



**CPA**

*Without Borders*

# **CODE OF CONDUCT IN MATTERS OF HARASSMENT**

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The objective of this document is to articulate our commitment to prevent sexual violence within our organization and our programs by establishing a framework for our working method and by defining our expectations. However, to be effective, the *Code of conduct* must be translated into actions or practices within our programs and our organization.

## Our engagements

CPA Without Borders is committed to improving our collective capacity to recognize and address power imbalances and gender inequalities that can foster sexual violence, including forms of intersecting discrimination

We are committed to building a culture of **zero tolerance** for all forms of sexual violence in everything we do.

We are committed to creating **a work environment free** from sexual violence for staff, volunteers, partners, and local populations within our organizations and in the countries where we operate.

We are committed to **protecting those who participate** in our programs and the communities we serve from sexual exploitation and abuse.

We are committed to building knowledge and capacity around **survivor / victim centered approaches**.

*Preventing sexual violence is everyone's business!*

## GUIDING PRINCIPLES

CPA Without Borders recognizes that sexual violence, including sexual exploitation and abuse, contravenes universally recognized international legal standards. We carry out projects and programs based on a human rights framework.

Sexual violence is rooted in power imbalances, especially in gender inequalities. To prevent sexual violence, we need to explore power dynamics based on racism, sexism, homophobia, transphobia, and other related expectations and stereotypes. In other words, we use an integrated approach to preventing sexual violence, considering how different facets of an individual's personal characteristics interact.

Zero tolerance means that inaction in the face of sexual violence is unacceptable. Appropriate disciplinary action will be taken following an investigative process. Sexual violence can be grounds for dismissal.

Recent publications on the prevention of sexual violence have portrayed organizational culture to us as both a key factor to the problem and to the solution. We therefore decided to address the risks of sexual violence by engaging program staff, partners, volunteers, and other stakeholders on these issues.

CPA Without Borders will focus on consent in order to sensitize stakeholders to issues of sexual violence. Without consent, sexual activity will be considered an assault.

The absence of the "no" is not synonymous with consent. Consent can be withdrawn at any time. Further, obtaining the "consent" of an impaired or threatened person does not constitute valid consent.

When we investigate, we protect the rights of the complainant and the respondent. We strive to be factual, fair and we respect the rules of confidentiality. We maintain independence between the investigative process and providing support to the victim / survivor. We recognize the importance of identifying competent, qualified, and experienced people to conduct investigations.

When responding to sexual violence, we use a survivor-centered approach by giving control of decision-making to survivors following an incident.

However, this approach has its limits. In some circumstances, the organization will need to regain control of the process.

Depending on the laws and legal obligations related to sexual violence in each country of operation, CPA Without Borders may not be able to provide the flexibility required by the victim/survivor, thus limiting their participation in the decision-making process. If the choice of the survivor puts them or others at risk of further harm, the organization could also take back decision-making power.

## Questions – Answers

***How do you apply an intersectional approach to sexual violence interventions that use a survivor-centered approach?***

*Individuals face different risks of sexual violence related to, among other factors, race, disability, indigeneity, sexual orientation, gender identity and expression, age and socioeconomic status. Translating an intersectional approach into action means working to reduce barriers to enable survivors to access and support.*

*Support for survivors adapts, according to the needs and demands, to the different perspectives or circumstances of each survivor. Survivors may have different levels of trust in institutional services and remedies (e.g., courts, police, and official authorities), due to their associations with sexism, colonialism, racism, and other forms systemic oppression.*

*Treating sexual violence from an intersectional perspective means that it is based on the understanding that everyone's experience is influenced by many factors. It is important to recognize that a person's perspective or situation could make them more vulnerable to sexual violence, which could also impact their needs and choices for redress. Systemic oppression, including but not limited to sexism, racism, colonialism, ableism, homophobia and/or transphobia, can manifest itself in acts of sexual violence and impact the options available to people that a victim/survivor can pursue.*

Become aware of the limits of this approach and being transparent about it can help mitigate the risks of re-victimization. In such cases, survivors may feel less in control, but the goal of this approach is ultimately their recovery, their health, and the protection of others.

*By building capacity around sexual violence, we can better serve individuals, families and communities and ultimately do no harm.*

## OUR SHARED RESPONSIBILITIES

### *Individual responsibilities*

Volunteers, staff, managers, board members and contractors should:

- Familiarize yourself with and adhere to this *Code of conduct*;
- Take all reasonable steps to ensure and maintain an environment free from sexual violence;
- Raise any concerns about the risks or possibilities of sexual violence;
- Report incidents of sexual violence;
- Keep information about incidents of sexual violence confidential and only share this information when needed, that is, only with designated parties when absolutely necessary to intervene.

### Questions – Answers

#### ***What is my responsibility?***

*It is your responsibility to make sure that no one feels uncomfortable, threatened or unsafe because of your behavior. You must create a safe and respectful environment. You are also responsible for reporting any suspected incidents of sexual violence perpetrated by persons covered by this Code of conduct.*

#### ***What additional responsibility does people in a managerial position have?***

*Anyone who acts as a manager and commits an act of sexual violence or who was aware of an incident of sexual violence and who has not taken steps to remedy it, is the responsibility of the organization.*

### *Responsibilities of managers*

Managers have a key role to play and assume additional responsibilities:

- Ensure that volunteers, staff and contractors under their supervision are informed, understand and comply with the *Code of conduct*;
- Ensure that training or orientation on sexual violence is provided;
- Set an example in terms of appropriate behaviors to adopt;

- Intervene when a concern is raised, or an incident is reported by applying organizational standards;
- Protect individuals from reprisals;
- Use appropriate sanctions when the *Code of conduct* is not respected.

### *Responsibilities of organizational leadership*

The CEO and the members of the board of directors are responsible for ensuring that all efforts are made to prevent sexual violence and that adequate intervention and protection measures are implemented. once they have been informed of an incident:

- Ensure that the organization has sufficient human and financial resources to follow through on its commitment;
- Ensure the implementation of best practices in recruitment, orientation and integration in accordance with the *Code of conduct*;
- Ensure that all volunteers, interns, employees, managers and sub-contractors understand, sign and comply with the *Code of conduct*;
- Ensure that each partner organization signs this *Code*, develops or has its own policies and procedures;
- Ensure that those who raise concerns or report incidents are protected against retaliation;
- Ensure adequate performance management in order to mitigate the risks of sexual violence, in particular by taking corrective measures, when necessary;
- Review the *Code of conduct* and its implementation annually.

## OUR COMMITMENTS TO OUR COLLEAGUES

Within CPA Without Borders, we promote a healthy working environment.

### **You respect our commitments when you:**

- ✓ Treat everyone with respect, without infringing on the rights of others;
- ✓ Discourage sexist, racist, heterosexist, discriminatory, etc., jokes or comments;
- ✓ Respect the confidentiality of anyone involved in a complaint;
- ✓ Cooperate in investigations and collaborate in efforts to resolve them.

**You should avoid:**

- ✘ **Condescending or disrespectful behavior, including derogatory messages, emails or comments on social media;**
- ✘ **Any form of sexual violence, including haring sexually explicit material without consent;**
- ✘ **To trivialize sexual violence, in particular by:**
  1. **Avoid supporting myths and stereotypes surrounding consent (e.g., once consent is given it cannot be withdrawn, alcohol is useful for obtaining consent, etc.);**
  2. **Avoiding denying or minimizing sexual violence (e.g., "A man is always a man" or "the culture is different here");**
  3. **Avoid blaming survivors for being assaulted (e.g., a young person going out alone requests it, women wearing short skirts are partly responsible, etc.);**
  4. **Avoiding supporting myths and stereotypes surrounding assault (e.g., people lie about being assaulted, false accusations are very common, etc.).**

**Questions – Answers**

***Should I raise my concerns about someone's behavior even though I am not sure whether there has been sexual violence?***

*You should voice your concerns. It is the responsibility of investigators, not you, to follow up, investigate and confirm any concerns or suspicions. If you subsequently report allegations that prove to be false, there will be no consequences as long as the reports were submitted in good faith. Your willingness to raise concerns can help prevent sexual violence.*

***One of my coworkers just sent me a pornographic picture as a joke. I am very uncomfortable and confused by the situation. What can I do?***

*Such an incident constitutes sexual violence. We encourage you to report the incident through confidential to facilitate the intervention in the organization.*

*There is a difference between confidentiality and anonymity. If you reveal your identity, it will be easier to investigate and protect yourself from retaliation. The shared information and your identity are confidential, which means it will be protected by the organization.*

**You should raise the following concerns:**

- **In case of suspicion of possible violations of this *Code of conduct*,**
- **When you notice risk factors in the workplace or in programs, including:**
  - **Acceptance of myths about rape (for example, "all men do it");**
  - **Strong bias towards groups or individuals (e.g., rude remarks, jokes or jokes, lack of respect towards subordinates, demeaning comments towards beneficiaries);**

- Acceptance of coarse social discourse outside the workplace (e.g., Increasingly heated discussions about current events taking place in or outside the workplace);
- Minimization of other forms of misconduct such as bullying;
- Substance abuse or encouragement to consume alcohol (e.g., excessive alcohol consumption during a work-related event).

### You should report:

- Unwanted, inappropriate or disrespectful sexual advances as well as harassment;
- Abusive behavior, perceived threats, intimidation, verbal or physical insults;
- Hostility towards individuals based on race, religion, gender, gender identity, gender expression, sexual orientation, disability or other characteristics protected by law;
- The incidents of sexual violence or situations that threaten the safety, security, or well-being of staff.

## OUR COMMITMENTS TO OUR PARTNERS AND THE COMMUNITIES WE SERVE

Sexual violence constitutes a considerable obstacle to sustainable development and to the meaningful participation of individuals, especially women. Our responsibility is to do everything in our power to reduce the risks of sexual exploitation and abuse for our partners and the communities we serve, especially children.

### Questions – Answers

***What if a community member reports an incident involving another community member?***

*Listen with empathy and avoid expressing an opinion. You can refer it to pre-identified local service providers and keep a record for this. You are expected to report the incident and the steps taken to refer the community member, CPA Without Borders, however, will not investigate, but an incident report will need to be completed.*

**You respect our commitments when you:**

- ✓ Treat partners and community members with respect and dignity;
- ✓ Exercise special caution to protect children from sexual exploitation and abuse;
- ✓ Recognize and emphasize some of the power dynamics in place in our working relationships and stay alert to these realities (e.g., recognize your own privileges and biases and how they can influence your work, avoid reinforcing power dynamics);
- ✓ Establish a climate of trust and recognize the strengths and contribution of partners;
- ✓ Engage partners in a dialogue on sexual violence, sharing best practices, lessons learned and tools annually.

**Questions – Answers**

***Why am I not allowed to pay for sex with sex workers? Isn't sex consensual between consenting adults?***

*In most cases, especially in situations of poverty, consent is far from being freely given and is obtained out of desperation or coercion. The exchange of money, employment, goods, or services for sexual intercourse, including sexual favors or other forms of demeaning, degrading or exploitative behavior, is prohibited at CPA Without Borders. This ban on exchanging money for sexual services means that staff, volunteers, managers, board members, contractors and partners cannot pay for sexworkers.*

***Aren't these rules an intrusion into my privacy? Isn't it true that what I do outside of office hours is my business?***

*When you work with CPA Without Borders, you represent the organization during and outside working hours. You signed up to it when you accepted the mandate. You are held to very high standards of conduct because your behavior, both professional and personal, is always associated with CPA Without Borders.*

**You should avoid:**

- ✗ Obtain the services of sex workers at all times, regardless of local and national laws in your mission country;
- ✗ Sexual activities with children (persons under the age of 18) and vulnerable adults, regardless of the local age of consent. Ignorance or any mistaken belief about the age of the child or the status of the vulnerable adult cannot be a defense;
- ✗ Any action that suggests or implies that a sexual act may be required as a condition for engaging in the programs and services offered;
- ✗ To exchange money, a job, a housing, goods, or services for sexual services, including sexual favors or other forms of demeaning, degrading or exploitative behavior. This includes the exchange for the services to which program participants are entitled;
- ✗ To have a romantic or sexual relationship with a partner's staff or with beneficiaries, as they are based on a fundamentally unequal power dynamic.

**You should raise the following concerns:**

- In cases of suspected violations of this *Code of conduct*;
- When you notice risk factors for sexual violence:
  - Acceptance of myths about rape (e.g., “all men do it”);
  - Strong bias towards groups or individuals (e.g., rude remarks, jokes or jokes, disrespect towards subordinates, demeaning comments towards beneficiaries);
  - Substance abuse or encouragement to consume alcohol (e.g., excessive alcohol consumption during a work-related event);
  - Minimization of other forms of misconduct such as bullying;
  - Hostility, degrading attitudes, or objectification.

**You should report:**

- Unwanted, inappropriate or disrespectful sexual advances or harassment;
- Abusive behavior, perceived threats, intimidation, verbal or physical insults;
- Hostility towards individuals based on race, religion, gender, gender identity, gender expression, sexual orientation, disability or other characteristics protected by law;
- Child sexual abuse.

**Questions – Answers**

***Why can't I have relationships with beneficiaries or with partner staff?***

*These relationships are based on an inherently unequal power dynamic. Unequal power dynamics provide unsuccessful conditions for obtaining consent and create conditions conducive to abuse of power and sexual violence.*

**To know more:**

EISF Guide for NGOs: Managing Sexual Violence against Aid Workers, European Interagency Security » EISF – European Inter-Agency Security Forum, <https://www.eisf.eu/library/managing-sexual-violence-against-aid-workers/>.

PEAS Working Group website, several resources available, <http://pseataskforce.org/>.

Information documents on sexual violence by AQOCI, <https://www.aqoci.qc.ca/?-ressources-sur-l-egalite-femmes-hommes>.

**Other relevant organizational policies and documents:**

- Code of ethics.
- Safety guide.
- Policy of equality between women and men – Rights and diversity.

# Declaration of adhesion

I, hereby, understand that I can contribute significantly to the mitigation risks and prevention of sexual violence by translating this *Code of conduct* in a concrete way in my work.

I understand that I must live up to our collective commitments to our colleagues, partners and the communities we serve by adhering to the standards of behavior set out in the *Code of conduct*.

I, undersigned, \_\_\_\_\_, hereby declare that I have read, understood this *Code of conduct* and comply with it.

I understand that violation of any provision of the *Code* may result in disciplinary action up to and including termination of the contract.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

# Acquire help

If you need help regarding sexual violence, support will be available, and will not depend on your decision to report the incident. It is not necessary to complete an official report, in order to obtain support. We can set up support services if you have been a victim of sexual violence.

If you need care or support that is not available locally, we can arrange for you to travel, or make accommodations.

## Questions – Answers

***What is the difference between an official report and a statement?***

*If you do disclose information, you will not be required to make a formal complaint, but the organization may do so on your behalf, after your approval. In some cases, if you are a minor for example, the organization may be required to report the incident to local authorities. It is important to know that once you disclose information to someone within the organizational structure, that person will have an obligation to inform others on a need-to-know basis, since the organization is responsible for providing support.*

## To access support, you can:

- Report the incident to the CEO or to someone you trust within the organizational structure;
- See the list of pre-identified resources below.

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

### CANADIAN ASSOCIATION OF RAPE CENTERS

Lists of sexual assault centers and hotlines in each province and territory.

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

### LGBT + RESOURCE GUIDE (ONLY AVAILABLE IN FRENCH)

Search engine to find resources across the province.

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

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

### MOVEMENT AGAINST RAPE AND INCEST

Offers bilingual help and support with a feminist and intercultural approach.

Bilingual emergency line: 514 933-9007.

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

## REFUGE FOR NATIVE WOMEN OF MONTREAL

Provides front-line support and services to First Nations, Inuit, and Métis (Indigenous) women to promote their empowerment and independence.

1 866 403-4688

<http://www.nwsm.info/contact>

## QUEBEC COALITION OF SUPPORT CENTERS FOR VICTIMS OF SEXUAL ASSAULT

Free helpline and list of sexual assault centers across the province.

1 888 933-9007

<http://www.rqcalacs.gc.ca/the-calacs.php>

## HOW WILL THE INFORMATION BE MANAGED FOLLOWING A DECLARATION?

Following an incident report, staff and/or managers are required to maintain confidentiality but have an obligation to report it to the general manager.

Therefore, we will avoid sharing any information that identifies the survivor when it is absolutely not necessary to do so. The organization also has an obligation to inform funders and the general public<sup>1</sup> that an incident of sexual violence has occurred, but it will do so without providing information that could directly or indirectly contribute to the identification of the victims

### Questions – Answers

***What will the organization do to support and help me if I have been the victim of sexual harassment, exploitation, abuse, or sexual assault?***

*We offer support and assistance to people who have survived sexual violence while working or volunteering for CPA Without Borders or who have been targeted by CPA Without Borders staff or volunteers. We will tailor the type of support and assistance to the wants and needs of each survivor. This may include accommodation of the workplace, medical treatment, legal assistance, and psychosocial support.*

<sup>1</sup> As mentioned in Minister Bibeau's letter to Canadian partners in May, 2018.

## HOW AND WHEN TO RAISE CONCERNS?

We encourage you to share your worries and concerns when you notice a risk factor, witness inappropriate behavior, or suspect incidents of sexual violence. You can voice your concerns when you experience or witness inappropriate behavior. One of the most tragic aspects of sexual violence is when people decide to look away.

### Questions – Answers

***If I know someone who has been sexually abused, should I say their name?***

*When you file a complaint, you must name the alleged perpetrator. We recommend that you do not publicly reveal the person's name for safety, for all those involved, and because of local laws and procedural rules.*

**If you don't know what to do, here are some questions to ask yourself:**

- Is my concern in line with the spirit of the *Code of Conduct*?
- Who could be affected if I do not raise the issue, or my concern?
- If the event were made public, would I be comfortable explaining why I did not raise my concerns?
- Is my judgment impartial or do I have a personal interest or stake that makes me less objective?
- What are the consequences if I raise my concerns in good faith?

When a situation doesn't seem appropriate or normal to you, stay alert and start documenting it. Try to be factual by noting what was said, what you saw, what you heard, the date, time, and place.

We don't expect you to become an expert on sexual violence, but we want to stress the importance of everyone's involvement in strengthening mitigation strategies. Talking about sexual violence is still surrounded by many taboos. Also, it is essential to create channels to talk about problematic behaviors. Research shows that clear and confidential channels of communication allow organizations to intervene before incidents of sexual violence escalate.

***By raising concerns, you help mitigate risk, empower the organization to exercise due diligence, and ultimately help prevent sexual violence.***

### If you want to raise your concerns, you can:

- **Report inappropriate behavior** when it occurs, when it is safe to do so;
- **Speak to your supervisor** during one of your regular check-ups and follow up by email with information about the incident (date, time, location, details of the incident, names of people involved, including witnesses);
- **Request a meeting with another manager** to discuss your concerns and follow up by email, sending incident information (date, time, location, details of the incident, names of people involved, including witnesses).

## HOW TO REPORT AN INCIDENT?

We encourage you to provide your name when reporting an incident. This will allow us to fully investigate your concerns by contacting you when additional information is needed or to help us protect you against possible retaliation. For example, there may be circumstances where disclosure of your identity is necessary to conduct a full investigation.

### If you want to report an incident by disclosing your name, you can do so by:

**Calls, emails or text messages:** 1 800 363-4688 / [cpasf@cpaquebec.ca](mailto:cpasf@cpaquebec.ca).

In preparation for your call or email, please note the date, time, location, details of the incident, the names of those involved, including witnesses.

### If you want to report an incident anonymously, you can do so by:

**Email:** [cpasf@cpaquebec.ca](mailto:cpasf@cpaquebec.ca).

In your email, please note the date, time, location, details of the incident, the names of those involved, including witnesses.

### Please also consider the questions below in your preparation:

- If you are the survivor, are you still at risk? Are you worried about reprisals?
- If you are a witness, does the survivor know or know that you are reporting the incident?
- Is the survivor still in danger? Are you at risk?
- If there were witnesses, who are they? Can we contact them? Are they at risk?
- Does the incident concern a minor?

We will not consider such a complaint to be less true than any other type of complaint. Anonymous complaints will be treated as seriously as complaints for which the identity of the complainant is known, due to the risk of future harm and our responsibility to create a safe and abusive environment.

However, we encourage you to provide as much information as possible to facilitate the investigation process. An investigative process will only be possible if sufficient information is available. If there is insufficient information to initiate an investigation, the complaint will be documented and kept confidential in order to respect the rights of those involved in the complaint, while allowing to leave a documented trace in the event of new reports.

## ANTI-RETALIATION PROVISIONS

CPA Without Borders will not tolerate retaliation against anyone who, in good faith, reports a concern or participates in an investigation, even if the allegation turns out to be unfounded.

## ENFORCEMENT

We apply a zero-tolerance approach to all forms of sexual violence. A zero-tolerance approach means that allegations are investigated as much as possible and that alleged perpetrators answer for their actions, including prosecution and/or dismissal where appropriate.

Any formal complaint of sexual violence will be investigated when sufficient information is available. The investigation will be conducted in accordance with the principles of confidentiality, fairness and neutrality. When these principles cannot be guaranteed by someone within our organization, we will defer the investigation to an external party.

Disciplinary sanctions up to and including exclusion from the organization or program or termination of employment or contract be applied.

Anyone found guilty of retaliation against a person who refused to participate in acts of sexual violence, raising concerns or reporting an incident will be subject to disciplinary action or even dismissal.

Any false accusation of proven sexual violence committed maliciously may be considered a violation of this policy and this *Code of conduct*.

### Questions – Answers

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

*Any complaint relating to sexual violence will be treated with the utmost confidentiality, but the information will be shared within the response team.*

*The complaint will first be assessed to determine whether we have sufficient information to investigate.*

*Whenever it's possible, the respondent will be informed that an investigation is underway. Whenever possible, the investigator will want to interview those affected.*

*We may report the incident to the police after obtaining the consent of the complainant or victim unless we are legally required to do so.*

*The complainant can withdraw their complaint or decide to cease their actions at any time, provided it is still in our power to do so, and the matter has not yet been referred to the police.*

*At the end of the investigation, the complainant and the respondent will also receive information through the organization.*

# Key definitions

## CONSENT

Sexual activity is only legal if both parties consent to it. The *Criminal Code of Canada* defines consent in subsection 273.1 (1) as the voluntary agreement to engage in the sexual activity in question. The law emphasizes what the person was thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person has given affirmative consent, whether through words or behavior. Silence or passivity is not synonymous with consent.

**The *Criminal Code* also states that there is no consent in the following cases:**

- A person who says or does something to show that they do not consent to an activity;
- A person who says or does something to show that he refuses to continue an activity already started;
- A person who is unable to consent to an activity because he is unconscious;
- Consent that results from an abuse of trust, power or authority on the part of a person;
- A consenting person on behalf of someone else.

**An individual cannot mistakenly claim to believe that a person consented if:**

- His conviction is based on his level of intoxication; or
- The individual was reckless as to whether the person consented; or
- The individual chose to ignore things that indicated there was no consent; or
- The individual did not take the necessary steps to verify whether there was consent.

The responsibility for ensuring that there is consent lies with the person who initiates or continues the sexual activity. When one person said no to sexual contact, the other person cannot rely on the fact that time has passed or that the person did not say no to assume that consent now exists. (Source: Women's Legal Education and Action Fund website).

## COMPLAINANT

Term used in the context of an investigation and used in this document to identify the person making a formal complaint of sexual violence.

## INTERSECTIONALITY

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

## PSYCHOLOGICAL OR SEXUAL HARASSMENT

Any vexatious conduct in the form of repeated hostile or unwanted behavior, comments, actions, or gestures, which undermines the dignity or psychological or physical integrity of a person and which results in a harmful working environment. A single serious behavior can constitute harassment if it has the same consequences and if it has a continuing harmful effect.

## VEXATIOUS BEHAVIOR

Demoting or abusive behavior that damages or torments a person's dignity. Vexatious behavior refers to the effect on the recipient, regardless of the intention of the offender. A single serious incidence of such behavior which has a lasting harmful effect can also constitute psychological harassment (Source: CNESST website).

## RESPONDENT

Term used in the context of an investigation to refer to the alleged perpetrator who exercises his right to participate, to know what information the proceedings are based on to make its decision and to have the opportunity to respond to this information.

## SEXUAL HARASSMENT

Term primarily used to define a form of discrimination in the workplace through conduct or series of vexatious comments that are known or reasonably should be known to be unwelcome, and which create a hostile or offensive environment. The *Canada Labor Code* defines sexual harassment as any behavior, comment, gesture or contact of a sexual nature which is likely to offend or humiliate in the workplace or which could, on reasonable grounds, be perceived by the employee. as imposing a condition of a sexual nature on his employment or on any possibility of training or promotion.

Examples of sexual harassment can include:

- Unpleasant remarks, jokes;
- Innuendo or teasing about a person's clothing, sex or sexual orientation;
- Unnecessary and unwanted physical contact such as touching, patting, pinching or rubbing, kissing, brushing against a person, etc.;
- Sexual advances;

- Posting of pornographic images or other offensive material of a sexually explicit nature;
- Unsolicited and offensive communication via email, social media, or phone.

## PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

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

## SEXUAL ABUSE

Physical intrusion or threat of physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Any sexual activity with a child is considered sexual abuse (Source: Global Affairs Canada).

## SEXUAL EXPLOITATION

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

## 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 constitutes an attack on fundamental rights, dignity, security, physical and psychological integrity and has serious repercussions for the people who suffer from it. The women's movement has worked for many years to have sexual violence recognized as a crime.

It is defined by the **World Health Organization** as follows: “*Any sexual act, any attempt to obtain a sexual act, any comment or advance of a sexual nature, or any act aimed at trafficking or directed against the sexuality of a person by duress, committed by a person regardless of their relationship to the victim, in any context, including, but not limited to, home and work*”. (2010)

## SEXUAL ASSAULT

It is a legal term and is a criminal offense. The Supreme Court of Canada declares that the act of sexual assault does not depend solely on contact with a specific part of the human anatomy, but rather on the act of a sexual nature that violates a person's sexual integrity. This includes being exposed to pornography or behavior of a sexual nature (without consent) or being filmed during sex (without consent).

## SEXUAL MISCONDUCT

It is an umbrella term that encompasses a variety of problematic behaviors of a sexual nature, including criminal and non-criminal behavior.

## SUBCONTRACTOR

A person (other than an employee), a company, a profit or non-profit organization, a charity, or an institution, acting alone or in a consortium, a joint venture, a partnership (limited or not), having entered into a contract of subcontracting with the organization to undertake activities or perform work in order to achieve the results of the project. The term subcontractor includes Canadian, international, and local consultants (Source : General conditions of sale, GAC).

## SURVIVOR (OR VICTIM)

Someone who has been sexually abused. Healthcare professionals usually use the word “victim”. In the mental health and social service sectors, the term “survivor” is preferred because it implies resilience rather than the word “victim”, which is often seen as passive. However, people who have experienced trauma can identify with their own preference: victim or survivor. The victim of an assault can be male or female and the perpetrator can be of the same sex as the victim (Source: EISF).

# References

**This Code of conduct is based on the following resources:**

1. The *Code of Conduct* of the International Rescue Committee.
2. A guide entitled “*Guide on Managing Sexual Violence against Aid Workers*”, the European Inter-Agency Security Forum.
3. Oxfam's publications on violence and harassment, available on the CCIC website.
4. CARE's publications on sexual abuse and exploitation, available on the CCIC website.
5. CECI's Policy on the Prevention of Sexual Harassment, Exploitation and Abuse.
6. The Concordia University Policy Regarding Sexual Violence.
7. McMaster University's Sexual Violence Policy.