



Sexual Assault and Harassment Policy

Policy 2.2

Date Created: June 2010

Date Updated: 21 May 2019

This policy and protocol applies to the employees, Board of Directors, volunteers, members, and patrons of Modern Fuel.

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

Credits: Modern Fuel greatly appreciates the labour of The Khyber's staff and Board in preparing their Sexual Assault and Harassment Policy and influencing the revision and development of new policy for our organization at Modern Fuel.

1. Preamble

Modern Fuel Artist-Run Centre is dedicated to creating a safer environment for all members of the Modern Fuel community. We recognize that Sexual Assault and Harassment are serious offences with significant impacts on individuals and communities that are often under-reported and under-addressed. Therefore, addressing Sexual Assault and Harassment 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. In Canada, less than 10 percent of all Sexual Assaults are reported to police. We know that Sexual Assault and Harassment can occur between individuals regardless of sex/gender, sexual orientation, race/culture/ethnicity, migrant status, Indigenous identity, class, disability, or age. However, research and experience show that Sexual Assault and Harassment are not neutral social phenomena that occur randomly, but are largely committed against women, often by people that they may know. Modern Fuel 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 women within the dominant culture (Two-Spirit people, non-binary people, intersex people, non-binary femmes). Modern Fuel

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

Modern Fuel acknowledges that in Canada, Sexual Assault and Harassment disproportionately occurs in the university/college setting and that the material consequences of growing rape culture on campus need to be addressed. Given our reach to the surrounding university and colleges, including Queen's University, St. Lawrence College and the Royal Military College, we are committed to working against this reality. Kingston is undeniably a "university town," where Queen's University is the second largest employer and brings an influx of over 20,000 new students every year. The university is one of the oldest in Canada and only up until recently in 2016 developed a Sexual Violence Policy.

Modern Fuel also acknowledges the reality of Sexual Assault and Harassment as systemic issues that point to a problematic dominant culture rooted in colonialism, white supremacy and misogyny. As an artist-run centre, gallery and event space presenting artworks of all media, Modern Fuel acknowledges the reality of ongoing violence, power imbalances and active abuse of power due to this dominant culture prominently occurring throughout the contemporary art world. This includes a lack of action in response to sexualized violence and continuance of sexism within spaces of art presentation.

Modern Fuel believes that rape culture perpetuates Survivor/Victim-Blaming stereotypes which can make it more socially and emotionally difficult to disclose. Modern Fuel's Survivor Centric lens works to uphold, believe, and prioritize Survivors/Victims.

Overall, Modern Fuel's Sexual Assault and Harassment Policy should be used as a guide to navigate the complexity of issues as outlined above. It is also a planning tool for reducing harm and acting on experiences of Sexual Assault and Harassment within Modern Fuel.

2. Definitions

2.1 Anti-Oppression, Survivor Centric Framework

A framework for addressing Sexual Assault that prioritizes the autonomy and empowerment of Survivors/Victims while ensuring their access to events and programming by enforcing their safer space needs.

This framework also takes an anti-racism, anti-sexism, anti-heterosexism, anti-ableism, anti-ageism, anti-cissexist, and anti-classism stance. 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 Modern Fuel's Sexual Assault 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 Modern Fuel 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 assault and/or sexual harassment. 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 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 assault in advance of disclosure.

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 the Modern Fuel Community may be at risk of harm
- Reporting or action is required by the law
- Evidence of Sexual Assault and/or Harassment 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

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

*Modern Fuel acknowledges that some members of the Modern Fuel 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 The Modern Fuel Community

The Modern Fuel Community consists of:

- Modern Fuel Employees
- Modern Fuel Volunteers
- Modern Fuel Board of Directors
- Modern Fuel Membership
- Modern Fuel Patrons
- Modern Fuel hired artists or artists using Modern Fuel space
- Any person who has used Modern Fuel services at any time

2.7 Disclosure

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

2.8 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.

2.9 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.

2.10 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.

2.11 Perpetrator

A person who has Perpetrated Sexual Assault or Harassment.

2.12 Sexual Assault

Sexual Assault is prohibited by section 271 of the *Criminal Code* of Canada. Sexual Assault 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.

2.13 Anti-Harassment Committee

The Anti-Harassment Committee consists of who the Survivor/Victim has disclosed to and the people necessary in supporting them with their needs and asks surrounding their assault, as such, this committee will consist of Modern Fuel employees, and/or Board of Directors, and/or volunteers depending on the Survivor/Victim disclosure. As Modern Fuel operates from a Survivor Centric framework, it will then be up to the Survivor/Victim to decide the next steps of action. The purpose of the Anti-Harassment Committee will be to offer referrals and resources to the Survivor/Victim so they may make their most informed choice moving forward. The Anti-Harassment Committee will aim to encourage reporting culture, be able to reference available resources in Kingston, and uphold an Anti-Oppression, Survivor Centric framework.

Modern Fuel does not have the structural capacity to act as a sexual assault crisis centre or a restorative justice centre. Modern Fuel will work to support Survivor/Victims but does not have the structural capacity to guarantee support outside of Modern Fuel events such as: accompaniment to an appointment, support during a court case, counselling, house calls, etc.

**Contact: Modern Fuel Artist-Run Centre Anti-Harassment Committee,
hr.mfarcbod@gmail.com**

2.14 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.

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
- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter, and Instagram

2.15 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.

2.16 Survivor/Victim

A Survivor/Victim is any individual who has experienced Sexual Violence.

2.17 Survivor/Victim-Blaming

Putting blame for the occurrence of Sexual Assault 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

2.18 Safer Space Mandate

This Mandate was created through an Anti-Oppression, Survivor Centric Framework to act as acceptable behavioral guidelines for the Modern Fuel Community when accessing Modern Fuel events and programming.

Modern Fuel has anti-violence and pro-survivor policies in place, and 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 Modern Fuel.

2.19 Modern Fuel Sexual Assault and Harassment Procedure

This Procedure was created through an Anti-Oppression, Survivor Centric Framework to be paired with Modern Fuel Sexual Assault and Harassment Policy to act as a tangible and accessible resources specifically for Modern Fuel employees and volunteers.

2.20 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

Modern Fuel is committed to disrupting the normalization of Sexual Violence and creating a safer space for anyone in the Modern Fuel Community who has experienced forms of Sexual Violence. Modern Fuel believes that our 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 Assault and Harassment.

All reports of Sexual Violence will be addressed to the best of Modern Fuel's ability and in a manner that ensures due process, an Anti-Oppression and Survivor Centric Framework. Modern Fuel hopes to mitigate nervousness, discomfort, uncertainty, and fear in disclosing around Sexual Violence that anyone may be experiencing or witnessing that is affecting their experiences at Modern Fuel.

Modern Fuel is committed to:

3.1 Not tolerating or condoning any form of Sexual Violence

3.2 Establishing an Anti-Harassment Committee for the Modern Fuel 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 the Modern Fuel Community around Active Listening, Anti-Oppression and Survivor Centric approaches, and how to remove or confront people who are violating a safe/positive space at Modern Fuel

3.6 Modern Fuel will follow a comprehensive Sexual Assault and Harassment Procedure

4. Survivor/Victim Rights

Modern Fuel 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 Sexual Violence. Modern Fuel 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 Assault 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 Modern Fuel and to third parties
- 4.3 Be treated with care, sensitivity, compassion, dignity and respect
- 4.4 Not to be blamed for the Sexual Violence, 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 End participation in a protocol at any point
- 4.11 Be informed of the outcome of requests and disclosure
- 4.12 To be fully believed and validated

5. Responsibilities

5.1 Modern Fuel Employees

- Follow Modern Fuel's Sexual Assault and Harassment Policy
- Ensure effective referral to community resources, and or law enforcement and services
- Ensure confidentiality in Disclosures, and follow-up process
- Support Survivors/Victims through active listening, offering resources, and or creating an immediate or long-term Safety Plan
- Maintain confidentiality

5.2 Anti-Harassment Committee

- Follow Modern Fuel's Sexual Assault and Harassment Policy
- Be informed about the harms caused by the Sexual Assault or Harassment
- Support Survivors/Victims through active listening, offering resources, and or creating an immediate or long-term Safety Plan
- Maintain confidentiality

5.3 Modern Fuel Board of Directors

- Follow Modern Fuel's Sexual Assault and Harassment Policy available online and in the centre
- Support Modern Fuel employees and volunteers during intense times of disclosure by being available for debriefing and regularly checking in
- Act as a unified voice to advocate for a community that centres Survivors/Victims through upholding the principles of the Anti-Oppression, Survivor Centric Framework, and the philosophy of Modern Fuel presented in the Preamble
- Be involved with policy and procedural advancements in regards to Sexual Violence at Modern Fuel

5.4 Modern Fuel Volunteers

- Put their safety first
- Follow Modern Fuel's Sexual Assault and Harassment Policy
- Be informed about the harms caused by the Sexual Assault or Harassment

- Support Survivors/Victims through active listening, offering resources, and or creating an immediate or long-term Safety Plan
- Maintain confidentiality

6. Harm Reduction Measures and Education

Modern Fuel is committed to enacting the following measures to reduce harm, and to provide education around Sexual Violence in the Modern Fuel Community:

6.1 Provide comprehensive Anti-Oppression, Survivor Centric Sexual Assault training for membership, volunteers, Board members. Based on availability and expertise invite outside parties to provide training

6.2 Establish strong, visible partnerships between other groups in the Kingston community and greater arts community that are Anti-Oppression, Survivor Centric spaces

6.3 Assist and communicate with other artist-run centres about addressing Sexual Assault and Sexual Violence in their spaces through the Anti-Oppression, Survivor Centric framework

6.4 Have visible no tolerance signage at events and Sexual Assault and Harassment Procedure, Sexual Assault and Harassment Policy, and Safer Space Mandate available for reference

6.5 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 the Modern Fuel Community to be made aware

7.3 Modern Fuel Anti-Harassment Committee will fill out an incident report to document the basis, date, and location of all Disclosures

8. Reflective Programming and Cultivating Safer Spaces at Events

8.1 Modern Fuel will continue engagement with the public with regards to discourse and awareness via programming in our space, such as offering 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 artwork and/or organizing events in the space will be required to review the Modern Fuel Sexual Assault and Harassment Policy and Safer Space Mandate 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 Modern Fuel mandates and policy. If we are informed of or are witness to behaviour in violation of Modern Fuel's Safer Space Mandate and this policy, Modern Fuel has grounds to terminate contract agreement and not exhibit the work of the artist.

9. Policy Review

This policy will be reviewed by Modern Fuel's Board of Directors every year.

10. Contacts and Resources

Modern Fuel Artist-Run Centre Anti-Harassment Committee

hrmfarcbod@gmail.com

Modern Fuel Artist-Run Centre

Suite 305, 370 King Street W. | 613.548.4883 | info@modernfuel.org

Sexual Assault Centre (SAC) Kingston

400 Elliott Avenue, Unit 1 (Rockcliffe Plaza) | 613-545-0762 | sackingston.com

Kingston Police

705 Division Street | 613-549-4660 | Hearing Impaired: 613-549-8792 | kingstonpolice.ca

Kingston General Hospital (KGH) | Sexual Assault/Domestic Violence Unit

76 Stuart Street | SA/DV Office: 613-549-6666 x 4880 | Emergency Department: 613-548-2333

The Sexual Assault/Domestic Violence Program provides service 24 hours a day, seven days a week. They offer: emergency medical care (within 12 days for +16yrs of age and no time limit for under 16yrs); testing and treatment for sexually transmitted infections, HIV and pregnancy; crisis counselling; forensic evidence collection; safety planning.