



Royal Military College Standing Order (CSO)

CSO 5019-1– Royal Military College of Canada Policy on Harmful and Inappropriate Sexual Behaviour (HISB)

1.0 Identification

1.1 Date of Issue 05 December 2016

1.2 Date of Modification Initial issue 05 December 2016

1.3 Applications The Royal Military College is committed to providing a safe environment that is free from sexual violence as well as harmful and inappropriate sexual behaviour (HISB) for all its students, staff, faculty and all others who work or study here.

The Department of National Defence and the Canadian Armed Forces have established policies that are relevant to issues of HISB and harassment: Defence Administrative Order and Directive 5012-0, Harassment Prevention and Resolution; Defence Administrative Order and Directive 7023-0, Defence Ethics; and Defence Administrative Order and Directive 5019-5, Sexual Misconduct and Sexual Disorders. This order is not intended to supersede or interfere with these policies, nor with the criminal/military justice system.

The Royal Military College is an associate member in the Council of Ontario Universities as represented by the Principal as the academic head of the University, this policy reflects the provisions of Ontario Bill C-132, Sexual Violence at Colleges and Universities under the Ministry of Training, Colleges and Universities Act.

This Standing Order is an order and direction from the Commandant Royal Military College to those members of the Canadian Armed Forces and employees of Department of National Defence, all students and contractors, who serve, are students or are employed at Royal Military College.

For the purposes of this order, and in accordance with the Department of National Defence Harassment Prevention and Resolution Guidelines, Royal Military College is considered a workplace for all military and civilian members of the Canadian Armed Forces and Public Service as well as all students and contractors.



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- 1.4 Approval Authority** This College Standing Order is issued by the Commandant under the authority of Queen's Regulations and Orders 4.21, Defence Administrative Order and Directive s 1000-0 and 1000-2.
- 1.5 Enquiries** Stewardship of this Order is the responsibility of the Director of Plans and Strategy.
- 1.6 Table of Contents** This College Standing Order contains the following topics:

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2.0 Definitions

- 2.1 HISB** Harmful and Inappropriate Sexual Behaviour, as defined by the Canadian Armed Forces includes but is not limited to:
- a. actions that perpetuate stereotypes and modes of thinking that devalue individuals on the basis of their sex, sexuality, or sexual orientation;
 - b. unwelcome language or jokes of a sexual nature;
 - c. accessing, distributing, or publishing in the workplace material of a sexual nature;
 - d. offensive sexual remarks;
 - e. exploitation of power relationships for the purposes of sexual activity;
 - f. unwelcome requests of a sexual nature, or verbal abuse of a sexual nature;
 - g. publication of an intimate image of a person without their consent;
 - h. sexual interference;
 - i. sexual exploitation;
 - j. sexual assault, and;
 - k. other criminal acts, such as indecent acts, and voyeurism.
- 2.2 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.
- 2.3 Survivor/ Victim** Individuals who have experienced HISB may choose to identify as survivors rather than victims. The term victim is more familiar and continues to be used by universities, the justice system and most Department of National Defence and Canadian Armed Forces policies. Anyone experiencing sexual violence or HISB who does not wish to identify as a victim may choose to use the term survivor. Although the two terms are used interchangeably, this order will use the term survivor



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when making reference to anyone who has experienced sexual violence or HISB.

- 2.4 Respondent** Once a report has been filed by a survivor, the alleged perpetrator of the HISB incident is termed the respondent to the complaint.
- 2.5 Disclosure** Confidentially revealing an incident of HISB to someone who they trust in order to seek support and/or guidance without making a formal report. Survivors are not required to report an incident of HISB in order to obtain support and services from the Royal Military College.
- 2.6 Report** A formal process through which a survivor reports an incident of HISB to a formal authority, such as a police officer, superior or any Canadian Armed Forces member, with the understanding that this report may lead to an official investigation.
- 2.7 Duty to Report** Under Queen’s Regulations and Orders, Volume 1, articles 4.02 and 5.01, officers and non-commissioned members “shall report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the Code of Service Discipline.” Canadian Forces medical personnel and members of the Chaplain branch are exempt from the Duty to Report provisions.
- 2.8 Consent** The voluntary and continuing agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be a willingness to participate in mutually agreed upon sexual activity and this willingness cannot be assumed. The following list is essential to understanding consent:
- a. silence or non-communication shall not be interpreted as consent, and a person in a state of diminished judgment cannot consent;
 - b. a person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate;
 - c. a person who has been threatened or coerced (i.e., is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it;
 - d. a person may be unable to give consent when under the influence of alcohol and/or drugs;



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- e. a person may be unable to give consent if they have a mental disability preventing them from fully understanding the sexual acts;
- f. the fact that consent was given in the past to a sexual or dating relationship does not mean that consent is deemed to continue to exist or exist for future sexual activity;
- g. a person can withdraw consent at any time during the course of a sexual encounter;
- h. there is no consent if a sexual encounter is the result of an abuse of power or abuse of authority by a person in a position of trust, power or authority such as faculty member, a supervisor; or an individual of higher position;
- i. consent cannot be given on behalf of another person; and
- j. it is the responsibility of the initiator of sexual activity to ensure consent is present during all stages of sexual engagement.

- 2.9 Responsible Officer** Individual in Department of National Defence/Canadian Armed Forces organizations who have overall managerial and leadership responsibility for ensuring that Department of National Defence civilians and Canadian Armed Forces members work in a harassment-free workplace. Harassment prevention is an integral part of a Responsible Officer's leadership and managerial role. At the Royal Military College, the RO is the Commandant.
- 2.10 Harassment Advisor** Employees of the Department of National Defence or Canadian Armed Forces who have been appointed by the Responsible Officer to provide information and advice to the Responsible Officer concerning harassment policy and procedures and the role and responsibilities of the Responsible Officer in preventing harassment and resolving harassment situations.
- 2.11 Workplace Relations Advisor** A trained Harassment Advisor who is not acting in the role of Harassment Advisor, who assists the HA in the coordination of awareness and prevention programs. The Workplace Relations Advisor is a source of information for Department of National Defence employees and Canadian Armed Forces members. At the Royal Military College, the Workplace Relations Advisor will assist in facilitating any academic, workplace or other accommodations requested by a survivor of HISB.
- 2.12 Chain of Command** The Chain of Command is the line of authority and responsibility along which orders and information are passed at a military organization. The Commandant has ultimate authority and responsibility for matters related to HISB.



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3.0 Policy Statement/Purpose

- 3.1 Responsibilities** Ethical behaviour reinforces mutual trust, respect, and dignity and is expected from everyone at the Royal Military College. Everyone at the Royal Military College has a role to play if they become aware of incidents or complaints of sexual violence or HISB. The steps to be taken by anyone witnessing or being made aware of an incident of sexual violence or HISB are outlined in Annex A.
- 3.2 Statement of Commitment** All members of the Royal Military College community have the right to work and study in an environment that is free from any form of HISB. This document sets out the Royal Military College's policy concerning HISB and its intent: to ensure that those who experience HISB are looked after and their rights respected. To nurture and promote an environment that is free from Harassment and any form of HISB. In the event that an incident of HISB does occur, this policy directs that those who have been found to have committed an act of HISB will be held accountable for their actions.
- a. the Royal Military College strives to be a safe and positive space in which members of the community feel welcome to work, learn, and express themselves in an environment free from HISB. The Royal Military College is committed to preventing HISB and maintaining a safe and respectful environment for everyone in the Royal Military College community;
 - b. HISB can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status. It is also recognized that individuals who have experienced HISB may experience emotional, academic, or other difficulties. The Royal Military College is committed to survivor support and accommodating their needs;
 - c. through this order, the Royal Military College expresses its ongoing commitment to the following:
 - i. to treat individuals who disclose or report HISB with compassion, and to recognize, to the furthest extent possible, that survivors are the decision-makers regarding their own best interests;
 - ii. to ensure that those who report that they have experienced HISB are believed, and that their right to dignity and respect is protected throughout the process of disclosure, reporting, investigation, and institutional response;



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- iii. to assist all individuals who have experienced HISB, whether or not they choose to report the incident(s), by providing information and support, such as provision of and/or referral to counselling and medical care, information about legal options when applicable, and appropriate academic and other accommodation;
- iv. to address harmful attitudes and behaviours that reinforce that the person who experienced HISB is somehow to blame for what happened;
- v. to engage in appropriate administrative and/or disciplinary action in response to a report of HISB that are in accordance with the law, orders, policies, and applicable collective agreements, and that ensure procedural fairness;
- vi. to facilitate coordination and communication among the various departments and external units that are most likely to be involved in the response to HISB on campus;
- vii. to ensure that the Royal Military College's HISB policies and protocols are known and understood by the Royal Military College community;
- viii. to provide appropriate education and training to all members of the Royal Military College community about the prevention of HISB, and appropriate response to the disclosure of HISB; and
- ix. to actively monitor and update Royal Military College policies and protocols to ensure that they remain effective and consistent with existing policies.

4.0 Confidentiality

4.1 Confidentially Statement Confidentiality is an important aspect of creating an environment in which those who have experienced HISB feel safe to disclose and safe to seek support and accommodation. The privacy and confidentiality of all members of the Royal Military College community involved in any disclosure or report will be protected with some limited exceptions. Confidentiality cannot be assured where the following conditions exist:

- a. a reasonable belief that an individual is at risk of self-harm;



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- b. a reasonable belief that an individual is at risk of harming another;
- c. there are reasonable grounds to believe that others in the Royal Military College or wider community may be at risk of harm; or
- d. reporting is required by law, orders, or policies or standards.

Canadian Armed Forces members excluding medical staff and Chaplains have a professional duty to report incidents of HISB. Accordingly, survivors should not have an expectation of being able to disclose an incident of HISB to Canadian Armed Forces members, without the expectation of incident being reported to the Chain of Command.

All Royal Military College staff, faculty and students have a responsibility to respect the dignity and privacy of people involved in incidents of HISB by treating all information that is disclosed or reported to them or to which they are a witness with discretion. Information sharing will be limited to those individuals who must be informed in order to implement processes outlined in this order. Survivors and respondents must be informed where limitations to confidentiality exist in order to ensure transparency and accountability.

5.0 Disclosure and Support

- 5.1 Disclosure and Support Statement** A survivor may choose to confidentially reveal or disclose an incident of HISB to someone that they trust in order to seek support and/or guidance without making a formal report. Survivors are not required to report an incident of HISB in order to obtain support and services from the Royal Military College. A list of support services is attached at Annex B.

Disclosing an incident of HISB to a trusted source does not preclude a survivor from eventually choosing to report the HISB incident that they experienced to a formal authority. Confidential disclosure that does not automatically lead to a formal report is the foundation of providing respectful, survivor-led support.

Those receiving a disclosure of HISB are expected to respect the survivor's right both to choose the services that they feel are most appropriate to them as well as the right and to decide whether or not they wish to report to the police and/or the chain of command (for more information on receiving a disclosure of HISB, please see Annex C).

6.0 Accommodation



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6.1 Accommodation Any individual who has been affected by sexual violence or HISB will be provided with appropriate accommodations upon disclosure of the incident of HISB that they experienced. All accommodation requests will be coordinated and facilitated by a Workplace Relations Advisor. The Workplace Relations Advisor will liaise with those responsible for arranging accommodations. Depending on a survivor's activities at the Royal Military College, accommodations may include, but are not limited to the following:

- a. academic accommodations, such as different class assignment(s) and/or modified course scheduling (Office of the Registrar);
- b. modified mandatory social or group activity attendance (Director of Cadets);
- c. modified sports or training scheduling (Director of Athletics), and/or; a different barracks assignment (Director of Cadets); and
- d. workplace accommodations may be required to separate a survivor from a respondent (Supervisor, Human Resources).

7.0 Reporting Process

7.1 Reporting Options The disclosure of an incident of HISB does not automatically lead to a formal report unless the survivor chooses to formally report at some point in the process. If a survivor does wish to report an incident of HISB, they have the following reporting options available on campus at the Royal Military College. A detailed list of resources in the Kingston area is listed in Annex B.

- a. Officer of the Day (24/7);
- b. Duty Field Officer (24/7);
- c. Blue Light Emergency Telephones (linked to Military Police 24/7); and
- d. Campus Security Control Center (24/7).

In cases of medical emergency or where an imminent risk of harm exists, as described in Section 4.0, appropriate military or civilian emergency personnel must be contacted and the HISB incident would be automatically reported.



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- 7.2 Criminal Response Process** The appropriate military or civil law enforcement authorities can be contacted directly by the survivor. Alternatively, the Chain of Command, upon being advised of an act of sexual violence or HISB, may deem to the act to be criminal in nature and will contact the appropriate military or civilian law enforcement authorities.
- In accordance with existing policies, incidents of sexual violence or HISB that are deemed to be criminal or potentially criminal in nature will be investigated by the Military Police, National Investigative Service or the appropriate civilian authorities.
- 7.3 Non-Criminal Response Process** Incidents of HISB may be deemed non-criminal by the survivor, or by the appropriate military and law enforcement authorities. For military members and non-military members, where an incident of HISB is deemed to be non-criminal, the Chain of Command will investigate and respond to all incidents and complaints of HISB.
- For civilian employees, researchers and students, where an incident of HISB is deemed to be non-criminal, the incident will be addressed using the Departmental Harassment Prevention and Resolution Guidelines. Survivors should contact their Harassment Advisor for details on the non-criminal response process. In all such cases, individuals should be informed that they have the right to file: a human rights application with the Human Rights Tribunal (within one year of the incident); or a grievance under their collective agreement, if applicable. If they choose to file a human rights application or grievance, the Harassment Prevention and Resolution Process are suspended until the resolution of that application or grievance.
- 7.4 Interim Measures** Once an HISB has been reported, regardless of whether it is deemed to be criminal or non-criminal, the survivor will be referred to a Workplace Relations Advisor in order to receive information about the support services and accommodations available to them. At this point in the process, the survivor and respondent may need to be physically and/or hierarchically separated from one another for the period of the resolution. Other interim measures, such as academic accommodations, as described in Section 6.1.
- 7.5 Protection from Retaliation** Regardless of whether an incident of HISB is deemed to be criminal or non-criminal, under no circumstances will any person disclosing or reporting an incident of sexual violence or HISB be subjected to any threat of retaliation.



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8.0 Third Party Reports of HISB

Reporting HISB The steps to be taken by anyone witnessing or being made aware of an incident of sexual violence or HISB are outlined in Annex A.

9.0 Order Implementation and Review

9.1 Representation As stated in the Royal Military College OP HONOUR Operation Order, a task group, as a whole-of-College effort was established to coordinate the development of orders, policies, education and training. The inclusion of students as part of the task group, as well as representation from all other departments at the Royal Military College, has been essential in ensuring that this Standing Order is representative of the college community as a whole.

9.2 Order Review This order should be reviewed when necessary, but no later than three years from the last issue or amendment. Review or amendment of this Standing Order must include representation from all departments and must include students.

9.3 Order Approval The Royal Military College order on HISB may not be adopted, implemented or amended unless it has been reviewed and approved by the governing board or council of the college. In the case of the Royal Military College, this governing board or council will include:

- a. the Commandant; and,
- b. the Principal.

In addition, the following members of the College Team shall review the order prior to publication:

- a. the Registrar;
- b. the Director of Cadets;
- c. the Director of Athletics;
- d. the College Chief Warrant Officer;
- e. members of the Cadet Wing;
- f. the Civilian Human Resources Officer, and
- g. the Harassment Advisor.



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- 9.4 Amendments** Notwithstanding the provisions of the preceding section, some information regarding the Royal Military College's policy on HISB may be updated as required without the approval of all parties listed in Section 9.3 in order to ensure continuity and relevance of critical information and services. The following information may be updated without following the formal Order Approval process:
- a. information regarding support and services available to the Royal Military College community as well as that available through locally provided services;
 - b. the identity and contact information for the specific official, office(s) or department(s) to be contacted in order to obtain accommodations for responsive to the needs of survivors and those affected by sexual violence or HISB;
 - c. the identity and contact information for the specific official, office(s) or department(s) to whom an incident of sexual violence or HISB should be reported or a complaint should be made; and
 - d. the identity and contact information for the specific official, office(s) or department(s) that will be involved in each stage of the Royal Military College's sexual violence and HISB response process.
- 9.5 Location of Order** This order shall reside and be accessible on both the internal Royal Military College Intranet site as well as the external public Internet site. Any request from an individual, group or organization, including media, to view the order shall be supported and facilitated.

10.0 Education and Training

- 10.1 Expectations** All members of the Royal Military College community are expected to attend the annual briefing sessions that occur prior to the start of the fall term. These sessions will include reminders and updates to the HISB policies of the Department of National Defence and the Royal Military College. It is expected that all students, faculty, military and civilian staff as well as contractors employed or working at the Royal Military College will attend their respective briefing sessions. All material presented, including that on HISB will be subsequently posted on the Royal Military College SharePoint site for those who cannot attend due to scheduling conflicts or for other reasons. There will be no excuse for any ignorance of the College's HISB policy.



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The Royal Military College will also provide additional sensitivity and awareness education to staff, faculty, researchers and students through information sessions and other activities focused on issues of bystander intervention, consent and sexual violence.

11.0 Reporting of Statistics

11.1 Reports Incidents of sexual violence or HISB at the Royal Military College are to be both compiled and reported monthly to Military Personnel Generation.

12.0 References

- 12.1 Source Reference** Bill 132, the Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016.
- 12.2 Related References**
- a. Duty With Honour: The Profession of Arms in Canada 2009;
 - b. Department of National Defence and Canadian Armed Forces Code of Values and Ethics;
 - c. Queen's Regulations and Orders 19.15: Prohibition of Reprisals;
 - d. Queen's Regulations and Orders 4.02: General Responsibilities of Officers;
 - e. Queen's Regulations and Orders 5.0: General Responsibilities of Non-Commissioned Members;
 - f. Queen's Regulations and Orders 106.02: Investigation Before Charge Laid;
 - g. Queen's Regulations and Orders 19.75: Relief from Performance of Military Duty;
 - h. Queen's Regulations and Orders 101.09: Relief from Performance of Military Duty-- Pre and Post-Trial;
 - i. Defence Administrative Order and Directive 5019-5: Sexual Misconduct and Sexual Disorders, 26 September 2008;
 - j. Defence Administrative Order and Directive 5012-0: Harassment Prevention and Resolution, 20 December 2000;



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- k. Defence Administrative Order and Directive 5016-0: Standards of Civilian Conduct and Discipline, 01 April 2005;
- l. Defence Administrative Order and Directive 7023-0: Defence Ethics, September 2003;
- m. Defence Administrative Order and Directive 2008-3: Issue and Crisis Management;
- n. Defence Administrative Order and Directive 5019-0: Conduct and Performance Deficiencies;
- o. Defence Administrative Order and Directive 5019-1: Personal Relationships and Fraternization;
- p. Defence Administrative Order and Directive 5019-2: Administrative Review;
- q. Defence Administrative Order and Directive 5019-4: Remedial Measures;
- r. CANFORGEN 134/12: Decentralization of Authorities Related to Remedial Measures and Administrative Actions;
- s. CANFORGEN 112/14: Decentralization of Authorities Related to Remedial Measures and Administrative Actions;
- t. Volume IV - Appendix 6.1 -- The Queen's Regulations and Orders for the Canadian Military Colleges;
- u. Code of Service Discipline, Part III of the National Defence Act;
- v. Criminal Code, available at: <http://laws-lois.justice.gc.ca/eng/acts/C46/>, date accessed: 04 April 2016;
- w. Applicable Collective Agreements for the Public Service, available at: <https://www.tbs-sct.gc.ca/psm-fpfm/pay-remuneration/ca-cc/index-eng.asp>, Date accessed: 08 April 2016;
- x. Staff of the Non Public Funds Canadian Forces, Harassment Prevention and Resolution Guidelines, June 2011;
- y. Defence Controlled Access Area Regulations;
- z. Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities, Ontario Government, 2013, and;
- aa. 5111-46 (Chap Gen) RCCHS Directive – OPERATION HONOUR, 23 October 2015



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13.0 Annexes

13.1 List of Annexes	Annex A	Roles and Responsibilities
	Annex B	List of Community Resources
	Annex C	Disclosure/Reporting Matrix