

SEXUAL VIOLENCE AND HARASSMENT POLICY

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This policy and protocol applies to the employees, Board of Directors, members, and patrons of Third Space.

Citation: References used in this policy are cited at the end of the policy.

Credits: Third Space deeply appreciates the labour of The Khyber's staff and Board in preparing their Sexual Violence and Harassment Policy, as well as Modern Fuel for their additions. We also appreciate Music NB in preparing the procedure for removal or suspension of a member. We are grateful to all organizations for influencing the development of new policy for our organization at Third Space.

1. PREAMBLE

Third Space is dedicated to creating a safer environment for all members of the Third Space community. We recognize that sexual violence, harassment, discrimination and other harmful behaviours are serious offences with significant impacts on individuals and community. Addressing sexual violence through a survivor-centric and anti-oppressive framework is essential to building an accessible and care-based space. We understand that there are many physical, emotional, social, environmental, and structural factors that may prevent those who have experienced sexual violence from reporting or disclosing their experiences. We know that sexual violence can occur between individuals regardless of sex/gender, sexual orientation, race/culture/ethnicity, migrant status, Indigenous identity, class, disability, or age. Research and experience show that sexual violence is not a neutral social phenomenon that occurs randomly, but is largely committed against women, often by people that they may know. Third Space acknowledges the inherent cissexism in these findings and believes that "women" serves, in this governmental, statistics context, as a broad definition that includes all cis women, trans women, trans femmes, and/or people who are read incorrectly as female/women within the dominant culture (Two-Spirit people, non-binary people, intersex people, non-binary femmes). Third

Space understands that not all people read as female/women within dominant culture are women and that this is a demonstration of transphobia, transmisogyny, cissexism, and intersections of such.

In 1993, the year of the last national survey that directly asked about violence against women, it was found that half of all Canadian women had experienced at least one incident of physical or sexual violence since the age of 16 (*Statistics Canada 1993*). More research suggests that the numbers of sexual violence have remained steady, though the numbers of reported sexual assaults in Canada have declined (*Statistics Canada 2009*). Through this policy, we establish Third Space's commitment to addressing sexual violence using an anti-oppression survivor centric framework (Moore 2003).

Third Space recognizes sexual violence as a systemic issue that stems from a dominant culture of colonialism, white supremacy and misogyny. As an artist-run centre presenting artworks of all media, Third Space acknowledges the reality of ongoing violence, power imbalances and active abuse of power as a result of this dominant culture. This occurs throughout the contemporary art world and includes a lack of action in response to sexualized violence and continuance of cultural appropriation, tokenism, sexism, ageism and ableist assumptions on physical, environmental and financial accessibility and needs of individuals when accessing spaces to present or experience art.

Third Space's survivor-centric lens works to uphold, believe, and prioritize survivors/victims. Often believing a survivor/ victim while living under rape culture, may be read as biased or prejudiced. Third Space actively supports survivors/victims as a response to this belief. In order for bias or prejudice to hold or apply power, this bias or prejudice must be valued or validated through larger systems of structural power such as the criminal justice system and prison system – in fact the opposite bias can be demonstrated through observing low reporting and conviction rates of perpetrators.

Overall, the Third Space Sexual Violence and Harassment Policy should be used as a guide to navigate the complexity of sexual violence outlined above. It is also a planning tool for reducing harm and acting on experiences of sexual violence within Third Space.

2. DEFINITIONS

2.1 Anti-Oppression, Survivor Centric Framework

A framework for addressing sexual violence that prioritizes the autonomy and empowerment of survivors/victims and strives to ensure access to events and programming by meeting their needs for safer spaces.

This framework also takes an anti-racism, anti-sexism, anti-heterosexism, anti-ableism, anti-ageism, anti-cissexist, and anti-classism stance. For those in Third Space Community, this includes a commitment to upholding the survivor/victim rights enshrined in Third Space Sexual Violence and Harassment Policy and Response Protocol. Although named the Anti-Oppression, Survivor Centric framework for brevity, we acknowledge that different individuals may have different ways of speaking and writing about their experiences. The language of 'oppression' and 'survivors' is in correspondence with our current roles and ideas of oppression politics, and may be subject to change over time.

2.2. Safety

Safety is the state of being and feeling safe and experiencing relative freedom and security from the occurrence or risk of bodily, emotional, or mental harm, danger, or loss whether caused deliberately or by accident. Safety is also having access to spaces and people that provide this within an anti-oppression, survivor centric framework without fear or threat.

2.3 Discomfort

Discomfort is the state of being and feeling physically, emotionally, or mentally uncomfortable, uneasy, or in a state of stress. Feeling discomfort based on lack of consent, a crossing of boundaries, previous harmful, forceful, or violent experiences will be taken very seriously under Third Space Sexual Violence and Harassment Policy. Discomfort caused by one's own internalized or explicit racist, anti Black, homophobic, transphobic, sexist, ableist, ageist, and/or classist views, actions, or opinions about or toward anyone accessing Third Space will not be

supported or given space; this form of discomfort does not align with the anti-oppression, survivor centric framework.

2.4 Confidentiality

Confidentiality means to refrain from disclosing personal information to others. Every effort will be made to respect the wishes of persons experiencing sexual violence and to protect the privacy and anonymity of any person who discloses any incident of sexual violence. Prior to disclosure of any information reported relating to incidents of sexual violence, the expressed consent of the individual who made the report of sexual violence will be required. There are some situations where confidentiality must legally be broken and where information is dispersed to certain authorities – the list of situations wherein confidentiality is broken is found below. The constraints of confidentiality will be clearly communicated to people disclosing experiences of sexual violence in advance of disclosure (*St. Thomas University 2015*).

Limits to Confidentiality: The following circumstances may require taking immediate action in relation to a disclosure of Sexual Violence:

- An individual is at imminent risk of self-harm;
- An individual is at imminent risk of harming another; and/or
- There are reasonable grounds to believe that others in Third Space community may be at risk of harm
- Reporting or action is required by the law
- Evidence of Sexual Assault is available in the public realm (e.g. social media)
- A bystander discloses a sexual assault

In such circumstances, information would only be shared with necessary services to prevent harm, and the name of the survivor/ victim would not be released to the public.

2.5 Consent

(*Lakehead 2014*)

Under section 273.1 of the *Criminal Code* of Canada, consent is the voluntary agreement to engage in the sexual activity in question. This means that there must be an understandable

exchange of affirmative, clear words that indicate a willingness to participate in mutually agreed upon sexual activity. The existence of a current or previous dating, marital, or sexual relationship is not sufficient to constitute consent to sexual activity.

Consent must be informed, freely given, active, and continuously given. It is the responsibility of the initiator of sexual activity to obtain clear and affirmative responses at all stages of sexual engagement. Relying on non-verbal communication (regardless of your relationship) can lead to miscommunication about intent and it is important each participant clarifies the willingness to continue during progression of sexual activity.

Consent:

- Is not silence or the absence of 'no'
- Is never assumed or implied
- Cannot be given by someone who is incapacitated by alcohol or drugs* or who is unconscious
- Can never be obtained through force, threats, coercion or other pressure tactics
- Can be revoked at any time, regardless of any sexual activities that may have taken place
- Cannot be obtained if the perpetrator abuses a position of trust, power or authority
- Cannot be assumed from previous consent to similar activities

**As stated above, Third Space acknowledges that some members of Third Space community may live with addiction, and they may negotiate consensual sexual acts while intoxicated. In these contexts, negotiations of consent will look different than our definition. Nonetheless, consent must always be granted.*

2.6 Vicarious Trauma

Vicarious trauma is the emotional residue of exposure that first responders and responders to sexualized violence have from working with people as they are hearing their trauma stories and become witnesses to the pain and fear that trauma survivors have endured.

2.7 Third Space Community

Third Space community consists of:

- Third Space staff
- Third Space volunteers
- Third Space Board of Directors
- Third Space membership
- Third Space patrons
- Third Space hired artists or artists using Third Space space
- Any person who has used Third Space services at any time

2.8 Disclosure

A Disclosure occurs when someone discloses that they have experienced Sexual Assault.

2.9 Force

In the context of sexual misconduct, force is the use of physical violence and/or imposing on someone physically to gain sexual access to that person. Force also includes threats of harm to self or others, intimidation and or coercion to overcome resistance.

2.10 Mediator

A mediator* is a person, usually with expertise in counseling, peer support, mediation or social work, who is appointed to work with a survivor/victim and a first responder to assist them in an attempt to work to find a survivor centric safety plan and support system that fits the survivor/victim's needs.

2.11 Active Listening

Active listening is expressing concern and support for another person by being attentive to what they have to tell you. Active listening in a non-directional and non-interventionist approach that is rooted in expressing interest, concern, empathy, and survivor autonomy.

2.12 Non-Directional

The non-directional approach involves empowering individuals to make decisions and seek recourse through providing information regarding available options and resources while not encouraging or discouraging the use of certain options over others (*McGill University 2016*).

2.13 Perpetrator

A person who has perpetrated sexual violence or harassment.

2.14 Sexual Assault/Sexual Violence

Sexual violence is prohibited by section 271 of the *Criminal Code* of Canada. Sexual violence is sexual touching of another person with any object or body part that is without consent or by force. Any sexual activity without consent is sexual assault. It is therefore crucial to understand consent (*Lakehead 2014*).

2.15 Ad Hoc Anti-Harassment Committee

Upon receipt of a complaint, an ad hoc anti-harassment committee will be assembled to address the issue. As Third Space operates from a survivor-centric framework, it will then be up to the survivor/victim to direct the next steps of action. The purpose of the committee will be to offer referrals and resources to the survivor/victim so they may make their most informed choice moving forward. The ad hoc committee will aim to encourage reporting culture, be able to reference available resources in Saint John, and uphold an anti-oppression, survivor-centric framework. If the nature of the complaint may warrant the removal or suspension of a member, the committee will follow the procedure outlined in **Part 9** of this policy, Procedure for Removal or Suspension of a Member.

Third Space does not have the structural capacity to act as a rape crisis centre or a restorative justice centre. Third Space will work to support survivors/victims but does not have the structural capacity to guarantee support outside of Third Space events such as: accompaniment to appointment, support during a court case, counselling, house calls, etc.

2.16 Sexual Harassment

Sexual harassment as defined by a vexatious comment or conduct of a sexual nature that is known or ought reasonably to be have been known to be unwelcome. All forms of sexual harassment and sex/gender-based harassment are serious offences because these actions create a hostile, intimidating or offensive environment (*Lakehead 2014*).

Sexual harassment can include, but is not limited to:

- Unwelcome sexual advances
- Unwanted attention
- Implied or expressed rewards or benefits for sexual favours and implied or expressed threats if sexual favours are denied
- Requests for sexual favours
- Indecent exposure (prohibited under section 173 of the *Criminal Code* of Canada)
- Voyeurism (prohibited under section 162 of the *Criminal Code* of Canada)
- Unwelcome remarks and/or vexatious comments about someone's expression and or identity, including but not limited to: gender, sexuality, race, class, ability
- Attempts to extort sexual favours
- Inappropriate touching
- Repeated and vulgar sexual comments
- Display of pornographic or suggestive calendars, signs, posters and/or photographs
- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter, and Instagram

2.17 Sexual Violence

Sexual violence is any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyberstalking of a sexual nature (*Ontario Women's Directorate 2013*).

2.18 Survivor/Victim

A survivor/victim is any individual who has experienced Sexual Violence.

2.20 Survivor/Victim-Blaming

Putting blame for the occurrence of sexual violence on survivors/victims for any reason. survivor/victim-blaming can be implicit, such as through references to clothing choices, sexuality (including orientation, history and character), or the perceived “riskiness” of behaviours or choices. A non-victim-blaming response acknowledges that perpetrators make choices to violate the sexual integrity of others, and perpetrators are responsible for these choices. A non-victim-blaming response also acknowledges the role of cultural forces that normalize and tolerate sexual assault (*McGill University 2016*).

2.20 Safer Space Mandate

This mandate was created through an anti-oppression, survivor-centric framework to act as acceptable behavioural guidelines for the Third Space community when accessing Third Space events and programming.

Third Space will not tolerate discrimination or violent acts, which includes but is not limited to: racism, white supremacy, sexism, heterosexism/homophobia, cissexism/transphobia, queerphobia, sizeism, ableist and ageist comments, sexualized comments and all acts of violence and harassment. This is in effect at all times and under all conditions at Third Space.

2.21 Third Space Sexual Violence and Harassment Procedure

This procedure was created through a anti-oppression, survivor centric framework to be paired with Third Space Sexual Violence and Harassment Policy to act as a tangible and accessible resource specifically for Third Space staff, volunteers, and staff.

2.22 Safety Plan

A safety plan is a personalized, practical plan that can help one navigate harmful and unsafe situations. A safety plan can include: community resources, personal resources, people and friends you can access for various supports, medical resources, and self care methods.

3. POLICY STATEMENT

Third Space is committed to disrupting the normalization of sexual violence and creating a safer space for anyone in Third Space community who has experienced sexual assault. Third Space believes that Third Space community should be a safer and positive space where members feel that they are able to work, learn, and express themselves in an environment free from sexual violence and harassment.

All reports of sexual violence will be addressed to the best of Third Space's ability in an anti-oppressive and survivor centric framework. Third Space hopes to mitigate nervousness, discomfort, uncertainty, and fear in disclosing around sexual violence that they have experienced or witnessed that is affecting their experiences at Third Space.

Third Space is committed to:

3.1 Not tolerating or condoning any form of sexual violence.

3.2 Establishing a sexual violence response team for Third Space community.

3.3 Ensuring that survivors/victims are given complete autonomy and are treated with dignity and respect using an anti-oppression, survivor centric framework.

3.4 Providing survivors/victims with comprehensive information about mediation, reporting options, spaces of healing, and resources pertaining to sexual violence in a non-directional manner.

3.5 Educating and training Third Space community around active listening, anti oppression/survivor centric approaches, first responder training, de escalation, and how to remove people who are violating Third Space safer space mandate from the space.

3.6 Third Space will follow a comprehensive safer space mandate and sexual violence and harassment procedure

4. SURVIVOR/VICTIM RIGHTS

Third Space believes that all individuals who experience sexual violence may be at risk of further harm or retaliation, and understands that it is extremely difficult to disclose experiences of sexual assault. Third Space recognizes this challenge, but urges individuals to seek support for their own healing. This can take the form of support from a partner, grassroots community organization, chosen family member(s), creating a safety plan with a community organization, mediation and/or reporting to the police.

All survivors/victims of sexual violence should have the right to:

4.1 Access support, safety and recourse measures under this policy.

4.2 Maintain confidentiality, and consent to any disclosures of information within Third Space and to third parties.

4.3 Be treated with care, sensitivity, compassion, dignity and respect.

4.4 Not to be blamed for the sexual assault, either implicitly or explicitly.

4.5 Not to be questioned about their sex/gender or sexual orientation.

4.6 Define the language used to describe their experiences and identity.

4.7 Access information about community support, safety, and recourse options.

4.8 Freely choose which options to access (if any), in any combination or order, and receive assistance in pursuing their chosen option if requested.

4.9 Be provided with assistance in formulating a safety plan.

4.10 Be represented by an advocate of their choosing.

4.11 End participation in a protocol at any point.

4.12 Be informed of the outcome of requests and disclosure.

4.13 To be fully believed and validated.

5. RESPONSIBILITIES

5.1 Third Space Staff

- Follow Third Space Sexual Violence and Harassment Policy available online
- Ensure effective referral to community resources, and/or law enforcement and services
- Ensure confidentiality in Disclosures, and follow-up process
- Support Survivor/Victims through active listening, offering resources, and or creating an immediate or long-term Safety Plan
- Maintain confidentiality

5.3 Third Space Board of Directors

- Follow Third Space Sexual Violence and Harassment Policy available online and in the centre
- Support Third Space staff and volunteers during intense times of disclosure by being available for debriefing and regularly checking in with members of staff, Board and volunteers.
- Act as a unified voice to advocate for a community that centres survivor/ victims through upholding the principles of the anti-oppression, survivor centric framework and be involved with policy and procedural advancements in regards to sexual violence at Third Space

5.4 Third Space Volunteers

- Put their safety first
- Follow Third Space Sexual Violence and Harassment Policy available online
- Be informed about the harms caused by the sexual violence or harassment
- Support survivor/ victims through active listening, offering resources, and aiding in the creation of an immediate or long term safety plan
- Maintain confidentiality

5.5 Members of Third Space Community

- Members of Third Space Community should uphold the principles of the anti-oppression, pro-survivor framework of Third Space

6. HARM REDUCTION MEASURES AND EDUCATION

Third Space is committed to enacting the following measures to reduce harm, and to provide education around sexual violence in Third Space community:

6.1 Provide comprehensive anti-oppression, survivor centric sexual violence training for staff, volunteers and board members. Based on availability and expertise, invite outside parties to provide training.

6.2 Establish strong, visible partnerships between other groups in Third Space community and greater arts community that have anti-oppression, survivor centric mandates and policies.

6.3 Assist and communicate with other artist-run centres about addressing sexual violence and sexual violence in their spaces through the anti-oppression, survivor centric framework.

6.4 Provide comprehensive sexual violence and harassment procedure and safer space mandate to volunteers and staff.

6.5 Have visible no tolerance signage at events and sexual violence and harassment procedure, sexual violence and harassment policy, and safer space mandate available for reference.

6.6 Have Third Space Sexual Violence and Harassment Policy and Safer Space Mandates available on Third Space's website.

6.7 Send Third Space Sexual Violence and Harassment Policy to artists who will be booking space, performing, or accessing Third Space resources.

6.8 Provide public community workshops and events around complicating consent and how to support survivors/victims.

7. CONFIDENTIALITY OF SEXUAL VIOLENCE DISCLOSURE

7.1 Confidentiality is vital to those who have disclosed sexual violence.

7.2 When sexual violence is disclosed, the confidentiality of the survivor/victim will determine if they would like any other member of Third Space community to be made aware.

7.3 Third Space staff will fill out an incident report to document the basis, date, and location of all disclosures. There will be no identifying information on the form.

8. REFLECTIVE PROGRAMMING AND CULTIVATING SAFER SPACES AT EVENTS

8.1 Third Space will continue engagement with the public with regards to discourse and awareness via programming in our space, as well as continuing to offer workshops facilitated by artists, partner organizations and professionals who have expertise on trauma informed and anti-oppression based practices.

8.2 It is protocol that visiting and local featured artists exhibiting artworks and/or organizing events in the space will be required to review the Third Space Sexual Violence and Harassment Policy and sign a contract that includes a statement on Code of Conduct and compliance with the values and best practices, which are reflected by all Third Space mandates and policies. If we are informed of or are witness to behaviour in violation of Third Space's Sexual Violence and Harassment Policy, Third Space has grounds to terminate contract agreement and not exhibit the work of the artist.

8.3 Proposals and applications submitted for programming consideration, as well as hiring and board recruitment, that do not meet anti-oppressive and survivor-centric criteria maintained in our Sexual Violence and Harassment Policy preamble/policy will be denied.

9. PROCEDURE FOR REMOVAL OR SUSPENSION OF A MEMBER

9.1 Should a member be found in conflict to Third Space's Sexual Violence and Harassment Policy or our Code of Conduct, including but not limited to, by a breach of professional ethics, sexual violence or harassment, racial discrimination, or other abusive behaviour, the Board of Directors of Third Space reserves the right to suspend the membership.

9.2 A membership may be revoked by resolution, adopted by a two-thirds majority of the Board of Directors, except for the member whose membership is being voted upon.

9.3 Before any vote on a resolution calling for the revocation of membership, the said member must have been advised of the vote and must have been given the opportunity to be heard by the Board of Directors.

9.4 For incidents or situations where immediate action is required to mitigate perceived risk to the institution or the community, the Board of Directors may suspend the member until such time as the incident can be reviewed.

9.5 The procedure is as follows:

- The Executive Director (or an assigned staff) documents all complaints/reproofs received in an incident report. In all steps of this procedure, the identity of the person making the complaint is kept confidential and all steps and actions are documented.
- The Executive Director may, if necessary, request more information to inform the nature of the complaint. A complaint form will be made available, though may be substituted with a method that is more accessible for the victim/survivor.
- If cause for concern is found, either by receiving a number of complaints against the same member or by the nature of the complaint, the Executive Director or the assigned staff relays the information to the president of the Board (or in case of conflict of interest, the vice-president).

- The president (or in case of conflict of interest, the vice-president) appoints a three-person ad hoc committee to collect and review all the pertinent information. Barring conflict of interest, the committee will consist of the Executive Director, president or vice-president, and another appointed board member or voting member. If appointed or considered for the ad hoc committee, each individual is responsible for recusing themselves in the case of a conflict of interest.
- If the ad hoc committee finds cause for revocation or suspension of the membership, the ad hoc committee communicates with the member in question. The member is invited to respond in writing, within a certain timeframe.
- After the member's response, if the ad hoc committee determines there is no cause for revocation or suspension, the president informs both parties of the ad hoc committee's decision.
- After the member's response or if the given timeframe has passed, and if the ad hoc committee determines there is cause for revocation or suspension, the ad hoc committee presents its recommendation to the Board of Directors.
- The Board of Directors vote on the membership / participation revocation or suspension. A two-thirds majority resolution is necessary for the revocation or suspension to take effect. In consideration of the confidentiality requirements of this policy, the Board will determine what information is communicated to all parties with the security of the survivor/victim in mind.

9.6 The Board of Directors has discretion to recommend the removal of a member from their position, the suspension or revocation of their membership, or to ban their participation in events.

10. POLICY REVIEW

This policy will be reviewed by Third Space's Board of Directors at least every two years.

11. REFERENCES

Brennan, S. & Taylor-Butts, A. (2008). *Sexual Assault in Canada, 2004 and 2007*. Canadian Centre of Justice Statistics. Retrieved from:

<http://www5.statcan.gc.ca/olc-cel/olc.action?ObjId=85F0033M2008019&ObjType=46&lang=en>

CBC News. (2015). *Sexual Assaults on Canadian Campuses*. Retrieved from:

<http://www.cbc.ca/news/multimedia/interactive-campus-sexual-assault-reports-1.2944538>.

Krebs, C. P. Lindquist, C., H., Warner, T. D. (2007). *The Campus Sexual Assault (CSA) Study*. Final Report Prepared for the National Institute of Justice, Washington, DC.

Lakehead University (2014). *Sexual Misconduct Policy and Protocol: Dealing with Sexual Harassment, Sexual Stalking and Sexual Assault*. Retrieved from:

<https://www.lakeheadu.ca/faculty-and-staff/policies/general/sexual-misconduct-policy-and-protocol>.

McGill University (2016). *Sexual Assault Policy*. Retrieved from:

<http://sexualassaultpolicyatmcgill.com/>

Moore, P. (2003). Critical components of an anti-oppressive framework. *Online Journal of the International Child and Youth Care Network*, 59.

Olson, L. J. (2014). Transforming rape culture on a college campus, using peer advocacy for social change. In S. K. White, J. M. White, & K. O. Korgen (Eds.). *Sociologists in action on inequalities: race, class, gender, and sexuality*. (pp. 98 – 105). London, UK: SAGE Publications.

Ontario Women's Directorate (2013). *Developing a Response to Sexual Violence: A Resource Guide For Ontario's Colleges and Universities*. Retrieved from:

http://www.citizenship.gov.on.ca/owd/english/ending-violence/campus_guide.shtml

Statistics Canada. (1993). *The Violence Against Women Survey*. Retrieved from:

http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&SDDS=3896&Item_Id=1712



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Statistics Canada. (2009). *Criminal victimization in Canada*. Retrieved from:

St. Thomas University (2015): *Policy on Sexual Violence 2015*. Retrieved from:

w3.stu.ca/stu/currentstudents/documents/PolicyonSexualViolence.pdf