

Reprisal

It is a violation of this policy to retaliate or threaten to retaliate against a complainant, who has brought forward a complaint of sexual violence or sexual harassment, provided information related to a complaint inquiry or otherwise been involved with a complaint inquiry.

Section IV – Training, Awareness and Prevention

- The facility will take every reasonable precaution and implement measures to prevent sexual violence.
- Ben's International Driving School will include a copy of the Sexual Violence Policy in every contract made between the school and its students, and staffing / contractors / employees.
- All staff / contractors /employees will be provided an initial orientation to the Policy with a refresher conducted every two years. The session will include information on the Policy, how to respond, and understanding roles and responsibilities.
- The inclusion of cultural sensitivity and understanding and awareness of vulnerable populations will be incorporated as an important aspect in any and all training related to this policy for all individuals of the school community. Subject matter experts from external agencies may be engaged in this delivery.
- It is recognized that sexual violence can be perpetuated through social media and digital communications and this will be included in the training materials presented to the school community.
- Students will continue to be involved and made aware of this Policy through:
 - ❖ the inclusion of the Policy into the school student handbook / guide as well as during the training at the school orientation session provided at the start of every program;
 - ❖ opportunities to provide feedback / recommendations / continuous improvement ideas through the regular review period as well as ongoing feedback opportunities (may be via questionnaire, committee representation, stakeholder round tables etc.)
- We will use social and or digital communications via periodic emails throughout the year to all students serving as a reminder of information previously shared through the orientation / training and as a means to share any new relevant information such as additional resources, support organizations etc.

- To raise awareness of sexual violence for the general public, potential students, customers, employees / contractors, the Policy will be posted on the school’s webpage and any social media platforms (Facebook, Twitter, etc.).
- Under a “whole school and coordinated approach”, consideration for additional prevention strategies may be defined through alignments with the Health and Safety Committee as suggestions / recommendations are received, and upon further and regular reviews of the policy (e.g. brighter lighting, a secure yard area, additional training etc.).
- This policy is available in other formats upon request.

Section V – Additional Information

For more information on Ben’s International Driving School’s policy and procedures for promoting awareness and prevention on sexual violence please contact:

Rachel Wu, Manager Phone: 204-583-0980

It is acknowledged that information for the development of this Sexual Violence Prevention Policy and Response Protocol was provided through various resources.

The Policy development sought student feedback and insight through a questionnaire. Future commitments will include a Policy review conducted every four (4) years or when legislation changes that considers lessons learned, best practices and will consider a diverse representation of staff / students/administration and may include external subject matter experts in its change design/development.

Additional information on this subject aligned with local community service supports, cultural services, health services, crisis services and legal services and can be found at the following links:

https://www.edu.gov.mb.ca/docs/sexual_violence/guide.pdf

<https://www.gov.mb.ca/youarenotalone/index.html>

<https://www.gov.mb.ca/justice/crown/victims/sexualassault.html>

<http://klinik.mb.ca/sexual-assault-awareness/>

<https://crevc.ca/>

<https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/sexual-harassment.html>

<http://umanitoba.ca/student-supports/sexual-violence-support-and-education/sexual-violence-tell-someone>

When signed and submitted, and accepted by the Ben’s International Driving School, it forms part of the Class 1 Professional Driver Training Service Agreement and a legally binding contract between myself and the School. **I understand I am entering into a legally binding contract and my signature below certifies that I have read, understood, and agree to its terms, and this Sexual Violence Policy have been explained to me.**



Wintness –

Student –

Date:

Ben's International Driving School
Sexual Violence Complaint/Report Form

Part 1

Complaint/Report Details *(to be completed by person reporting incident)*

Date of Report

Name

Location of Incident

Date of Incident

Time of Incident

Victim's Name

Additional Witnesses
Information

Describe the immediate action taken: *(e.g.: request to stop behaviour, contacted supervisor, called 911 etc.)*

Signature:

Date:

Other information *(may include police report, past incidents etc.)*

Part 2

Corrective and preventative actions
(to be completed by school administrator)

Action(s)	Person(s) Responsible	Target Date	Completion date
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School Manager /Administrator (*print name*)Signature

Date