



## SEXUAL VIOLENCE AND MISCONDUCT PREVENTION AND RESPONSE POLICY

### TABLE OF CONTENTS

- A. PURPOSE
- B. SCOPE
- C. DEFINITIONS
- D. POLICY STATEMENTS
- E. PROCEDURES
- F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, R



where the alleged incident of Sexual Violence or Sexual Misconduct involves a member of the College Community or a person who was a member of the College Community at the time of the incident.

If an alleged incident of Sexual Violence or Sexual Misconduct does not meet the above criteria, the College may still take steps to mitigate the impact of the incident on the learning or working environment.

### **Limitation of Scope**

The College does not have jurisdiction to take disciplinary action against a person who is not a







- b. to promote learning and working conditions that seek to prevent or eliminate the potential for incidents of Sexual Violence and Misconduct to occur on College Property or between members of the College Community;
    - c. to support members of the College Community who are affected by Sexual Violence and Misconduct by reducing barriers to Disclosure and to the filing of Complaints regarding their experiences; responding to Disclosures and Complaints in a procedurally fair, efficient and consistent manner; and providing academic, non-academic and other supports as required;
    - d. to communicate the support services and resources available to members of the College Community who may be directly or indirectly affected by Sexual Violence and Misconduct; and
    - e. to remedy situations where Sexual Violence and Misconduct has been found to have occurred.
3. The College recognizes that while Sexual Violence and Misconduct can affect any member of society, such experiences and their consequences may disproportionately affect individuals who experience intersecting forms of systemic discrimination or barriers (e.g., on grounds of any combination of factors such as their sex, sexual orientation, gender identity and/or expression, Indigeneity, race, ethnicity, religion, (dis)ability or class), and individuals who occupy the less powerful position in a relationship characterized by a power dynamic (e.g., a student in relation to an instructor, a staff person in relation to a supervisor).
4. All persons who make a Disclosure or file a Complaint regarding an experience of Sexual Violence or Sexual Misconduct can expect the College to provide the following:
  - a. compassion, dignity, and respect, including respect for their choice as to whether they wish to disclose or file a Complaint regarding their experience;
  - b. timely assistance with safety planning;
  - c. timely information about available support services and resources;
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10. A breach of this policy by any member of the College Community represents serious misconduct and is cause for disciplinary sanctions, which may include, where appropriate, suspension, dismissal or expulsion.

## E. PROCEDURES

### Prevention and Response Program

1. The College will establish and maintain a Sexual Violence and Misconduct Prevention and Response Program that will provide coordination and oversight for the following:
  - a. risk assessment and risk management practices;
  - b. appropriate education and training for students and other members of the College Community regarding this policy;
  - c. appropriate education and training for students and other members of the College Community on how to respond appropriately and supportively to Disclosures, and conditions under which those receiving a Disclosure may be obligated under the law to act on (i.e., share) this information;
  - d. procedures for reporting, investigating and documenting incidents of Sexual Violence and Misconduct promptly and sensitively, and in accordance with *WorkSafeBC* regulations, where applicable;
  - e. notification of any members of the College Community who may be exposed to a known risk of Sexual Violence and Misconduct of the nature and extent of the risk;
  - f. appropriate support for or referrals on behalf of members of the College Community who make a Disclosure or file a Complaint under this policy;
  - g. preparation of statistical reports of Disclosures and Complaints of Sexual Violence and Misconduct made under this policy, as required by and in accordance with applicable legislation; and
  - h. regular reviews to evaluate the effectiveness of this policy, occurring at least once every three (3) years or as advised by the Minister responsible for advanced education.

### Accommodation and Safety Planning

Any student or other member of the College Community affected by an incident of Sexual Violence or Sexual Misconduct may request a safety plan or other academic or workplace accommodation(s) relating to the incident. Students or other non-employee members of the College Community may contact the Director, Safety, Security and Risk management (SSRM). Employees may contact the Associate Vice President, Human Resources.

### Disclosure of Sexual Violence or Misconduct

1. Any student or other member of the College Community who has experienced Sexual Violence or Sexual Misconduct may choose to disclose the experience by confiding in







3. The Complaint should set out the relevant details regarding the alleged incident of Sexual Violence, Sexual Misconduct or other alleged violation of this policy. The Complaint should include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any social media communications, should also be included with the Complaint.
4. A Complainant has the right to withdraw a Complaint at any stage of the process. However, the College may continue to act on the issue identified in the Complaint where it is obligated by law or by this policy to do so.

### **Initial Review**

1. Upon receipt of a Complaint, the Director, SSRM will within two (2) business days acknowledge receipt of the Complaint and conduct an initial review to determine whether any immediate interim measures (per **Policy Statement 8**) are warranted to ensure the safety of the Complainant pending full review of the Complaint; where interim measures are warranted, the College will put these in place expeditiously.
2. After acknowledging receipt of the Complaint and, where warranted, putting interim measures in place, the Director, SSRM will within an additional seven (7) business days review the Complaint in full and do one of the following:
  - a. Where the allegations within the Complaint do not fall within scope of this and/or any other College policy, the Director, SSRM will advise the Complainant of this decision and provide an explanation.
  - b. Where the Director, SSRM determines that the Complaint falls within scope of this policy and/or any other College policy, the Director will do one of the following:
    - i. advise the Respondent that a Complaint has been filed; and
    - ii. with the agreement of both Complainant and the Respondent, refer the matter to an alternative resolution process, as outlined below; or
    - iii. appoint an Investigator to investigate the Complaint, as outlined below.
3. If the Director, SSRM believes that the Complaint discloses other kinds of misconduct or information that the College may need to act on under another College policy or process, the Director may refer the Complaint or the relevant portions of the Complaint to the appropriate College authority. When appropriate, the Director will consult with the person making the Complaint before referring it elsewhere.

### **Alternative Resolution**

1. If the Director, SSRM believes that an alternative resolution process may be appropriate, the Director, SSRM will discuss this option with the Complainant. If the Complainant agrees that an alternative resolution process may be appropriate, the Director, SSRM will contact the Respondent to advise that a Complaint has been made, and will discuss this option with the



Respondent. If the Respondent agrees to participate in an alternative resolution process and the Director, SSRM remains satisfied that an alternative resolution process is appropriate, then the Director, SSRM will explore the options available and, with the agreement of both parties, will refer the matter to that process for resolution.

2. Participation in an alternative dispute resolution process is entirely voluntary. If either the Complainant or the Respondent decides at any time that









## **RETLIATORY ACTION, BREACHES OF CONFIDENTIALITY AND COMPLAINTS MADE IN BAD FAITH**

1. Retaliatory Action of any kind is prohibited.
2. Where a member of the College Community is found to have engaged in Retaliatory Action, or to have breached the confidentiality requirements in this policy, the College may take appropriate disciplinary action.
3. Where an investigation determines that a Complaint was filed in bad faith, the College may take appropriate disciplinary action.

### **F. SUPPORTING FORMS, DOG**