

Policy Name:	SEXUAL VIOLENCE & MISCONDUCT	 coast mountain college
Approved By:	President's Council	
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Amendment Date:		
Policy Holders:	Student Recruitment and Success & Human Resources	
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Category:	Education & Human Resources	

SEXUAL VIOLENCE & MISCONDUCT

1.00 POLICY STATEMENT

Coast Mountain College (CMTN) “The College” does not tolerate any form of Sexual Violence and Misconduct. The College is committed to providing and maintaining a safe and secure learning, living and working environment free from Sexual Violence and Misconduct.

The College acknowledges the significant impact that Sexual Violence and Misconduct has on individuals, including those around them, and their ability to function as they did before the event(s).

The College recognizes forms of Sexual Violence and Misconduct, that gender and sexuality exist along a continuum, and that anyone regardless of gender, age, ethnicity, ability, religion, socioeconomic status, sexual orientation, gender identity and/or gender expression may experience Sexual Violence and Misconduct.

The College will respond to an individual who Discloses or Informs about their experience of Sexual Violence and Misconduct in a supportive manner consistent with Institute policies.

The College will respond to Complaints in a manner that supports all persons involved in the Complaint, consistent with Institute policies and principles of procedural fairness.

Members of the College Community who are alleged to have committed an act of Sexual Violence and Misconduct may be subject to The College's administrative processes and/or the criminal justice system.

2.00 DEFINITIONS

2.01 **College Community:** includes students, employees, contractors, volunteers, visitors, and guests.

2.03 **Consent:** active, direct, voluntary, un-coerced, ongoing, unimpaired, and conscious choice and agreement between adults to engage in physical contact or sexual activity. It is the responsibility of the initiator of physical contact or sexual activity to obtain Consent at all stages of mutually acceptable sexual engagement. More specifically, Consent

- Cannot be given by an individual incapacitated by alcohol, drugs or some other reason, and/or who is unconscious, or otherwise incapable of providing Consent;
- Is not present if the impaired judgement on the part of the initiator leads them to think there was consent;
- Can be revoked at any time, regardless of previous sexual activities or agreements;
- Can never be obtained through abuse, threats, intimidation, coercion, harassment, or other pressure tactics;
- Cannot be obtained if the initiator abuses a position of trust, power, or authority;
- Cannot be assumed from previous Consent to similar activities or agreements; and

- Is required regardless of the relationship status or sexual history of the parties
- 2.04 **Disclosure:** the communication to anyone within The College community of an experience of Sexual Violence and Misconduct. The Disclosure on its own does not initiate an investigation, except where required by this policy. The individual may or may not want to proceed with any action at the time; however, if the Disclosure is made to a College employee, that employee has the responsibility to inform the Director of Student Services.
- 2.05 **Employee:** any person employed by the College and within the application of this policy to include members of the Board of Governors.
- 2.06 **Complaint:** when an individual informs and requests that a matter be investigated by The College.
- 2.07 **Complainant:** an individual who has made a Complaint of Sexual Violence and Misconduct.
- 2.08 **Inform:** when an individual provides information about an act of Sexual Violence or Misconduct to the Dean Student Success (as a student) or Director of Human Resources (as an employee).
- 2.09 **Respondent:** a person or persons alleged to have committed an act of sexual violence or misconduct whom the complaint is made against.
- 2.10 **Sexual Violence and Misconduct:** any misconduct of a sexual nature - physical or psychological - that is committed, threatened or attempted against a person without the person's consent, and includes, but is not limited to:
- sexual assault;
 - sexual harassment;
 - stalking;
 - sexual exploitation.
- 2.10.01 **Sexual Assault:** any form of unwelcome activity of a sexual nature imposed by one person (or more) - this could be a partner, friend, acquaintance or stranger - on another without consent, including:

- i. oral contact (kissing), groping, touching, oral sex, vaginal or anal penetration, and/or other forms of penetration;
- ii. sexual contact that is forced, manipulated, or coerced;
- iii. non-consensual physical contact of a sexual nature, and
- iv. the use of alcohol and/or drugs by a person to control, overpower or subdue a person for purposes of sexual assault.

2.10.02 **Sexual Harassment:** a course of unwanted remarks, behaviours, or communications of a sexual nature where the person responsible for the remarks, behaviours, or communications knows or ought reasonably to know that these are unwanted. It includes, but is not limited to:

- i. sexual solicitations, advances, remarks, suggestive comments and gestures (including songs and chants);
- ii. the inappropriate display of sexually suggestive pictures, posters, objects or graffiti;
- iii. non-consensual distribution of sexually explicit pictures or video with the intent to distress the person in the picture or video;
- iv. sexually aggressive comments and slurs on any form of social media;
- v. sexual conduct that interferes with an individual's dignity or privacy such as voyeurism, exhibitionism and indecent exposure.

2.10.03 **Stalking:** a form of criminal harassment involving behaviour that occurs on more than one occasion and which collectively instills fear in a person or threaten a person's safety or mental health. Stalking can also include threats of harm to a person's friends and/or family. These behaviours include, but are not limited to:

- i. non-consensual communication (face-to-face, phone, email, social media);
- ii. threatening or obscene gestures;

- iii. surveillance;
- iv. sending unsolicited gifts;
- v. cyberstalking; and
- vi. uttering threats.

2.10.04 **Sexual Exploitation:** sexual abuse of a person through the exchange of sex or sexual actions for food, drugs, shelter, grades or other benefits. Generally this would include a person in a position of power or trust taking advantage of any person.

2.11 **Student:** an individual who is applying to or registered in a course or program at the College, or who has been registered in a course or program at the time of the reported misconduct.

3.00 **PURPOSE**

The Sexual Violence and Misconduct policy is intended to:

- 3.01 outline The College's position on Sexual Violence and Misconduct and the response procedures for any incident occurring on or off the campus involving any member of The College community.
- 3.02 facilitate a safe learning, living and working environment that is free from Sexual Violence and Misconduct.
- 3.03 define roles and responsibilities of individuals in implementing and carrying out programs and practices toward the prevention of, and in response to, Sexual Violence and Misconduct.
- 3.04 establish clear, appropriate, coordinated and fair processes in response to Disclosures and Complaints of Sexual Violence and Misconduct.
- 3.05 describe The College's response to an individual Disclosing, Informing, or making a Complaint of Sexual Violence and Misconduct.
- 3.06 outline the services, accommodations, and resources available to members of The College community who may be affected by Sexual Violence and Misconduct, and

- 3.07 ensure all reporting requirements are established, including The College's obligation to submit an annual report to Board of Governors on incidences of Sexual Violence and Misconduct.

3.08 **Scope of Policy**

This policy applies to all circumstances involving Sexual Violence and Misconduct where a **Student** and/or **Employee** of The College is involved and there is reasonable connection to the College. It includes all incidents of Sexual Violence and Misconduct involving a **Student** and/or **Employee** that are reported to have occurred:

- on College property;
- in/at College Housing facilities;
- at a College sponsored activity or event - This extends to online or distributed education, practicum, field education, off-site training, or work term required by a program of study at The College.
- at any other location or event where there is a reasonable connection between the circumstance and The College.

4.00 **DUTIES & RESPONSIBILITIES**

- 4.01 There is no obligation on any person who has experienced Sexual Violence or Misconduct to Disclose, Inform or make a Complaint about the incident. However, all members of the College Community who experience, witness or learn of such conduct or incidents are strongly encouraged to inform the Dean Student Success and/or Director of Human Resources.
- 4.02 **The Dean Student Success** is responsible for the overall management of the Sexual Violence and Sexual Misconduct policy. The Director guides the development and implementation of policies and procedures.
- 4.03 **The Dean Student Success** is responsible for receiving and review of any incident of Sexual Violence and Misconduct as relates to a **student** participating at The College.

- 4.04 When an individual informs the Dean Student Success, the Director will assess the level of risk to the individual and College Community. If risk is present The College will review and make recommendations and accommodation where and as required. The College will work with the individual in relation to options for available support and accommodation, including taking no further action or making a formal Complaint. If the individual indicates they would like to pursue a Complaint, the Dean Student Success will support the individual in doing so.
- 4.02 **The Director of Human Resources** is responsible for receiving and review of any incident of Sexual Violence and Misconduct as relates to an **employee** of The College. And such a review will be done in harmony with any College collective agreements.
- 4.03 The College will act according to the principles of procedural fairness in responding to Complaints of Sexual Violence and Misconduct and will take all reasonable steps to ensure all parties are heard and their rights upheld.
- 4.02 **Sexual Violence Prevention and Response Working Group** - under the direction of the Director, Student Recruitment and Success- reviews the current policy, advises, and supports development of policies and procedures for sexual violence and misconduct prevention and response. Specific function of the Working Group are to:
- 4.02.01 consider issues related to Sexual Violence and Misconduct and make any necessary recommendations;
 - 4.02.02 research and review best practices in Sexual Violence and Misconduct prevention and response;
 - 4.02.03 review and recommend appropriate changes to the Sexual Violence and Misconduct policy and response policy and related procedure;
 - 4.02.04 research, deliver and provide recommendations to sustain an ongoing Sexual Violence and Misconduct awareness programs; including but not limited to campaigns,

workshops, print and online resources, and events on topics related to preventing sexual violence on campus.

- 4.02.05 consult with students and with any persons prescribed by the Sexual Violence and Misconduct Act when conducting a review of the Policy; and carry out such reviews as may be required to assess recommendations to amend the policy and at least every three years.

4.03 **College Community**

The College Community including students, faculty, staff, and administration are responsible for being aware of and complying with this Policy.

5.00 **PROCEDURES**

- 5.01 See: Sexual Violence and Misconduct Response Procedures

6.00 **Relevant Links and Resources:**

College Policies:

[Harassment and Discrimination](#) (HR-003)

[Personal Student Misconduct](#) (E-2015-001)

[Employee Code of Conduct](#) (HR-001)

[Student Complaints Referral Policy](#) (EDU-015)

[Freedom of Information and Protection of Privacy](#) (ADM-003)

Legislation:

[Workers Compensation Act](#), RSBC 1996, C492

[Human Rights Code](#), RSBC 1996, c210

[Sexual Violence and Misconduct Policy Act](#), SBC 2016, c23

[Freedom of Information and Protection of Privacy Act](#), RSBC 1996, c165

Community Resources:

Location	Organization	Contact	Website
Masset Haida Gwaii	Society for Community Peace	(250) 626-6049	http://www.hgpeace.ca/
Queen Charlotte City	Islands Wellness Society	(250) 559-8828	http://islandswellnesssociety.com/society-info/
Prince Rupert	North Coast Transition Society	(250) 627-8959	http://www.northccs.com/
	North Coast Community Services	(250) 627-7166	
	RCMP Victim Services	(250) 627-7779	
Terrace	Ksan House Society	(250) 635-2373	http://ksansociety.ca/
	RCMP Victim Services	(250) 638-7411	
Kitimat	Tamitik Status of Women Association	(250) 632-8787	http://www.tamitik.ca/
	Kitimat Community Services	(250) 639-2122	http://www.kitimatcommunityservices.ca/Victimsservices.html
	RCMP Victim Services	(250) 632-2326	
Smithers	Northern Society for Domestic Peace	(250) 847-9000	http://domesticpeace.ca/
	RCMP Victim Services	(250) 847-9374	
Hazelton	Northern Society for Domestic Peace	(778) 210-0283	http://domesticpeace.ca/
Houston	Northern Society for Domestic Peace	(250) 845-3212	http://domesticpeace.ca/
	RCMP Victim Services	(250) 845-3699	
British Columbia	VictimLink	Call or Text 1-800-563-0808	VictimLinkBC@bc211.ca https://www2.gov.bc.ca/gov/content/justice/criminal-justice/victims-of-crime/victimlinkbc

Links updated March, 2021