



Sexual Violence Policy

Sexual violence prevention, mitigation and response

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Table of Contents

Introduction	3
Objectives of the Policy.....	3
Scope	4
Definitions	5
Crossroads Commitment: Zero Tolerance to Sexual Violence	8
Addressing, Preventing and Responding to Sexual Violence	8
Rights.....	8
Responsibilities.....	8
a) Crossroads Employees and Volunteers.....	8
b) Crossroads Board Members and the Executive	9
c) Management (Directors and Managers).....	10
d) Partner Organizations and Beneficiaries.....	10
Child Protection.....	10
Awareness and training.....	11
Disclosure	11
Sexual Violence Complaints	11
Remedies for Survivors	12
Internal Investigation and Resolution of Sexual Violence Complaints	13
Interim Measures	14
Investigations	15
Timelines and Suspensions	16
Confidentiality.....	16
Enforcement.....	17
Bad Faith Allegations and Interference.....	17
Reprisal.....	18
Appeals.....	18
Monitoring and Evaluation.....	18
Associated policies and procedures.....	19
International policies.....	19

Introduction

Crossroads is committed to the delivery of international volunteer cooperation program and development projects grounded in a human rights framework and recognize that sexual violence, including sexual exploitation and abuse, violate international and domestic legal norms and standards.

This Policy outlines Crossroads' commitment to addressing, preventing and responding to sexual violence across its operations, in accordance with its mission and values.

This Policy is accompanied by a Code of Conduct on Sexual Violence (CCSV) that links the statements included in this policy with Canadian and International standards. The CCSV articulates standards of professional conduct and provides benchmarks against which individual and organizational performance can be measured.

Crossroads acknowledges that measures must be taken to account for the numerous perspectives, identities, lived experiences or circumstances of each Survivor/victim, also referred to as intersectionality.

This policy encourages individuals to speak up for themselves and for others who have been affected by or have witnessed sexual violence.

This policy furthers strengthens and develops accountability systems for sexual violence survivors or anyone who becomes aware of sexual violence to report and to be protected from retaliation.

The policy aligns with Crossroads' Gender Policy, the Canadian Council for International Cooperation Leaders' Pledge on Preventing and Addressing Sexual Misconduct and meets the contractual obligations issued by Global Affairs Canada. The Policy is informed by international best practices, and is also based on Canada's, Quebec's and Ontario's Human Rights and Occupational Health and Safety legislation, as well as the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel, the IASC Six Core Principles Relating to Sexual Exploitation and Abuse and internationally recognized human rights standards as contained in the Elimination of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

Objectives of the Policy

Through this Policy, Crossroads expresses a commitment to address sexual violence and increase access to justice for Survivors. Crossroads works to create and maintain a respectful, trusted and inclusive workplace and programs free from sexual violence for its operations and programs in Canada and overseas. It provides a framework for the people we serve and those who work, volunteer and partner with Crossroads, especially women and girls, to feel safe, equipped and empowered to speak up for themselves and others and as appropriate, to take action against sexual violence. The Policy establishes organization-wide definitions relating to sexual violence and is a tool to enhance the shared understanding of its implications.

The goals of this Policy are:

- to ensure all Crossroads stakeholders understand their rights and responsibilities towards preventing and addressing sexual violence;
- to ensure all Crossroads stakeholders are informed on measures taken to prevent and respond to sexual violence, including disclosure, complaint and investigation mechanisms to respond to disclosures and complaints employing an intersectional understanding of the impact of sexual violence and a Survivor's decision to disclose as well as the method of disclosing;
- to establish and communicate an effective process through which Crossroads will address allegations of sexual violence in a timely and professional manner. This includes appropriate processes that protect the rights of both the Complainant and the Respondent
- to provide guidelines to protect persons from reprisal where allegations of sexual violence are formulated against Crossroads' stakeholders involved in the implementation of its programs;
- to ensure high-level oversight on sexual violence in order to monitor effectiveness, report progress and prevent and respond to sexual violence.

Scope

This Policy applies to staff¹, board members, interns, volunteers, contractors and subcontractors, including local partners and ultimate beneficiaries². Referred to collectively as stakeholders.

The standards in this Policy and the accompanying Code of Conduct are based on internationally recognized human rights standards. Where issues arise overseas that are beyond the reach of Canadian law, Crossroads will make every effort to intervene, subject to limitations beyond its control.

Where a conflict exists between the standards in this policy and national law in a given country, Crossroads abides by international human rights standards protecting Survivors against discrimination, harassment and sexual harassment, using its leverage and dialogue where necessary to manage conflicts or uncertainty in the application of this policy.

¹ Staff includes Crossroads' employees in Canada and in the countries where Crossroads operates.

² Contractors, subcontractors, local partners and ultimate beneficiaries are defined by the Contribution Agreement – General Terms and Conditions, Global Affairs Canada Website https://www.international.gc.ca/development-developpement/partners-partenaires/btoa/contribution_general-accord_general.aspx?lang=eng#a22

This policy applies to Crossroads' programs and to the workplace, which extends beyond the offices of Crossroads. The term "workplace" includes other locations and situations wherever the work of Crossroads takes place. This also includes individuals' home if unwelcome phone calls or visits are being made by another person associated with Crossroads.

Definitions

Coercion: In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts. (Source: Canada's Criminal Code)

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

The Criminal Code also says there is no consent when:

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

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

- that belief is based on their own intoxication; or
- they were reckless about whether the person was consenting or;
- they chose to ignore things that would tell them there was a lack of consent; or
- they didn't take proper steps to check if there was consent.

The responsibility for ensuring that there is consent is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed, or the fact that the individual has not said no again, to assume that consent now exists. (Source: Women's Legal Education and Action Fund Website)

Complainant: A term used in the context of an investigation and used in this document to identify the person that formulates a formal sexual violence complaint. The complainant could be the survivor or a third-party bystander.

Intersectionality: A holistic approach that the interplay between the different facets of an individual's personal characteristics, such as race, sexual orientation, sex and age, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender identity, gender expression, record of offences, marital status, family status or disability affects their identity as a whole.

Procedural Fairness: Also known as natural justice, has two components. First, a person must have an adequate opportunity to be heard before a decision is made affecting that person's interest. The person has a right to participate, to know what information the procedure is relying on for its decision and to be given a chance to respond to that information. Second, the decision must be made by an independent and impartial decision-maker. At a minimum, procedural fairness requires:

- clear communication
- proper notice
- opportunity to present their version of the facts
- clear reasons for the decision
- timeliness
- proper records

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

Rape: Under international law, it is defined as a physical invasion of a sexual nature, committed on a person under circumstances which are coercive. Rape and sexual violence can also be constituent elements of other crimes under international law. (Source: International Criminal Tribunal for the former Yugoslavia, Furundžija case, Judgment.) In Canada, the word rape is not used in the Canadian Criminal Code. Instead, the law criminalizes "sexual assault".

Respondent: An alleged perpetrator who exercises his or her right to participate, to know what information the procedure is relying on for its decision and to be given a chance to respond to that information when a formal investigation procedure takes place following a complaint.

Sexual Abuse: Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with a child is considered as sexual abuse.

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

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

Sexual Harassment: A form of sexual violence prohibited by the Canada Labour Code. It constitutes conduct or vexatious comments that are known or ought reasonably to be known to be unwelcome and creates a hostile or offensive environment. It is mostly used to define a form of workplace discrimination. The Canada Labour Code defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation in the workplace; or that might, on reasonable grounds, be perceived by the employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

Examples of sexual harassment may include, but not limited to:

- Unwelcome remarks, jokes, or propositions;
- Innuendoes or teasing about a person's clothes, gender or sexual orientation;
- Unnecessary and unwanted physical contact such as touching, patting, pinching or rubbing, kissing, brushing up against a person;
- Sexual advances;
- Displaying of pornographic pictures or other offensive materials of a sexually explicit nature;
- Unsolicited and offensive communication through social media or the telephone.

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

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

Workplace: The workplace extends beyond the offices of Crossroads. The term "workplace" includes other locations and situations wherever the work of Crossroads takes place. This also includes an employee home if unwelcome phone calls or visits are being made by another person associated with Crossroads.

Crossroads Commitment: Zero Tolerance to Sexual Violence

Crossroads challenges and **does not tolerate any** form of sexual violence, sexual exploitation or abuse in its workplace and in its programs.

Crossroads will treat all concerns raised and reported incidents of sexual violence seriously. Crossroads will undertake to investigate all complaints whenever possible to ensure that they are resolved in a timely, confidential, and fair manner respecting the rights of the Respondent and the Complainant. Crossroads will provide support to Survivors/victims, alleged harassers and bystanders.

Addressing, Preventing and Responding to Sexual Violence

Rights

Crossroads employees, volunteers and stakeholders have the right to:

- A work environment that does not tolerate or condone sexual violence, sexual exploitation and abuse;
- Equal treatment with respect to employment and volunteerism without sexual violence, sexual exploitation and abuse;
- Access to supports, services, and appropriate accommodation if they are affected by sexual violence, sexual exploitation and abuse
- Have an incident of sexual violence, sexual exploitation and abuse addressed in a manner that is appropriate in the circumstances.

Responsibilities

Crossroads has the responsibility to make all reasonable efforts to ensure that its workplace and programs are free from sexual violence, sexual exploitation and abuse. Crossroads undertakes measures to protect staff, board members, interns, volunteers, contractors and subcontractors, including partners, as well as ultimate beneficiaries³ (referred to collectively as stakeholders) from sexual violence.

a) Crossroads Employees and Volunteers

³ Contractors, subcontractors, local partners and ultimate beneficiaries are defined by the Contribution Agreement – General Terms and Conditions, Global Affairs Canada Website https://www.international.gc.ca/development-developpement/partners-partenaires/btoa/contribution_general-accord_general.aspx?lang=eng#a22

Crossroads and its employees and volunteers have a mutual responsibility to create and maintain a workplace free from sexual violence. As professionals committed to the realization of Crossroads' mission, everyone working towards its vision has the responsibility to step up and contribute to prevention and response efforts to sexual violence, including sexual exploitation and abuse. Therefore, staff, board members, interns, volunteers, contractors and subcontractors must:

- Familiarize themselves with this Policy and uphold it;
- Not commit sexual violence, including sexual exploitation and abuse;
- Make every reasonable effort to ensure and maintain a workplace or a program free of sexual violence;
- Raise concerns regarding risks or possibilities of sexual violence;
- Upon becoming aware of sexual violence, including sexual exploitation and abuse, report incidents and refer Survivors to support services;
- Treat any information related to sexual violence with utmost confidentiality and share related information only on a Need-to-Know basis only with designated relevant parties;
- Cooperate fully with the Procedures under this Policy, including any investigation in which they are asked to participate.

b) Crossroads Board Members and the Executive

Board Members and the Executive are responsible for the oversight of this policy and its implementation. They are expected to ensure every reasonable effort is being made to prevent sexual violence from occurring and verify that an adequate response and protective measures are implemented once they become aware of an incident.

Crossroads' Executive Director manages the implementation of this policy by:

- Ensuring that resources are allocated and governed properly to achieve the objectives of this Policy;
- Actively fostering a workplace culture of safety, with appropriate leadership;
- Overseeing the implementation of this Policy consistent with Crossroads' commitments;
- Reviewing the Policy's efficacy on an annual basis, and revising where necessary;
- Ensuring performance management to mitigate against the occurrence of sexual violence, including taking corrective action when needed.

c) Management (Directors and Managers)

Management refers to employees who have one or more employees who are under their direct supervision. Crossroads' management is expected to set an example for appropriate behaviour and must address situations of sexual violence immediately on becoming aware of them, whether there has been a complaint or not.

Crossroads' management bear the added responsibilities to:

- Ensure volunteers, interns, staff and contractors under their supervision are informed, understand and comply with the Policy;
- Ensure that training and/or orientation on sexual violence is provided;
- Address concerns and respond to incidents;
- Protect individuals from reprisals;
- Use appropriate sanctions when lack of compliance is established.

d) Partner Organizations and Beneficiaries

Partners shall attest that they respect Crossroads Policy, or adopt their own policies and procedures, to prevent sexual violence that shall be in keeping with the goals and objectives of Crossroads' approach.

Crossroads shall engage partners in an ongoing dialogue to prevent and respond to sexual violence, exploitation and abuse, sharing best practices, lessons learned and tools on a yearly basis.

Partners shall contribute to sexual violence prevention along with Crossroads, focusing on sexual exploitation and abuse protection, and raising awareness about these issues amongst program beneficiaries.

Child Protection

The sexual exploitation and abuse of children under the age of 18 is considered child abuse and is a policy violation. It may also constitute a criminal offence, depending upon the age of consent, local laws and customs. Crossroads may have a legal duty to disclose all allegations of sexual exploitation and abuse of children to local police.

Crossroads will ensure that child Survivors benefit from particular attention and that their specific needs are addressed.

Awareness and training

Crossroads is committed to raise awareness and building capacity regarding sexual violence prevention by providing training and/or orientation on sexual violence to staff, board members, interns, volunteers, contractors and subcontractors, including partners, as well as ultimate beneficiaries. All staff will receive training and communications on this policy and any related policy and program.

Crossroads is committed to ongoing learning and continuously improve its mechanisms to protect Survivors/victims and to respond to sexual violence.

Disclosure

Crossroads is encouraging stakeholders to disclose an incident to a person they trust within the organizational structure.

Disclosure of sexual violence is encouraged, especially when the Survivor/victim does not feel in a position to raise a formal complaint.

Crossroads aims at responding to disclosures and complaints employing a trauma-informed and intersectional understanding of the impact of sexual violence and a Survivor/victim's decision to disclose as well as the method of disclosing.

Sexual Violence Complaints

All stakeholders have the right to complain about situations they believe constitute sexual violence under this policy. The person affected is encouraged to make a complaint directly. Complaints may be made through a third party or anonymously.

Complaints can also be made by a group of people who may have been subjected to the same offensive treatment; co-workers who saw the incidents where there is a direct and personal impact as a result of sexual violence or harassment involving others; or a third party complaining on behalf of the Complainant.

A stakeholder can make a written or verbal complaint directly to a person they trust at Crossroads. Anonymous reports can be made through Crossroads' Sexual Violence Consultant⁴ (outside of Crossroads' structure). In the case of a complaint about the Executive Director, the matter should be brought to the attention of the Chair of the Board of Directors.

⁴ Crossroads' Sexual Violence Consultant is in place to provide the Complainant with a reporting mechanism that is external to Crossroads' management. This is also referred to as third-party reporting. Crossroads' recognizes that there are many barriers to reporting sexual violence and thus provides Complainants with the option of reporting to either a member of Crossroads' management or to the third-party Sexual Violence Consultant.

Crossroads supports individuals in filing a formal complaint. Once a complaint is received, preliminary assessment of the allegation will be performed and a decision to proceed with formal resolution will be made, which may include an investigation.

Anonymous complaints will be treated just as seriously as complaints where the identity of the Complainant is known.

Crossroads may initiate an investigation on the basis of an anonymous disclosure, third-party disclosure, informal disclosure or formal complaint. In such cases, Crossroads will consider the wishes of the Survivor.

Crossroads may commence or continue its own investigation (organization-initiated investigation) without the approval of the Survivor, or when no formal complaint has been made, if Crossroads reasonably believes that:

- (i) a Crossroads' stakeholder has committed sexual violence that affects the work environment of staff, volunteers, partner or other stakeholders; and
- (ii) there is a serious risk to the safety of Crossroads stakeholders, which is determined considering:
 - a. whether the Respondent is in a position of power;
 - b. whether Crossroads has reasonable grounds to believe the Respondent may have committed multiple acts of sexual violence,
 - c. whether there is a pattern of similar behavior, and
 - d. any other considerations that Crossroads deems relevant.

Remedies for Survivors

Crossroads is committed to making every reasonable effort to remedy the effects of sexual violence on the Survivor/victim. Remedies should be adequate and timely and should give priority to the Survivor/victim's agency, wishes and decisions, safety, dignity and integrity.

An employee or volunteer is entitled to file a complaint of sexual violence and/or sexual harassment to the Human Rights Tribunal of Ontario, the Ontario Ministry of Labour ("MOL"), or the Quebec Commission des normes, de l'équité, de la santé et de la sécurité du travail ("CNESST"). Generally, a complaint to these regulatory bodies must be filed within twelve (12) months of the last incident upon which the complaint is based. However, in Quebec, a person has a period of two (2) years after the last manifestation of psychological or sexual harassment to file a complaint with the CNESST. As such, legislation in the province or territory within which the employee or volunteer resides should be checked.

Internal Investigation and Resolution of Sexual Violence Complaints

Step 1 – Informal Resolution

Wherever possible or appropriate, stakeholders experiencing sexual violence, including sexual exploitation and abuse, may take the following actions:

- Tell the person who is engaged in the offending behaviour that the behaviour is unwelcome and that they should stop. Often this will fix the problem.
- Keep a record of the incident, including the time, location, people present etc.

At this stage, there is no formal record of the complaint because the parties involved have resolved the conflict informally without recourse to the formally triggered mechanism provided for at Step 2 of this procedure.

Crossroads may conduct or facilitate a Trauma-Informed Restorative Justice Process (“RJP”), if the Survivor and Respondent agree to participate and the allegations are within the scope of this Policy.

Survivors maintain the right to proceed to formal resolution if they have participated in a RJP. Any information collected once a RJP has been initiated is considered “without prejudice” and shall not be introduced as evidence in a Procedure under this Policy unless both parties agree.

Step 2 – Formal Resolution

Where a problem could not be resolved or where the stakeholder is unable to complain directly to the Respondent, the matter may be referred to formal resolution.

A stakeholder should report a complaint quickly as it protects the rights of both the person making the complaint and the Respondent. Stakeholders are therefore encouraged to report a complaint as soon as possible.⁵

The written complaint must contain a description of the incident(s), time and place of the incident, the person(s) involved, the names of witnesses, if any, and it must be signed and dated by the person complaining (except in the case of an anonymous complaint).

Respondents must be advised that there is a formal complaint against them and given a summary of the complaint statement by management. The Respondent will be kept informed about the process.

At any stage of the formal process, both the Survivor and the Respondent may have a colleague or representative present.

The Procedure for the formal resolution of complaints under the policy is as follows:

⁵ Timeline limitations of provincial or territorial human rights legislation for filing a complaint should be checked so that a Complainant does not jeopardize their right to pursue the matter at that level.

- When a complaint is received, the Executive Director of Crossroads shall be notified.
- Within seven (7) working days of receiving a complaint, the Respondent(s) shall be notified of the allegations.
- The Executive Director will conduct confidential enquiries to obtain information about the complaint and assess whether the matter should be referred to formal resolution, which may include an investigation.
- Depending on the circumstances, a Respondent may be suspended with pay until the investigation is complete
- The results of the investigation will be documented. The parties will have five (5) working days in which to review and comment on the investigator's findings and recommendations before a final decision is made
- The Complainant(s) and the Respondent(s) will be notified in writing of the final decision within ten (10) working days of the issuance of the final investigation report.
- A substantiated complaint under this policy will be considered a form of misconduct. Corrective action could include: - Education and training - Disciplinary action varying from counseling to a written reprimand, suspension or discharge
- Where the results of the investigation do not support the allegations, the complaint will be discontinued and so documented

Interim Measures

Interim measures may be implemented pending the outcome of a resolution process by the Executive Director. Interim measures shall not be construed as discipline or as a finding of a violation/no violation of the Policy. Interim measures may include, but are not limited to:

- Limiting access to Crossroads facilities,
- Making arrangements for alternative supervisory relationships, or
- Discontinuing contact between the Complainant and Respondent during the period of the resolution process.

Interim measures may be deemed necessary where Crossroads determines that:

- An individual poses a safety risk;
- The continued proximity of the parties will impair the ability of any party or any other person to function in relation to their work or program activities;
- There has been an act of reprisal or there exists a threat of reprisal.

Investigations

Crossroads is committed to taking prompt investigative action and ensuring that support to the Survivor is provided, according to the wishes of the Survivor. If Crossroads decides to initiate an investigation, it will appoint an investigator who is competent in conducting Trauma-Informed investigations.

The investigation will be conducted upholding principles of procedural fairness and neutrality. Crossroads will engage an independent third party to facilitate the investigation, when appropriate or when fairness and neutrality cannot be guaranteed by an internal investigation. Individuals covered by this policy are expected to cooperate in the investigation.

Parties may challenge the appointment of an investigator on the grounds that the individual has a potential conflict of interest in the outcome of the matter, that there is a reasonable apprehension of bias on their part, or that the investigator does not have the training or qualifications required to conduct the process. A party raising a challenge will submit it in writing to the [Office of Manager who is managing the investigation process] no later than 5 business days after the alleged conflict of interest or bias arose.

Every effort will be made to interview the Survivor first, followed by the Respondent, and then any witnesses. The Survivor and the Respondent will have an opportunity to propose witnesses. The investigator shall determine which witnesses will be interviewed. The disclosure of personal information to witnesses shall be limited to what is reasonably necessary to conduct a fair investigation.

At no time may a Survivor be questioned about their past sexual history. Past sexual history has no bearing on a Complainant's believability. Past sexual history says nothing about whether or not an alleged incident occurred or was consented to.

Once the investigation is concluded, an investigation report will be compiled by the investigator and submitted to the Executive Director, unless the complaint involves this person directly. In such cases, the report will be presented to the Board.

The investigator will prepare an investigation report that contains:

- Allegations giving rise to the formal complaint,
- Grounds in the policy that have allegedly been violated,
- Any responses of the Respondent and the Complainant,
- Findings of fact, and
- One of three recommendations:
 1. That the Policy has been breached and disciplinary sanctions should be imposed against the Respondent;
 2. That the Policy has not been breached and the matter should be closed; or

3. The Policy has not been breached, but non-disciplinary measures will be implemented to address concerns raised by the investigation report.

The results of the investigation will be communicated to both, the Complainant and the Respondent in a clear and transparent way.

Timelines and Suspensions

The investigation should be completed as soon as reasonably practicable. If the investigation is expected to take more than sixty (60) business days, written notice shall be given to the Survivor and Respondent that outlines any extenuating circumstances contributing to the delay. Time that elapses during the postponement or suspension of an investigation, as set out above, will not be included when calculating these timelines.

Crossroads may suspend an investigation, with the mutual consent of the parties, in the event that the situation is appropriate for alternative dispute resolution. Should alternative dispute resolution not be appropriate or successful, Crossroads may restart the investigation.

Crossroads may decide to postpone, suspend or cancel the investigation if its continuance would duplicate or prejudice another proceeding or bring the administration of this policy and procedures into disrepute.

Any of the time frames for the steps outlined in this Policy may be extended upon mutual agreement of the parties. In extenuating circumstances, Crossroads may also extend a time frame where no substantial prejudice would result to any person affected by the delay. In all cases, Crossroads will advise the parties of the reason for and period of the extension.

Confidentiality

Crossroads recognizes the sensitive nature of sexual violence complaints and will keep all complaints confidential, to the extent that is possible. Only as much information as necessary to investigate and respond to the complaint or situation will be released, or if required to do so by law. Out of respect for the relevant individuals, it is essential that the Complainant, Respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

To protect the Complainant, the Respondent and any others who may report incidents of sexual violence, confidentiality will be maintained throughout the investigation to the furthest extent possible. Confidentiality is different from anonymity. It is fundamental that an individual accused of a breach of this Policy, is informed of the allegations; this information may include the Complainant's identity, except in the case of anonymous complaints.

All records will be kept confidential except where disclosure is required by a disciplinary or other corrective process and except as prescribed by any applicable legal proceeding.

A written complaint that confidentiality has been breached will be treated as a formal complaint under the policy. If such a complaint is substantiated, it will be subject to the same consequences as substantive complaints under this policy.

Enforcement

When the result of an investigation substantiates the allegations, Crossroads' management will decide what remedies will be provided to the Survivor and the disciplinary action to be imposed on the Respondent; and whether the individuals involved can continue in their current work or volunteer areas.

The decision-maker will review the investigation report and provide the Parties an opportunity to respond to the allegations within 10 business days of receiving the investigation report. After having considered all of the above information, the decision-maker shall determine, within 5 business days, and with notice to the Parties, whether:

- a. The Policy has been breached and disciplinary sanctions will be imposed against the Respondent, and if so, what those sanctions will be;
- b. The Policy has not been breached and the matter will be closed; or
- c. The Policy has not been breached, but non-disciplinary measures will be implemented to address concerns raised by the investigation report.

An individual that is part of Crossroads programs and activities and has committed sexual violence against another person will be subject to one or more forms of disciplinary action, depending on the severity of the actions. These can include a written reprimand up to and including dismissal/discharge.

The incident and the discipline imposed on the individual will be recorded in the individual's personnel file. If the investigation does not substantiate the complaint, there will be no complaint-related documentation placed in the file of the Respondent. However, Crossroads will keep information about the incident, separate from the individual's file.

Crossroads may refer the incident to the police after obtaining consent by the Survivor unless it is legally obligated to do so (e.g. in cases involving a minor).

The Survivor may withdraw the complaint or decide to halt further actions at any time, provided it is still within Crossroads' power to comply and the matter has not yet been referred to the police.

Bad Faith Allegations and Interference

It is a violation of this Policy for any person to:

- Make an allegation or initiate a procedure under this Policy in bad faith; and
- Influence or interfere with an ongoing procedure under this Policy in bad faith.

A written complaint that a bad faith allegation or action has been made will be treated as a formal complaint under the Policy. If such a complaint is substantiated, it will be subject to the same consequences as substantive complaints under this Policy.

Reprisal

Crossroads will not tolerate retaliation, taunts or threats against anyone who complains about sexual violence, refuse to take part in sexual violence or takes part in an investigation. Alleged reprisals are subject to the same complaint procedures and penalties as complaints of sexual violence. The employer acting on an allegation of sexual violence does not constitute a reprisal.

A written complaint of reprisal will be treated as a formal complaint under the policy. If such a complaint is substantiated, it will be subject to the same consequences as substantive complaints under this policy. Individuals who carry out reprisals against Complainants, Survivors or other witnesses may have their relationship with Crossroads terminated.

Appeals

An individual who is found to have breached the Policy may appeal to the Executive Director within a week of learning of the investigator's decision on the following grounds:

- that relevant evidence emerged that was not available before the decision-making process was completed;
- there was a reasonable apprehension of bias on the part of the decision-maker;
- there was a fundamental procedural error; and
- the outcome of the decision was affected thereby.

If the Executive Director believes there is enough reasons to reinvestigate or to reconsider the disciplinary sanction, compensation, or work or volunteer assignment, they may make that decision within one week of the appeal.

In cases where the Respondent is the Executive Director, the latter may appeal to the Board of Directors.

Monitoring and Evaluation

Crossroads is committed to monitoring and updating its policies to ensure that they remain effective and in line with other existing policies. Crossroads' management shall review progress of the implementation of this policy as often as necessary, and at least annually. This includes taking into account lessons learned from incidents and from investigation processes and Survivors' feedback.

Crossroads reports the number of disclosures and reports of sexual exploitation and abuse filed and among them the actual number of proven cases and their resolution to the Board.

Additionally, and in compliance with the requirements from Global Affairs Canada⁶, Crossroads will inform Global Affairs Canada of any credible allegations of sexual exploitation and abuse occurring in the delivery of Canadian-funded international development and humanitarian projects. Crossroads will report any such allegations within 48 hours of determining that an allegation is credible.

⁶ Global Affairs Canada expectations for reporting sexual exploitation and abuse in international assistance: https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/sexual_exploitation-exploitation_sexuels/expectations-attentes.aspx?lang=eng
Crossroads collaborates with other civil society organizations to increase the impact of collective efforts to eliminate sexual violence and related abuse of power.

Crossroads will maintain denormalized statistics and a record of reports and will review it with the Board of Directors once a year.

Associated policies and procedures

- Respect in the Workplace
- Sexual Violence Code of Conduct

International policies

- Six Core Principles adopted by the United Nation's Inter-Agency Standing Committee Task Force on Prevention and Response to Sexual exploitation and Abuse
- The Whistler Declaration on Protection from Sexual Abuse and Exploitation in International Assistance
- ST/SGB/2003/13 Special Measures for Protection from Sexual Exploitation and Abuse 9 October 2003
- ST/AI/2017/1 Unsatisfactory conduct, investigations and the disciplinary process 26 October 2017