

## TruePoint Code of Conduct: Prevention of Sexual Exploitation and Abuse

TruePoint is a mission driven organization that is committed to preventing sexual exploitation and abuse in the workplace. The objective of this document is to articulate our shared commitment to preventing sexual violence in our organization and programs by defining a framework for the way we carry our work and set out expectations. However, to be efficient the Code of Conduct needs to be translated into actions. Identifying gaps between policies and practices and working to close them are paramount.

To this end, TruePoint has committed to:

- Establishing a culture of **zero tolerance** to all forms of sexual misconduct in all the work that we do
- Improving our collective ability to recognize and tackle **power imbalances** and gender inequalities that can enable sexual misconduct, including **intersecting forms of discrimination**
- Aiming to create work environments free from sexual misconduct by and of organization staff and volunteers within our organizations and the countries in which we operate
- Benefiting from each other's experiences and strengths, and identify joint solutions, including by sharing and building knowledge and capacity around **survivor/victim-centred approaches**

### Roles and Responsibilities: Our Shared Responsibilities in Upholding This Code

Volunteers, interns, staff, managers, board members and subcontractors must:

- Familiarize themselves with this Code of Conduct and uphold it.
- Make every reasonable effort to ensure and maintain an environment free of sexual violence.
- Raise concerns regarding risks or possibilities of sexual violence.
- Report incidents of sexual violence.
- Treat any information related to sexual violence with utmost confidentiality and share related information only on a "need-to-know" basis, i.e. only with designated relevant parties.
- Ensure training on sexual violence is provided
- Set example for appropriate behaviours.
- Address concerns and respond to incidents and disclosures according to organizational standards.
- Protect individuals from retaliation.
- Use appropriate sanctions when lack of compliance is established

- Executive Director and Board members are expected to ensure every effort is being made to prevent sexual violence from occurring, and verify that an adequate response and protective measures are implemented once they become aware of an incident by ensuring sufficient human and financial resources are available for the organization to follow through on its commitment

### **Reporting: Getting help**

If you need help regarding sexual violence, support will be available and will not depend on your decision to report the incident. You do not need to complete a formal report before accessing support from the organization. We can arrange support services if you were impacted by sexual violence. Work accommodations and travel arrangements can also be made if you need care or support that is not available locally.

**In order to access support, you can:**

- 1. Disclose the incident to (Director Operations) or somebody you trust within the organizational structure**
- 2. Consult the list of pre-identified resources available in Canada**

### **How is information managed once you disclose an incident?**

Following a disclosure, staff and/or managers are bound by confidentiality but have the obligation to report up to the Executive Director.

Therefore, we will avoid sharing information that can identify the survivor when it is not absolutely necessary. The organization also has the obligation to inform funders and the general public but will do so without providing information that can contribute directly or indirectly to survivor identification.

### **How and when to raise concerns**

- We encourage you to raise concern when you notice a risk factor, witness an inappropriate behavior or have suspicions about incidents of sexual violence. You can raise concern when you are the victim of an inappropriate behavior or when you are a bystander. One of the most tragic aspects of sexual violence is when people look the other way.

### **If you are unsure, you can ask yourself:**

- Does my concern meet the spirit of this Code of Conduct?
- Who might be affected if I do not raise concern?
- If the event was made public, would I feel comfortable explaining why I did not raise concerns?
- Is my judgment impartial, or do I have a personal stake in the outcome that makes me less objective?

- What are the consequences if I raise concerns in good faith?
- When something does not feel right, stay alert and start documenting the situation. Try to be factual by writing down what was said, what you saw, what you heard, date, time and location.
- We do not expect you to become an expert in sexual violence but want to reinforce the importance of each person's involvement in strengthening mitigation strategies. As talking about sexual violence is still surrounded by many taboos, it is paramount to create channels to talk about problematic behaviors. Research shows that clear and confidential communication channels enables organizations to intervene before incidents of sexual violence escalate.

**By raising concern, you participate to risk mitigation, you enable the organization to exercise its Duty of Care and ultimately contribute to prevention of sexual violence.**

**If you want to raise concerns, you can:**

1. **Speak-up when an inappropriate behavior is taking place, when it is safe to do so.**
2. **Talk to your supervisor during one of your regular check-ins and follow-up with an email including information about the incident** (date, time, location, details about the incident, name of people involved including witnesses)

### **How to report an incident**

We encourage you to provide your name when reporting an incident. This will enable us to look into your concern thoroughly by contacting you when additional information is needed or to help us protect you from retaliation for making a good faith report. For example, there may be circumstances when disclosing your identity is required to fully investigate.

**If you want to report an incident disclosing your name or anonymously you can:**

**Call Ontario:**

- [Toll-free: 1-877-330-3213](tel:1-877-330-3213)
- [Toll-free TTY: 1-888-340-1001](tel:1-888-340-1001)

For additional reporting resources: <https://www.ontario.ca/page/get-help-if-you-are-experiencing-violence>

To prepare your call or your email, write down date, time, location, details about the incident, name of people involved including witnesses,

Please also consider the questions below in your email preparation:

- If you are the survivor: Are you still at risk? Do you fear reprisal?
- If you are a bystander: Do the survivor know that you are reporting the incident? Is the survivor still at risk? Are you at risk?

### **What happens when you report?**

Any complaints related to sexual violence will be treated with the utmost confidentiality within our power. Information will be shared on a need-to-know basis within the response team, bound by confidentiality.

The complaint will first be assessed to determine if enough information is available to do an investigation. When an investigation is possible, complainant and the respondent will be informed that an investigation is taking place. The investigator will want to interview the individuals involved whenever possible.

We may refer the incident to the police after obtaining consent by the complainant or the survivor, unless the organization is legally obligated to do so.

The complainant may withdraw the complaint or decide to halt further actions at any time, provided it is still within our power to comply and the matter has not yet been referred to police. At the end of the investigation, the complainant and the respondent will also receive information through the organization.

- If there were witnesses: Who are they? Can they be contacted? Are they at risk?
- Does the incident involve a minor?

Not every complainant is willing to reveal his/her identity. We will not consider such a report less truthful than another type of complaint. Anonymous complaints will be treated just as seriously as complaints where the identity of the complainant is known because of the potential for future harm and our responsibility to create a safe and abuse-free environment.

However, we encourage you to provide as much information as possible to facilitate the investigation process. An investigation process will only be possible if enough background information is available. If information is insufficient to start an investigation, the complaint will be documented and kept in a confidential manner to respect the rights of the individuals implicated in the complaint, while also allowing to leave a documented trace in case of further reports.

### **Anti-retaliation**

TruePoint will not tolerate retaliation against anyone who, in good faith, reports a concern or participates in an investigation, even if the allegation ultimately is not substantiated.

### **Training**

TruePoint will make available PSEA training available to all team members

### **Enforcement**

- We implement a zero-tolerance approach to all forms of sexual violence. A zero-tolerance approach signifies that allegations are investigated whenever possible, and that perpetrators are held to account, including through prosecution and-or dismissal where appropriate.
- Every formal complaint of sexual violence will lead to investigation when enough information is available. The investigation will be conducted upholding principles of confidentiality, fairness and neutrality. When these principles cannot be guaranteed by somebody within our organization, we will differ investigation to an external party.
- Disciplinary sanctions up to and including exclusion from the organization/program or termination of employment/contract will be applied.

- Anyone found to have engaged in retaliatory conduct against someone who has refused to participate in sexual violence, disclosed, raised concern or reported an incident will be subject to disciplinary action, and possibly termination.
- Any proven false accusations of sexual violence that was made maliciously can be deemed to constitute a violation of this Policy and Code of Conduct.

### **Canadian Resources**

#### **Support is available!**

The following resources are available in Canada to support victims and survivors of sexual violence:

#### **Canadian Association of Sexual Assault Centres**

Lists of rape crisis centres and emergency lines  
in every Province and Territory

<http://www.casac.ca/content/anti-violence-centres>

#### **Guide de ressources LGBT+ (only in French)**

Search engine to find resources across the province

Keyword research is necessary to find specific resources for survivors of sexual assault

<http://www.guidelgbt.org/>

#### **Mouvement contre le viol et l'inceste**

Provides bilingual assistance and support using a feminist and intercultural approach.

Bilingual emergency line : 514-933-9007

<https://www.mcvicontreleviol.org/servicios3> (only in French)

### **Key definitions**

**Consent:** Sexual activity is only legal when both parties' consent. Consent is defined in Canada's *Criminal Code* in s. 273.1(1), as the voluntary agreement to engage in the sexual activity in question. The law focuses on what the person was thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent.

#### **The *Criminal Code* also says there is no consent when:**

- someone says or does something that shows they are not consenting to an activity
- someone says or does something to show they are not agreeing to continue an activity that has already started
- someone is incapable of consenting to the activity, because, for example, they are unconscious
- the consent is a result of someone abusing a position of trust, power or authority
- someone consents on someone else's behalf.

#### **A person cannot say they mistakenly believed a person was consenting if:**

- that belief is based on their own intoxication; or
- they were reckless about whether the person was consenting or;

- they chose to ignore things that would tell them there was a lack of consent; or
- they didn't take proper steps to check if there was consent.
- The responsibility for ensuring there is consent is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again to assume that consent now exists. (Source: Women's Legal Education and Action Fund Website)

**Complainant** is a term used in the context of an investigation and used in this document to identify the person that formulates a formal sexual violence complaint.

**Intersectionality:** a holistic approach that considers how the interplay between the different facets of an individual's personal characteristics, such as race, disability, sex and age, affects their identity as a whole. (Source: EISF)

**Psychological or sexual harassment:** any vexatious conduct in the form of repeated and hostile or unwanted behaviors, verbal comments, actions or gestures, that affects a person's dignity or psychological or physical integrity and that results in a harmful work environment for them. A single serious conduct can constitute harassment if it has the same consequences and if it has a continuing harmful effect.

Vexatious behaviour is humiliating or abusive behaviour that violates a person's dignity or causes them torment. Vexatious behaviour refers to the effect on the recipient, regardless of the intention of the offending person. A single serious incidence of such behaviour that has a lasting harmful effect may also constitute psychological harassment. (Source: CNESST Website) 20

! This term is based on Quebec's *Loi sur les normes du travail*. Sexual Harassment in Quebec is included under psychological harassment. The definition of psychological harassment also includes discriminatory harassment based on any of the grounds listed in section 10 of the *Charte des droits et libertés de la personne*: race, color, sex, pregnancy, sexual orientation, sexual identify or expression, marital status, age, religion, political beliefs, language, ethnicity or national, social condition, disability or the use of a means to overcome this handicap.

**Respondent** is a term used in the context of an investigation to designate the alleged perpetrator who exercises his or her right to participate, to know what information the procedure is relying on for its decision and to be given a chance to respond to that information.

**Sexual harassment** is mostly used to define a form of workplace discrimination through a conduct or a course of vexatious comment that is known or ought reasonably to be known to be unwelcome and creates a hostile or offensive environment. The Canada Labour Code defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation in the workplace ; 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.

Examples of sexual harassment may include:

- Unwelcome remarks, jokes,
- innuendoes or teasing about a person's clothes, gender or sexual orientation
- Unnecessary and unwanted physical contact such as touching, patting, pinching or rubbing, kissing, brushing up against a person

- Sexual advances
- Displaying of pornographic pictures or other offensive materials of a sexually explicit nature
- Unsolicited and offensive communication through emails, social medias or the telephone

**Protection from sexual exploitation and abuse (PSEA)** is a term used by the United Nations and non-governmental community to refer to measures taken to protect vulnerable people from sexual exploitation and abuse by their own staff and associated personnel. (Source: Global Affairs Canada)

**Sexual abuse:** Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse. (Source: Global Affairs Canada)

**Sexual exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. (Source: Global Affairs Canada)

! Sexual abuse and exploitation (SEA) are terms mostly used to define incidents occurring against **beneficiaries**. It does not necessarily include incidents **against staff and volunteers**. Depending on existing policies in each organization, one can decide to use SEA, sexual violence or SAHE (sexual abuse, harassment and exploitation). Examples include: if there are no policies are currently protecting volunteers from sexual violence, or organizations that have an Anti-harassment Policy with a scope limited to staff in Canada, excluding interns or overseas staff. In these cases it can be useful to use sexual violence instead of PSEA.

**Sexual violence:** Sexual violence is the expression of a relationship of domination of one individual over another through a sexual act, committed without consent. It represents an infringement of fundamental rights, dignity, security, physical integrity and psychological integrity, and have serious repercussions for the individuals who suffer from it. It took years of struggle on the part of the women's movement for sexual violence to be recognize as a crime. It is defined by the **World Health Organization** as: "Any sexual act, attempt to obtain a sexual act, comment or advance of a sexual nature, or acts aimed at trafficking or otherwise directed against the sexuality of a person using coercion, committed by a person regardless of their relationship with the victim, in any context, including, but not limited to, home and work". (2010)

! Sexual violence encompasses a range of acts including sexual harassment, sexual exploitation, sexual assault and sexual abuse occurring against beneficiaries, staff, volunteers, etc.

**Sexual assault:** Sexual assault is a legal term and constitutes a criminal offence. The Supreme Court of Canada states that the act of sexual assault does not depend solely on contact with any specific part of the human anatomy but rather the act of a sexual nature that violates the sexual integrity of an individual. It includes being exposed to pornography or behaviors of a sexual nature (without consent) or being filmed during intercourse (without consent).

**Sexual misconduct** is an umbrella term covering a variety of problematic behaviours of a sexual nature, including criminal and non-criminal conduct.

**Subcontractor** is an individual (other than an Employee), a firm, a for-profit or not-for-profit organization, charitable organization or institution, acting alone or in a consortium, a joint venture, a partnership (limited or otherwise), having entered into a Subcontract with the Organization to undertake activities or perform work to achieve the outputs or outcomes of the



Project. The term Subcontractor includes Canadian, international and local consultants. (General Terms and Conditions, GAC)

**Survivor (or victim)** is a person who has experienced sexual violence. Medical professionals usually use the word “victim”. Survivor” is preferred in the mental health and social service sectors because it implies resilience rather than the word “victim”, often perceived as passive. People who have experienced trauma, however, can identify themselves in the way they prefer: victim or survivor. The survivor of an assault can be man or woman and the perpetrator can be of the same sex as the survivor. (Source EISF)

Thanks go to Digna, the Canadian Centre of Expertise on the Prevention of Sexual Exploitation and Abuse for the provision of the code of conduct template which has been used for this document. <https://digna.ca/docs/template-of-a-code-of-conduct-for-prevention-and-response-to-sexual-violence/>