



## Royal Military College Standing Order (CSO)

# CSO 5019-1 – Royal Military College of Canada Policy on Sexual Misconduct

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## 1. Identification

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|------------|-----------------------------|--|
| <b>1.1</b> | <b>Date of Issue</b>        | 1 Feb 2023   |
| <b>1.2</b> | <b>Date of Modification</b> | N/A  |
| <b>1.3</b> | <b>Applications</b>         | The Royal Military College (RMC) is committed to providing a safe environment that is free from sexual violence as well as any form of sexual misconduct for all its students, staff, faculty and all others who work or study here. |

The Department of National Defence (DND) and the Canadian Armed Forces (CAF) have established policies that are relevant to issues of Sexual Misconduct and harassment: Defence Administrative Order and Directive 5012-0 (CAF), Harassment Prevention and Resolution; Workplace Harassment and Violence Prevention Regulations (WHVPR), under the Canada Labour Code



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Part II (CAF & DND); Defence Administrative Order and Directive 7023-0 (CAF), Defence Ethics (CAF & DND); and Defence Administrative Order and Directive 9005-1, Sexual Misconduct Response(CAF). This order is not intended to supersede, interfere or contradict either these policies or the jurisdiction of the criminal/military justice system.

The RMC is a federal institution operating in the province of Ontario. As an associate member of the Council of Ontario Universities (COU), this order also reflects the provisions of Ontario Bill C-132, Sexual Violence at Colleges and Universities, under the Ministry of Training, Colleges and Universities Act.

This Standing Order is an order that applies to military members and a directive that applies to civilian personnel. It is issued on the authority of the Commandant of the RMC and applies to members of the Canadian Armed Forces, employees of the Department of National Defence, as well as all civilian students and contractors who study, or are employed at RMC.

For the purposes of this order, and in accordance with the Department of National Defence Harassment Prevention and Resolution regulations and the WHVPR, the RMC is considered a workplace for all military and civilian members of the RMC Community as well as all students and contractors.

- |                       |                           |   |
|-----------------------|---------------------------|---|
| <b>1.4</b>            | <b>Approved Authority</b> | This College Standing Order is issued by the Commandant under the authority of Queen's Regulations and Orders 4.21, Defence Administrative Order and Directives 1000-0 and 1000-2.  |
| <b>1.5</b>            | <b>Enquiries</b>          | Stewardship of this Order is the responsibility of the Director of the Corporate Services Wing.   |
| <b>2. Definitions</b> |                           |   |
| <b>2.1</b>            | <b>Sexual</b>             | <p>The term sexual misconduct is defined as conduct of a sexual nature that causes or could cause harm to others, and that the person knew or ought reasonably to have known could cause harm including:</p> <ul style="list-style-type: none"><li>a. Actions or words that devalue others on the basis of their sex, sexuality, sexual orientation, gender identity or expression;</li></ul> |



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- b. Jokes of a sexual nature, sexual remarks, advances of a sexual nature or verbal abuse of a sexual nature in the workplace;
- c. Harassment of a sexual nature, including initiation rites of a sexual nature;
- d. Viewing, accessing, distributing or displaying sexually explicit material in the workplace; and
- e. Any *Criminal Code* offence of a sexual nature, including:
  - i. Section 162 (voyeurism, i.e., surreptitiously observing or recording a person in a place where the person exposes or could expose his or her genital organs or anal region or her breasts or could be engaged in explicit sexual activity, or distributing such a recording);
  - ii. Section 162.1 (publication, etc., of an intimate image without consent, i.e. publishing, distributing, transmitting, selling or making available an intimate image of another person without their consent, such as a visual recording in which the person depicted is nude, exposing his or her genital organs or anal region or her breasts, or is engaged in explicit sexual activity);
  - iii. Section 271 (sexual assault, i.e., engaging in any kind of sexual activity with another person without their consent) (Defence Terminology Bank record number 43247)

**Note** – Brief summaries of sections 162, 162.1 and 271 of the Criminal Code are provided above strictly for the convenience of readers. The actual sections in the Criminal Code should be consulted for all elements and other provisions of these offences.

**(Definition taken directly from DAOD 9005-1)**

### 2.2 Survivor, Victim,

Individuals who have experienced Sexual Misconduct may choose to identify as survivors, victims or affected persons. The more



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- Affected Person** familiar term is victim, which continue to be used by universities, the justice system and the police; however, the CAF and DND are moving towards “Affected Person”. Moving forward, this document will use the terminology Affected Person/Victim.
- 2.3 Respondent** Once a report has been filed by an Affected Person/Victim, the alleged perpetrator of the Sexual Misconduct incident is termed the respondent to the complaint.
- 2.4 Disclosure** Confidentially revealing an incident of Sexual Misconduct to someone an Affected Person/Victim trusts in order to seek support and/or guidance without making a formal report. Affected Person/Victims are not required to report an incident of Sexual Misconduct in order to obtain support and services from CAF, DND or community resources.
- 2.5 Report** A formal process through which an Affected Person/ Victim reports an incident of Sexual Misconduct to a proper authority (see 2.13) with the understanding that this report may lead to an official investigation.
- 2.6 Duty to Report** Under Queen’s Regulations and Orders, Volume 1, articles 4.02 and 5.01, officers and non-commissioned members “shall report to the proper authority any infringement of the pertinent statutes, regulations, rules, orders and instructions governing the conduct of any person subject to the Code of Service Discipline.” Refer to Annexes A and C4 for information on how to respond to a report.
- 2.7 Consent** In the context of sexual misconduct, consent is the clear, voluntary, ongoing and enthusiastic agreement to engage in sexual activity that is granted without the influence of force, threats, fear, fraud or abuse of authority. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose between two options: yes and no. This means that there must be a willingness to participate in mutually agreed upon sexual activity and this willingness cannot be assumed. The following list is essential to the understanding of consent:
- a. silence or non-communication shall not be interpreted as consent, and a person in a state of diminished judgment cannot consent
  - b. a person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate;



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

RMC respects the right of individuals to form personal relationships IAW DAOD 5019-1 Personal Relationships and Fraternization. However, if a personal relationship, particularly one not declared to the chain of command, involves differences in rank, authority, and power it calls into question the consensual nature of the relationship.

Questions regarding consent can arise in the context of relationships where there is a power imbalance, for example, between military personnel who are of a different rank or between civilians where a supervisor-subordinate relationship exists. Additionally, personal relationships between military members should be properly disclosed IAW DAOD 5019-1 Personal Relationships and Fraternization.



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- |      |  |   |
|------|--|---|
| 2.8  | <b>Responsible Officer (RO)</b>          | Individuals in the Canadian Armed Forces have the managerial and leadership responsibility to ensure members work in a harassment-free workplace. Harassment prevention is an integral part of a Responsible Officer's leadership and managerial role. At RMC, the Commandant, the Deputy Commandant, the Director of Cadets and the Director of Applied Military Science, are all ROs. |
| 2.9  | <b>Harassment Advisor (HA)</b>           | Employees of the Canadian Armed Forces who have been appointed by the Responsible Officer to provide information and advice to the Responsible Officer concerning harassment policy and procedures and the role and responsibilities of the Responsible Officer in preventing harassment and resolving harassment situations.   |
| 2.10 | <b>Workplace Relations Advisor (WRA)</b> | A trained Harassment Advisor who is not acting in the role of Advisor, who assists the HA in the coordination of awareness and prevention programs. The Workplace Relations Advisor is a source of information for Canadian Armed Forces members.   |
| 2.11 | <b>Designated Recipient</b>              | A work unit or person designated by the employer under section 14 of the WHVPR.   |
| 2.12 | <b>Chain of Command</b>                  | The Chain of Command is the line of authority and responsibility along which orders and information are passed at a military organization.  |
| 2.13 | <b>Director</b>                          | The term Director at RMC refers to the Principal, Deputy Commandant, Director of Cadets, Director of Athletics, Director AMS/CO PG & MilFac, Director Support Services, Director Corporate Services, Director Operations and Plans.   |

### 3. Policy Statement/Purpose

- |     |                                |   |
|-----|--------------------------------|---|
| 3.1 | <b>Responsibilities</b>        | Ethical behaviour reinforces mutual trust, respect and dignity. It is expected from everyone at the RMC. Canadian Armed Forces members at RMC have a role to play if they become aware of incidents or complaints of Sexual Misconduct. The steps to be taken by those with a duty to report witnessing or being made aware of an incident of Sexual Misconduct are outlined in Annex A and C4. |
| 3.2 | <b>Statement of Commitment</b> | All members of the RMC community have the right to work and study in an environment that is free from any form of Sexual  |



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Misconduct. This document sets out the RMC's policy concerning Sexual Misconduct and its intent: to ensure that those who experience Sexual Misconduct are provided access to care and have their rights respected. In the event that an incident of Sexual Misconduct does occur, this policy directs that those who have been found to have committed an act of Sexual Misconduct may be subject to the National Defence Act, the Criminal Code of Canada, the WHVPR, civilian disciplinary measures and/or Remedial Measures.

- a. RMC strives to prevent Sexual Misconduct and be a safe and positive space in which members feel welcome to work, learn, and express themselves in a respectful environment;
- b. Sexual Misconduct can occur between individuals regardless of sexual orientation, gender expression/identity or relationship status. It is also recognized that individuals who have experienced Sexual Misconduct may experience emotional, academic, performance of duty or other difficulties. RMC is committed to Affected Person/Victim's support and accommodating their needs;
- c. Through this order, RMC expresses its ongoing commitment to the following:
  - i. to treat individuals who disclose or report Sexual Misconduct with compassion, and to recognize, to the furthest extent possible, that Affected Person/Victim are empowered regarding their own best interests;
  - ii. to ensure that those who report that they have experienced Sexual Misconduct are believed, and that their right to dignity and respect is protected throughout the process of disclosure, reporting, investigation, and institutional response;
  - iii. to assist all individuals who have experienced Sexual Misconduct, whether or not they choose to report the incident(s), by providing information and support, such as provision of and/or referral to counselling and medical care,



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information about legal options when applicable, and appropriate academic and/or other accommodations;

- iv. to address harmful attitudes and behaviours that incorrectly reinforce that the person who experienced Sexual Misconduct is to blame for what happened;
- v. to initiate appropriate administrative and/or disciplinary action in response to a report of Sexual Misconduct in accordance with the law, orders, policies, and applicable collective agreements, and that ensure procedural fairness;
- vi. to facilitate coordination and communication among the various departments and external units that are most likely to be involved in the response to Sexual Misconduct on campus;
- vii. to ensure that RMC's Sexual Misconduct policies and protocols are known and understood by the RMC community;
- viii. to provide appropriate education and training to all members of the RMC community about the prevention of Sexual Misconduct, and appropriate response to the disclosure of Sexual Misconduct; and
- ix. to actively monitor and update RMC policies and protocols to ensure that they remain effective and consistent with existing policies.

## 4. Confidentiality

- 4.1 Confidentiality Statement** Confidentiality is an important aspect of creating an environment in which those who are affected by Sexual Misconduct feel safe to both disclose incidents and seek support and accommodation. The privacy and confidentiality of all members of the RMC community involved in any disclosure or report will be protected with some limited exceptions. Confidentiality cannot be assured where the following conditions exist:





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- a. a reasonable belief that an individual is at risk of self-harm;
- b. a reasonable belief that an individual is at risk of harming another;
- c. there are reasonable grounds to believe that others in the RMC or wider community may be at risk of harm;
- d. a minor is involved; or
- e. reporting or sharing of information is required by law, orders, policies or standards (QR&O 1 article 4-02 and article 5-01).

All RMC staff, faculty and students have a responsibility to respect the dignity and privacy of those involved in incidents of Sexual Misconduct by treating all information that is disclosed or reported to them, or to which they are a witness, with discretion. Information sharing will be limited to those individuals who must be informed in order to implement processes outlined in this order. Affected Person/Victims and respondents must be informed where limitations to confidentiality exist; for example, as stated in section 2.7, Duty to Report, in order to ensure transparency and accountability.

## 5. Disclosure and Support

### 5.1 Disclosure and Support Statement

An Affected Person/Victim may choose to confidentially reveal or disclose an incident of Sexual Misconduct to someone that they trust in order to seek support and/or guidance without making a formal report. Affected Person/Victims are not required to report an incident of Sexual Misconduct in order to obtain support and services from RMC. A list of support services is attached at Annex B.

Disclosing an incident of Sexual Misconduct to a trusted source does not preclude an Affected Person/Victim from eventually choosing to report the Sexual Misconduct incident that they experienced to a proper authority. Confidential disclosure that does not automatically lead to a formal report is the foundation of providing respectful, Affected Person/Victim-led support.



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Those receiving a disclosure of Sexual Misconduct are expected to respect the Affected Person/Victim's right both to choose the services that they feel are most appropriate to them, as well as their right to decide whether or not they wish to report to the police and/or the chain of command (for more information on receiving a disclosure of Sexual Misconduct, please see Annex A). All officers and non-commissioned members have a duty to report to the proper authority as per DAOD 9005-1 any incidents of sexual misconduct by a member of the CAF, this obligation places limits on their confidentiality.

Being unbiased and supportive is critical for those receiving a report. The diversity within our community means that some individuals may face additional barriers to reporting due to gender expression/identity, sexual orientation, cultural or ethnic background and other identity-based factors.

## 6. Interim Measures

### 6.1 Interim Measures

Any individual who has been affected by Sexual Misconduct will be provided appropriate interim measures upon disclosure of the incident of Sexual Misconduct until such a time as they are no longer required, as defined by the NDA (CAF) or the WHVPR (DND). Interim measures will be coordinated and facilitated by either the Chain of Command, or the supervisor/manager in consultation with the LRO and other SMEs, as required. Depending on an Affected Person/Victim's activities at the RMC, interim measures may include, but are not limited to the following:

- a. academic support, such as different class assignment(s) and/or modified course scheduling;
- b. modified mandatory social or group activity attendance;
- c. modified sports or training scheduling
- d. different barracks assignment; and
- e. workplace adjustments may be required to separate an Affected Person/Victim from a respondent.



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### 7. Reporting Process

- 7.1 Reporting** If an Affected Person/Victim does wish to report an incident of Sexual Misconduct they have the following reporting options available on campus at the RMC. A detailed list of resources in the Kingston area is listed in Annex B.
- a. Any Director;
  - b. Chain of Command/Supervisor;
  - c. Sexual Misconduct Support and Resource Centre (24/7);
  - d. Officer of the Day (24/7);
  - e. Duty Field Officer (24/7);
  - f. Blue Light Emergency Telephones (linked to Military Police 24/7); and
  - g. Campus Security Control Center (24/7).
- In cases of medical emergency, or where an imminent risk of harm exists, call 911. In such cases, as described in Section 4.0, the Sexual Misconduct incident would be automatically reported to the proper authority.
- 7.2 Criminal Response Process** The appropriate military or civil law enforcement authorities can be contacted directly by the Affected Person/Victim. The Chain of Command, in accordance with existing policies for incidents of Sexual Misconduct that are deemed to be criminal, or potentially criminal in nature, will be investigated by the Military Police, Canadian Forces National Investigative Service (CFNIS), or the appropriate civilian authorities.
- 7.3 Non-Criminal Response Process** Incidents of Sexual Misconduct may be deemed non-criminal by the appropriate military and law enforcement authorities. For military members, where an incident of Sexual Misconduct is deemed to be non-criminal, the Chain of Command will investigate and respond to all incidents and complaints of Sexual Misconduct.
- 7.4 Protection from Retaliation** Regardless of whether an incident of Sexual Misconduct is deemed to criminal or non-criminal, under no circumstances will any person disclosing or reporting an incident of Sexual Misconduct be



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subjected to any actual or threat of retaliation. Any retaliation should be immediately reported to the chain of command.

- 7.5 Procedural Fairness** It is an important tenet of the CAF that every member is treated fairly and that the rights of all parties are protected.

## 8. Third Party Reports of Sexual Misconduct

- 8.0 Reporting Sexual Misconduct** The steps to be taken by anyone who witness or is made aware of an incident of Sexual Misconduct, are outlined in Annex C2 (DND) and C4 (CAF).

## 9. Order Implementation and Review

- 9.1 Representatives** The Sexual Misconduct Working Group, as a whole-of-College effort was established to coordinate the development of orders, policies, education and training. The inclusion of students as part of the working group, as well as representation from all other departments at the RMC, has been essential in ensuring that this Standing Order is representative of the college community as a whole.
- 9.2 Equity Diversity** Both in implementing and reviewing this document, EDI must be acknowledged and considered in order to ensure that all members involved promote and support respect, mutual trust, inclusion, equitable treatment, and non-discrimination. All Affected Persons/Victims must have (EDI) equitable access to support and services.
- 9.3 Order Review** This order should be reviewed when necessary, but no later than three years from the last issue or amendment. Review or amendment of this Standing Order must include representation from all departments and must include students.
- 9.4 Amendments** RMC's policy on Sexual Misconduct may be updated as required without a full review in order to ensure continuity and relevance of critical information and services. The following information may be updated without following the formal Order Review process:



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- a. information regarding support and services available to the RMC community as well as that available through locally provided services;
- b. the identity and contact information for the specific official, office(s) or department(s) to be contacted in order to obtain accommodations responsive to the needs of Affected Person/ Victims;
- c. the identity and contact information for the specific official, office(s) or department(s) to whom an incident of Sexual Misconduct should be reported; and
- d. the identity and contact information for the specific official, office(s) or department(s) that will be involved in each stage of RMC's Sexual Misconduct response process

- 9.5 Location of Order** This order shall reside and be accessible on both the internal RMC Intranet site as well as the external public Internet site. Any request from an individual, group or organization, including media, to view the order shall be supported and facilitated.

## 10. Education and Training

- 10.1 Expectations** All members of the RMC community are expected to attend the annual briefing sessions that occur prior to the start of the fall term. These sessions will include reminders and updates to the Sexual Misconduct policies of the Department of National Defence. It is expected that all students, faculty, military and civilian staff as well as contractors employed or working at RMC will attend their respective briefing sessions. All material presented, including that on Sexual Misconduct, will be subsequently posted on the RMC SharePoint site for those who cannot attend due to scheduling conflicts or for other reasons. Supervisors of such individuals will confirm and attest that these individuals have fully reviewed this presentation material annually. Additional sensitivity and awareness education may be provided to staff, faculty, researchers and students through information sessions and other activities focused on issues of bystander intervention, consent and sexual violence. Supervisors are encouraged to provide time when possible for members to complete additional training that contributes to a respectful and



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healthy work environment. There will be no excuse for any ignorance of the College's Sexual Misconduct policy.

## 11. Reporting of Statistics

### 11.1 Reports

Incidents of Sexual Misconduct involving military members at RMC are to be reported by Commandant's Critical Information Report or Significant Incident Report through the chain of command to the Chief of Defence Staff in accordance with national directives. They will also be inputted into the required CAF tracking and analysis system which is a Protected B database with limited access to select administrators and users.

## 12. References

### 12.1 References

- a. Canadian Charter of Rights and Freedoms;
- b. Canadian Human Rights Act;
- c. Criminal Code of Canada;
- d. National Defence Act;
- e. Privacy Act;
- f. The CAF Ethos: Trusted to Serve;
- g. Department of National Defence and Canadian Armed Forces Code of Values and Ethics;
- h. Queen's Regulations and Orders 19.15: Prohibition of Reprisals;
- i. Queen's Regulations and Orders 4.02: General Responsibilities of Officers;
- j. Queen's Regulations and Orders 5.01: General Responsibilities of Non-Commissioned Members;
- k. Queen's Regulations and Orders 106.02: Investigation Before Charge Laid;



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- l. Queen's Regulations and Orders 1.23: Authority of the Chief of the Defence Staff to Issue Orders and Instructions;
- m. Queen's Regulations and Orders 19.56: Report of Arrest by Civil Authority;
- n. Queen's Regulations and Orders 19.61: Certificate of Conviction;
- o. Queen's Regulations and Orders 19.62: Action following Conviction by Civil Authority;
- p. Queen's Regulations and Orders Chapter 21: Summary Investigations and Boards of Inquiry;
- q. Queen's Regulations and Orders Chapter 24: Medical Services;
- r. Defence Administrative Order and Directive 9005-1: Sexual Misconduct, 18 November 2020;
- s. Defence Administrative Order and Directive 5012-0: Harassment Prevention and Resolution, 20 December 2000;
- t. Defence Administrative Order and Directive 5016-0: Standards of Civilian Conduct and Discipline, 01 April 2005;
- u. Defence Administrative Order and Directive 7023-0: Defence Ethics, 17 February 2017;
- v. Defence Administrative Order and Directive 2008-3: Issue and Crisis Management;
- w. Defence Administrative Order and Directive 5019-0: Conduct and Performance Deficiencies;
- x. Defence Administrative Order and Directive 5019-1: Personal Relationships and Fraternization;



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- y. Defence Administrative Order and Directive 5019-2:  
Administrative Review;
- z. Defence Administrative Order and Directive 5019-4:  
Remedial Measures;
- aa. Defence Administrative Order and Directive 1002-0:  
Administration of the Privacy Act;
- bb. Defence Administrative Order and Directive 1002-1:  
Privacy Act Requests and Correction of Personal  
Information;
- cc. Defence Administrative Order and Directive 2006-0:  
Defence Security;
- dd. Defence Administrative Order and Directive 5017-0:  
Mental Health;
- ee. Defence Administrative Order and Directive 5044-4:  
Family Violence;
- ff. Defence Administrative Order and Directive 5516-0:  
Human Rights;
- gg. Defence Administrative Order and Directive 6002-2:  
Acceptable Use of the Internet, Defence Intranet,  
Computers and Other Information Technology Systems;
- hh. Defence Administrative Order and Directive 7002-3:  
Subjects of Investigations and References;
- ii. Defence Administrative Order and Directive 7024-0:  
Disclosure of Wrongdoings in the Workplace;
- jj. Defence Administrative Order and Directive 7024-1:  
Internal Procedures for Disclosure of Wrongdoings in  
the Workplace;
- kk. CANFORGEN 134/12: Decentralization of Authorities  
Related to Remedial Measures and Administrative  
Actions;





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- ll. CANFORGEN 112/14: Amendment - Decentralization of Authorities Related to Remedial Measures and Administrative Actions;
- mm. The Queen's Regulations and Orders Volume IV - Appendix 6.1: The Queen's Regulations and Orders for the Canadian Military Colleges;
- nn. Code of Service Discipline, Part III of the National Defence Act;
- oo. Chief of the Defence Staff Guidance to Commanding Officers and Their Leadership Teams;
- pp. ADM (HR-Mil) Instruction 03/04: The Canadian Forces Spectrum of Care;
- qq. ADM (HR-Mil) Instruction 07/04: Canadian Forces Member Assistance Program;
- rr. CFHS Instruction 4000-25: Medical Management of Sexual Misconduct;
- ss. CFHS Instruction 4030-06: Providing Medical Advice in Support of Administrative or Disciplinary Proceedings;
- tt. Directive for the Institutionalization of the Operation HONOUR Tracking and Analysis System (OPHTAS);
- uu. Sexual Misconduct Incident Management Decision Tree, available at: <https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/sexual-misconduct/orders-policies-directives/decision-tree.html>;
- vv. Sexual Misconduct Support and Resource Centre, available at: <https://www.canada.ca/en/department-national-defence/services/benefits-military/health-support/sexual-misconduct-response.html>
- ww. Spectrum of Sexual Misconduct, available at: <https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/sexual-misconduct/spectrum-of-sexual-misconduct.html>



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[misconduct/sexual-misconduct/training-educational-materials/spectrum-sexual-misconduct.html](https://www.rmccanada.ca/misconduct/sexual-misconduct/training-educational-materials/spectrum-sexual-misconduct.html);

- xx. Criminal Code of Canada, Revised Statutes of Canada, (R.S.C), 1985, c. C-46, available at: <http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>, date accessed: 01 December 2016;
- yy. Applicable Collective Agreements for the Public Service, available at: <https://www.tbs-sct.canada.ca/agreements-conventions/index-eng.aspx>, Date accessed: 22 June 2022;
- zz. Staff of the Non Public Funds Canadian Forces, Harassment Prevention and Resolution Guidelines, June 2011;
- aaa. Defence Controlled Access Area Regulations;
- bbb. Bill 132, the Sexual Violence and Harassment Action Plan Act (Supporting Affected Person/ Victims and Challenging Sexual Violence and Harassment), 2016;
- ccc. Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities, Ontario Government, 2013, and;
- ddd. Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget, 2017.

## 13. Annexes

### 13.1 List of Annexes

Annex A	What to do if you witness, or receive a disclosure of, Sexual Misconduct.
Annex B	List of Community Resources
Annex C1	Flowchart for Affected Persons/Victims (CAF)
Annex C2	Flowchart for Affected Persons/Victims (DND)
Annex C3	Flowchart for the reporting process (CAF)
Annex C4	Flowchart for the military staff receiving a report

# What to do if you witness, or receive a disclosure of sexual misconduct

**Note:** This annex is largely based on content from the Sexual Misconduct Support and Resource Centre (SMSRC). If you want more information on anything discussed in this annex, please go to: <https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/sexual-misconduct/support-someone.html>

Call the SMSRC at: 1-844-750-1648 (24/7)

## 1.0 What to do if you witness sexual misconduct

### 1.1 In case of an emergency

- If appropriate, call 911
- Ensure the victim/survivor's safety. Are they away from the alleged offender? If they are phoning you, can you help them get to go to someone they trust? If the person is out of danger now, tell them, "You are safe now."
- Once safety is established, medical care is the next consideration. Encourage the victim/survivor to get medical care for their immediate needs and if appropriate, explain the importance of preserving evidence. (Not all hospitals hold 'rape kits'; check the resource list to determine the location nearest to the victim/survivor.)
- You can say, "I won't have all of the answers, but I will make sure you are supported."

### 1.2 Emergency contacts

- Police/Ambulance: 911
- Military Police: 613-541-5648
- Officer of the Day (OOD): 613-483-3024
- Duty Field Officer (DFO): 613-483-9475
- College Security Advisor: 613-541-6000 x 6462
- Security Control Centre: 613-541-6000 x 3652

### 1.3 Other Bystander Intervention Strategies

For other bystander intervention strategies please see the following resources offered by the SMSRC:

- The six steps to bystander action: <https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/sexual-misconduct/training-educational-materials/six-steps-bystander-action.html>
- Bystander Intervention Strategies: <https://www.canada.ca/en/department-national-defence/services/benefits-military/conflict-misconduct/sexual-misconduct/training-educational-materials/bystander-intervention-strategies.html>

**Note:** As a witness to sexual misconduct, you may experience a variety of emotional responses. For more information on self-care and support resources, see section 3.

## 2.0 What to do if someone discloses allegations of sexual misconduct

### 2.0 Disclosure

A survivor may choose to confidentially reveal an incident of sexual misconduct to someone that they trust in order to seek support and/or guidance without reporting. Affected persons are not required to report an incident of sexual misconduct in order to obtain supports and services from the Royal Military College. Confidential disclosure that does not automatically lead to a formal report is the foundation of providing respectful, survivor- led support.

**Note:** Canadian armed forces members (excluding members of the medical branch) are in a position that places limits on their confidentiality. They have a professional obligation to report incidents of sexual misconduct. If you are a CAF member receiving a disclosure, remind the affected person of the limitations on your ability to keep the incident confidential.

### 2.1 Listen (From: [SMSRC - First Contact support tool](#))

- Find a private place to talk, clear your schedule. Be patient – it can take time.
- Ask, “How can I help you?” Do not ask what happened (this is a question which should only be asked by the investigating officer and/or trained medical staff).

- Keep your voice calm. Your calm voice and manner can help the victim/survivor remain focused and feel safe.
- Show that you are actively listening through your body language (e.g., nodding, facing in their direction, sitting down) and words (e.g., "I hear what you're saying").
- Respect their personal space, and do not touch them. Even if you think they want a comforting touch, resist your urge to do so. Always follow their lead. You can offer them something to keep them warm, like a blanket or your jacket, (shock can involve feeling cold, shivering and shaking).

**Note:** At this point, check in with the affected person to determine whether there is any immediate danger, and whether they need medical support. In the case of emergency, see section 1.

## **2.2 Believe (From: SMSRC - First Contact support tool)**

- Communicate without judging. "I'm so glad that you came to me. I believe you're being honest." "This doesn't change how I think of you."
- Assure them that their reactions to a very traumatic event are normal, and avoid promising them that everything will be okay.
- If the victim/survivor says things that sound like they 'should' have done something differently, should have dressed differently or in some way behaved in a way which could have prevented the assault, let them know that, it is not their fault. The person who commits the assault is responsible.
- Be aware that feelings of guilt and shame can contribute to thoughts of self-harm. Behaviours, thoughts and feelings expressed by the person may reveal a heightened level of distress.
- If you suspect that the person is having thoughts of suicide, ask them clearly and directly, ex: "Are you thinking of suicide?" If they answer yes, offer to assist them in accessing professional psychological services.

## **2.3 Follow-up action (From: SMSRC - First Contact support tool)**

- Police involvement is recommended in the case of Criminal Code Violations; offer to contact them on the victim/survivor's behalf or arrange for them to speak with a police representative themselves. The assault can be reported at your local Military Police detachment or by contacting one of the Canadian Forces National Investigation Service (CFNIS) Regional Offices. It can also be reported to civilian police forces.

- SMSRC has access to many resources (including which local hospital is the best choice to meet the needs of the person you are assisting). Offer to contact the SMSRC or assist the person to contact the SMSRC themselves.
- If the affected person wishes to call the police or the SMSRC, offer to sit with them as they place the call.
- If the affected person gives you explicit permission to place the call on their behalf:
  - Identify yourself by name.
  - Note that you are calling for someone else.
  - Ask any questions the survivor wishes answered.
  - Be sure to note the name and any other contact information of a specific person with whom the survivor may follow up.
- To provide more information to the affected person on next steps, refer to Annex C of this document.

## **2.4 Duty to Report for CAF Members**

- In the case of any sexual misconduct, CAF members have a duty to report as per QR&O article 4.02 and 5.02.
- Sentence about obtaining consent from the affected member to whatever extent possible while fulfilling your duty to report
- While fulfilling the requirements of Duty to Report, it is important to maintain a Affected Person/Victim centered approach to whatever extent possible
- You are able to report to any of the authorities mentioned in Annex C1 but it is recommended that you report through your chain of command so that they are able to provide appropriate support to the affected person

**Note:** Having received a disclosure of sexual misconduct, you may experience a variety of emotional responses. For more information on self-care and support resources, see section 3.

# **3.0 Self care for witnesses of sexual misconduct/persons having received a disclosure of sexual misconduct**

## **3.1 Self-care as a first point of contact (From: SMSRC - First Contact support tool)**

- **Maintain your lifestyle.** It can be difficult to stay emotionally strong if you are mostly focusing on the sexual assault. Maintaining your lifestyle and continuing to do what you enjoy is important for your emotional wellness. If you enjoy painting, cooking, exercising, spending time with friends, or other activities, keep them up. It may seem challenging to make time to do these activities, but they can be helpful self-care strategies in the long run.
- **Reach out and talk about it.** It's normal to have a difficult time processing the sexual assault of someone you care about. It can continue to be difficult as time goes on and the victim/survivor begins the healing process. Sometimes hearing about other people's experiences can revive negative experiences of your own. You can call the SMSRC at 1-844-750-1648 or [DND.SMSRC-CIIS.MDN@forces.gc.ca](mailto:DND.SMSRC-CIIS.MDN@forces.gc.ca) to speak with a trained professional who understands what you're going through for support, options or have questions answered.
- **Make plans.** Sometimes talking about what happened can help you cope with your feelings, and other times it can make you feel more stuck. Make plans that give you a break from talking or thinking about the assault. It could mean starting a new hobby or revisiting one you already enjoy. You could go to dinner with a group of friends who understand this isn't time to discuss what happened. Maybe you prefer a solo activity, like going on long walks. Let this be a time where you can take your mind off the assault.
- **Take time to relax.** Relaxation looks different for everyone. You might consider meditation or deep breathing exercises. Maybe journaling helps you sort through your thoughts and find peace. Build time into your day for these moments of relaxation so that you don't skip out.

## Annex B to CSO 5019-1

Emergency Services	Contact Information
33 Health Services Center –CDU3 [Monday to Friday 7:30 a.m. to 4:30 p.m. (EST)] (Military)	613-541-5010 x 3232 or for emergency: x 5330
Ambulance (24/7)	613-544-5555
Emergency (24/7)	911
Kingston Police (24/7)	613-549-4660
Military Police (24/7)	613-541-5648
Support Services	Contact Information
Your Supervisor (Civilian) / Chain of Command (Military)	
33 Health Services Centre - RMC Det  M-F Sick Parade - 0700-0930 M-F Booked appts - 1000-1800 hrs Saturday booked appts - 1000-1400 (Military)	613-541-5010 x 6310 or 6994
Canadian Armed Forces Sexual Misconduct Support and Resource Centre, Hours: 24/7	1-844-750-1648 Call collect: 613-996-3900 <a href="mailto:DND.SMSRC-CIIS.MDN@forces.gc.ca">DND.SMSRC-CIIS.MDN@forces.gc.ca</a>
CFB Kingston Mental Health Services (Military)	613-541-5010 x 5776
Chaplains and 24/7 Duty Chaplain	613-541-6000 x 6284 or x 6204 Duty Chaplain: 613-541-5330 (please specify if you are at RMC)
DND/CAF Ombudsman <i>A direct source of information, referral and education</i>	1-888-828-3626 / <a href="mailto:ombudsman-communications@forces.gc.ca">ombudsman-communications@forces.gc.ca</a>
Family Information Line (24/7) <i>Confidential, supportive counselling can connect a caller with helpful national and local resources</i> (Military)	1-800-866-4546



Integrated Personnel Support Center (IPSC) (Military)	613-541-5010 x 5668
Member / Employee Assistance Program (MAP/EAP) (24/7) <i>Confidential short-term professional counselling service</i>	1-800-268-7708
Military Family Resource Centre <i>Support &amp; intervention</i> (Military)	613-541-5010 x 5195 or x 3296
NPF Employee and Family Assistance Program	1-800-387-4765
Workplace Relation Advisors (WRA)	List of WRAs available on College intranet: <a href="http://intranet.rmc.ca/administration/hpr-prh/wra-crct_e.html">http://intranet.rmc.ca/administration/hpr-prh/wra-crct_e.html</a>
<b>Support - Community Resources</b>	<b>Contact Information</b>

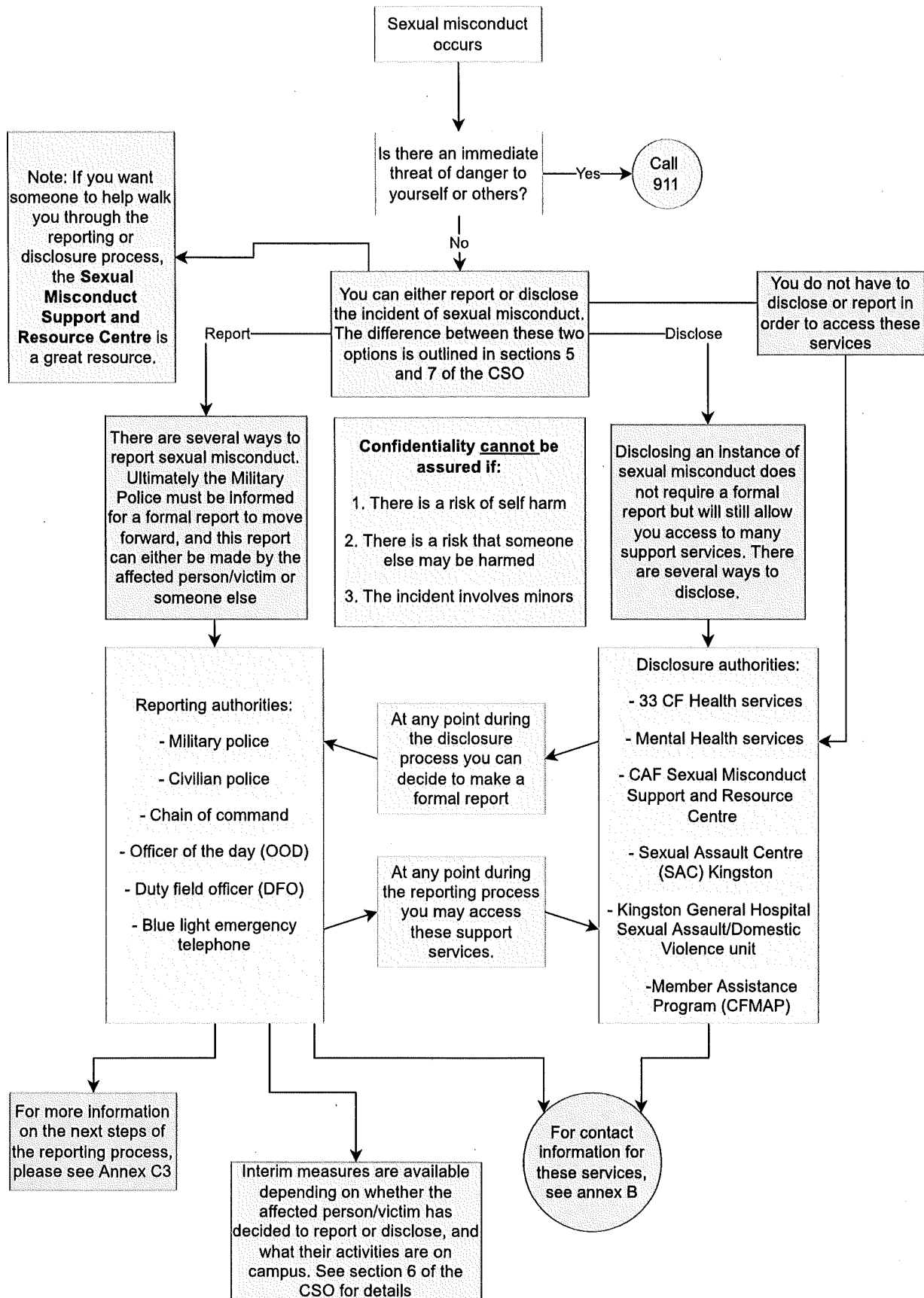
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Annex B to CSO 5019-1

Frontenac Community Mental Health Services Crisis line (24/7)	613-544-4229 or 1-866-616-6005
Kingston General Hospital (KGH) (24/7)	613-548-3232 or for emergency: 613-548-2333
<u>KGH Sexual Assault/Domestic Violence Program</u> (24/7)	613-549-6666 x 4880
<u>Sexual Assault Centre Kingston</u> (24/7) <i>Crisis and support line</i>	613-544-6424 1-877-544-6424
<b>On-campus Reporting Options</b>	<b>Contact Information</b>
Your Supervisor / Chain of Command/any member of the Canadian Armed Forces (Military)	
Campus Security Control Center (SCC) (24/7)	613-541-6000 x 6666 x6209 Gate House
RMC Duty Watch (24/7)	Officer of the Day (OOD): 613-453-5007 Duty Field Officer (DFO): 613-483-9475 Duty Watch Room: 8351
RMC Security Advisor	613-541-6000 x 6462

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# Annex C1: Flowchart for affected persons/victims - CAF



# **Annex C2: Information for affected persons/victims - DND**

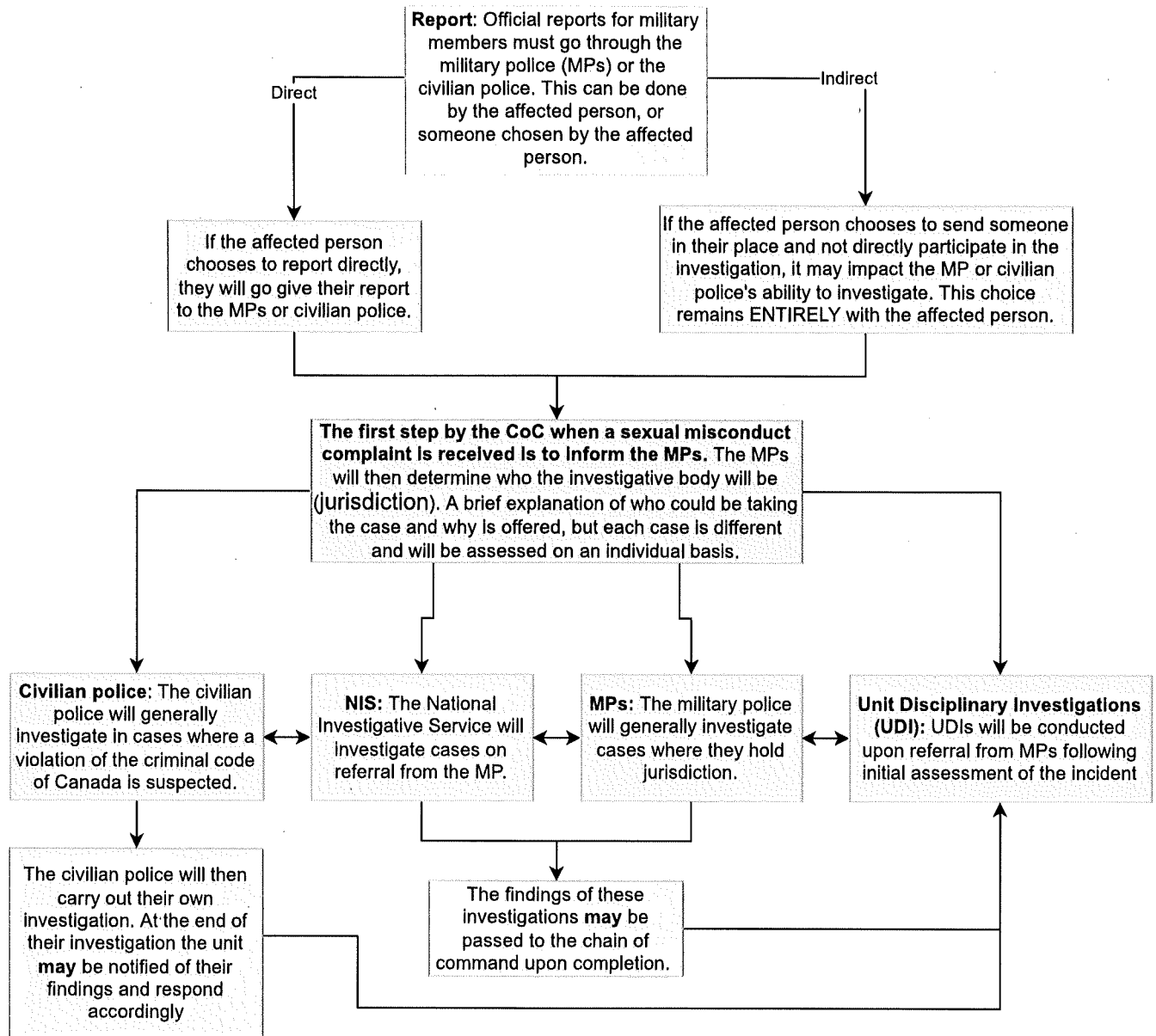
## **1.1 Reporting sexual misconduct**

- In case of emergency: call 911
- To report the sexual misconduct, you have the following options
  - Civilian police/Military police (if the incident involves a Canadian Armed Forces member or if it occurs at a Department of National Defence establishment)
  - Your supervisor/chain of command
  - Your union representative
  - The designated recipient: 1-833-451-1604 ([DesignatedRecipientHVP-DestinataireDesignedelaPHV@forces.gc.ca](mailto:DesignatedRecipientHVP-DestinataireDesignedelaPHV@forces.gc.ca))
- If you would like support in deciding which reporting option (if any) suits your needs best, contact the Sexual Misconduct Support and Response Centre (SMSRC) at 1-844-750-1648 (24/7)
- Victims have the right to ask for a victim liaison officer (VLO), in case of a service offence.
- Your union representative and the designated recipient can also support you in understanding the reporting process

## **1.2 Support for civilian persons affected by sexual misconduct**

- For support resources for affected persons please see Annex B of this document

## Annex C3: Flowchart for the reporting process - CAF



# Annex C4: Flowchart for military staff receiving reports

