

Procedure Name:	SEXUAL VIOLENCE & MISCONDUCT RESPONSE PROCEDURES Interim
Approval Date:	June 6, 2021
Procedure Holders:	Student Recruitment and Success, & Human Resources
Procedure Number:	EDU-007-P



SEXUAL VIOLENCE & MISCONDUCT RESPONSE PROCEDURES

Sexual Violence and Misconduct can have serious negative impacts on an individual’s physical, mental, emotional, and spiritual health and wellness. The College recognizes the possible traumatic effects and encourages the efforts of individuals to seek support.

The College is committed to ensuring all College Community members affected by Sexual Violence and Misconduct receive support, and have their concerns taken seriously and handled efficiently in a timely manner. Members have the choice to formally report to police. The College will provide detailed information about on and off campus support resources available.

Procedure

If you have experienced Sexual Violence and/or Misconduct, please consider the following steps immediately.

1. **Seek Help.** Go to a safe place such as a shelter or a trusted friend’s house and/or call 9-1-1. If on a College campus (or connected online) contact the Student Services department.
2. **Consider seeking medical attention** from a physician, or a local hospital/clinic as soon as possible. Treatment is offered free of charge and a Personal Health Number is not required. Hospital treatment can be received regardless of intent to file a police report. Support is available both from the College through community-based victim services. (See Appendix A)
3. **Consider options for reporting.**

Responding to Disclosure

A person who has experienced Sexual Violence and Misconduct may choose to Disclose this information to anyone. The response to a disclosure can play a critical role in how the individual seeks support and resources. A supportive response includes;

1. listening without judgement
2. communicating that Sexual Violence and Misconduct is not the fault of the person who has experienced it;
3. helping the individual to identify and/or access available on - or - off campus services.
4. respecting the individual's right to choose the services they feel are most appropriate, and to decide whether to report to the police (and/or tribal police).
5. recognizing that disclosing can be traumatic, and an individual's ability to recall the events may be limited;
6. respecting the individual's choice about how much they Disclose about their experience;
7. making every effort to respect confidentiality and anonymity;
8. referring to the individual in a manner that is consistent with how they wish to identify themselves, for example "survivor" or "victim".

Rights of an Individual who Discloses or Reports

1. To have confidentiality protected as per BC's Freedom of Information and Protection of Privacy Act (FIPPA);
2. To be treated with dignity and respect;
3. To be informed about on and off-campus services and resources;
4. To be informed about the procedures in place to address Sexual Violence and Misconduct, and reporting options;
5. To decide whether to access available services and choose the services they believe will be most beneficial;
6. To make an informed decision regarding whether to report the incident to campus authorities and/or local police;
7. To have a plan to protect their safety; and
8. To have reasonable and necessary actions taken to prevent further unwanted contact with the other individual in the incident of Sexual Violence and/or Misconduct.

INFORMING COAST MOUNTAIN COLLEGE

1.00 REPORTING OPTIONS

Members of the College Community who have experience Sexual Violence and Misconduct may choose one or a combination of the following options:

1.01 Make a Disclosure

Making a disclosure means telling someone about what happened, without filing a formal complaint. Persons who have experienced Sexual Violence and Misconduct are strongly encouraged to inform a member of The College's Student Service team who will inform the Director Student Recruitment and Success. Alternatively:

- a. Students who have experienced Sexual Violence and Misconduct may Disclose to any College employee.
- b. Employees who have experienced Sexual Violence and Misconduct may Disclose to their supervisor, manager, and/or member of Human Resources Department.

1.01.01 A STUDENT who makes a disclosure may need and will be supported to receive services and academic accommodations as needed.

- i. If you are a student who has been the target of sexual violence and misconduct, you are encouraged to disclose to the Dean Student Success.
- ii. If a student discloses an incident to someone within the College Community you are encouraged to report the disclosure to the Dean Student Success. This will allow for staff trained in responding to sexual violence and misconduct to act in support.
- iii. Student Services representatives will work with the student to address any service and academic needs.
- iv. All information will remain confidential and accessible only to designated employees in Student Services.

1.01.02 AN EMPLOYEE who makes a disclosure can seek assistance through the College's Employee Assistance Program (EAP) and seek support and possible accommodations through Human Resources. Unionized

employees can also reach out to a union representative for assistance.

1.02 Formal Complaint to the College

A person who has experienced Sexual Violence and Misconduct may choose to pursue a Complaint. The Complainant may work with the Dean Student Success (or Delegate) who will help explain the policy and procedure process. Once a Complaint has been submitted and reviewed for relevance to the Sexual Violence and Misconduct policy, Coast Mountain College will initiate an investigation.

1.02.01 A student may make a formal complaint to a member of the Student Services team, the Dean Student Success, a dean, or any manager at regional campuses.

1.02.02 An employee may make a formal complaint to a Supervisor, Human Resources Advisor, a dean, or any manager at regional campuses.

1.02.03 A board member may make a complaint to the Board Chair or Vice-Chair.

1.03 Report to the Police

At any time, persons who have experienced Sexual Violence and Misconduct may choose to report the incident to the police as a criminal matter. A report process can be initiated by contacting the RCMP. A member of the Student Services team can assist and support with the contact and report generation to the police. Or additionally Campus Security on Terrace Campus (Weekdays and Saturday 5:00PM – 2:00AM/Sunday 10:00AM – 2:00AM) is available to assist.

1.04 Third Party Report to Police: A third-party report is an option available if wish to report to the police but remain anonymous. Support is available through community-based victim support worker (see Appendix A).

2.00 SUPPORT and ASSISTANCE

2.01 Interim Measures

When the College receives a disclosure or complaint of sexual violence, the College may impose interim measures as appropriate to keep individuals and the College Community safe. Interim measures may include, but are not limited to:

- 2.01.01** Providing academic support to anyone involved in the incident;
- 2.01.02** Altering the academic schedule of any student involved in a complaint of sexual violence and/or misconduct;
- 2.01.03** Making a no-contact arrangement;
- 2.01.04** Imposing a temporary, non-disciplinary, leave of a person alleged to have committed sexual violence and/or misconduct; and
- 2.01.05** Any other interim measures determined by the College to be necessary in maintaining a safe environment.

2.02 Employment Accommodations

- 2.02.01** If you have disclosed that you have experienced sexual violence or misconduct, the Human Resources team may assist you with workplace accommodations to ensure your continued success in your career. Employees are encouraged to contact the College's Employee Assistance Program (EAP).

3.00 CONFIDENTIALITY

- 3.01** The College recognizes the sensitivity of information relating to incidents of Sexual Violence and Misconduct. Maintaining confidentiality is an important core principle in creating an environment where those who have experienced Sexual Violence or Misconduct feel safe to disclose and seek support.

Personal information that The College collects or maintains in connection with incidents of Sexual Violence and Misconduct is subject to the Freedom of Information and Protection of Privacy Act (FIPPA), and The College will ensure that all such information is collected, used and disclosed by it only in compliance with the requirements of FIPPA and this policy.

The College will ensure that access to such information is permitted only on a need-to-know basis. All records or files created or collected by The College will kept secure, and access to them will be limited to authorized personnel. However, information or personal information may be shared if:

- 3.01.01** It is necessary to protect the College Community and/or individuals' health or safety
- 3.01.02** It is required or authorized by law

3.01.03 Appropriate consent has been obtained to the release personal information.

4.0 PROTECTION FROM RETALIATION

4.01 No person may retaliate, engage in reprisals or threaten to retaliate against a person who has engaged with the Sexual Violence and Misconduct policy or someone who is associated with someone who engages with this policy.

Retaliation includes, but is not limited to:

- i) threatening or in any way harassing a person that affects their safety, mental health, ability to seek support or other services, make a report or disclose sexual violence, participate in an investigation, or otherwise engage in procedures related to this policy.
- ii) breaching confidentiality (Section 3.00) of anyone involved in an investigation related to the Sexual Violence and Misconduct Policy.

4.02 Anyone engaged in such conduct may be subject to sanctions and/or discipline.

5.00 COLLEGE PROCEDURES FOR FORMAL COMPLAINTS

The following outlines the immediate process for The College after receiving a formal complaint (as referenced in Section 1.02).

Principles governing the investigative process include;

Timeliness of the process: All efforts will be made to expedite the process without compromising appropriate procedural fairness for all parties.

Transparency of the process:

- Parties will be advised of their rights and responsibilities related to the process.
- Parties will know what to expect from the process
- Parties will be kept informed about the process and outcome
- Parties will receive regular updates on the progress of their case, estimated timeframes and any delays related to resolution of their case, and
- Reasons will be provided for any decision made throughout the process.

Support for parties in the process:

Both parties to a complaint will be offered access to a support person. For employees, this could include a union representative where permitted or required under any relevant collective agreement. Both parties will be offered referral to appropriate personal support resources.

Complainants and Respondents also have the right to identify an alternative support person or representative of their choosing to accompany them to any meetings or proceedings related to handling of their case. Support persons may include a friend, family member, employee union representative, legal representative, colleague etc. A support person, at the request of the Complainant/Respondent, may speak on behalf of the Complainant/Respondent.

Procedural Fairness:

The College will follow principles of procedural fairness in its application of this policy. For the purposes of this policy, procedural fairness requires that both the Complainant and Respondent in an investigation and adjudication are afforded fairness in the process, including the opportunity to present evidence, to be interviewed, to offer witnesses, and have questions asked of the other party by the investigator. Procedural fairness is essential to ensure that the process is transparent to the Complainant and the Respondent and that both parties' rights are respected.

5.01 Complaints are reviewed by the following individuals (or a designate):

5.01.01 The **Director, Student Recruitment and Success** receives and reviews all complaints involving **students**.

5.01.02 The **Director, Human Resources** receives and reviews all complaints involving **employees**.

5.01.03 Should there be any potential conflict of interest involving the Dean Student Success or the Director of Human Resources the complaints will be directed to the one-up position within The College.

- 5.02** A complaint will be reviewed to ensure that it conforms to the definition of a complaint in this policy, or if it is outside the jurisdiction of this policy or if it is beyond a reasonable amount of time for an investigation to be effective.
- 5.03** The Director, Student Recruitment and Success or the Director, Human Resources may dismiss a complaint after consultation with the appropriate Vice President if it does not meet the criteria for an investigation.
- 5.04** An individual who files a complaint may choose not to participate in an investigation or proceeding under this policy. This will not prevent the investigation or proceedings from going ahead.
- 5.05** An individual named in the complaint to have engaged in actions that violate the Sexual and Misconduct Policy (the “respondent”) may choose not to participate in an investigation under this policy but may still be subject to discipline or an investigation.
- 5.06** Once a report has been reviewed, and meets the criteria for investigation, the incident will move on to either exploring an alternative resolution or full investigation.

6.00 ALTERNATIVE RESOLUTION

In certain circumstances the Director Student Recruitment and Success (**for students**) or the Director Human Resources (**for employees**) will follow-up with the Complainant and Respondent to determine their willingness to participate in an alternative resolution process.

For this to be a meaningful process, participants must engage voluntarily and free from reprisal. At any stage during the process, the Complainant may indicate they would like the complaint to move to an investigative and decision-making process.

In appropriate circumstances, a Complainant may request resolution process before an investigation is commenced or completed, or before the case is referred to a decision maker.

Examples of alternative resolution include, but are not limited to:

Impact Statement Letter: A Complainant may decide to communicate to the Respondent that their behaviour, remarks or communication are unwelcomed or uncomfortable.

Facilitation: A Complainant may request that the Director Student Services and Success (**students**) or Director Human Resources (**employees**) facilitate a discussion between themselves and the Respondent. Neither party is required to attend any face-to-face meetings during this process unless they both agree to do so.

Education: A Respondent may agree to participate in education and training related to anti-violence, anti-oppression and consent.

Restorative Justice: Restorative or transformative justice is an approach used in situations that require deep understanding of the harm done, the needs of those affected, and the strategies for moving forward as a community and creating lasting change.

If the Complainant and Respondent are able to reach a resolution, a written record of the resolution will be prepared by the Director Student Recruitment and Success (**students**) or the Director Human Resources (**employees**) to be signed by both parties. The respective Director will also monitor the implementation and compliance of alternative resolution processes. If there is a failure to comply with the terms of a resolution, the Complainant may continue to an investigation and decision-making process.

7.00 FORMAL INVESTIGATION PROCESS

7.01 The Director, Human Resources (**employees**) or Director, Student Recruitment and Success (**students**) will provide the respondent with a copy of the complaint and ask for a response within a specified timeline. The deadline for a response may be extended by the Director, Human Resources or Director, Student Recruitment and Success based on a reasonable request from the Respondent.

7.02 A College investigator or an outside consultant appointed by the Director, Human Resources or Director, Student Recruitment and Success, depending on the circumstances of the case, will conduct the investigation. The

investigator will interview the Complainant, the Respondent and any other individual as necessary, and produce a report of the findings.

- 7.03** The investigation report is confidential and will not be released by the College except as required by law.
- 7.04** If an **employee** is involved in an investigation, a copy of the investigator's report will be submitted to the Director, Human Resources and to the appropriate Vice President. The Vice President will decide whether to dismiss or uphold all or part of the complaint.
- 7.05** If the complaint involves an **employee** who directly reports to a Vice President, a copy of the investigation report will be submitted to an alternative Vice President. If a Vice President is involved in a complaint, a copy of the investigator's report will be submitted to the President.
- 7.06** In the case of an **employee** being involved, the appropriate Vice President will consult with the employee's supervisor and then impose or recommend corrective action or formal disciplinary action up to and including dismissal of the respondent.
- 7.07** If the case of **students** being involved in a complaint, a copy of the investigator's report will be submitted to the Director, Student Recruitment and Success. The Director will decide whether to dismiss or uphold all or part of a complaint.
- 7.08** After consulting with the student's Program Dean as appropriate, the Director, Student Recruitment and Success will impose or recommend corrective action or formal disciplinary action up to and including suspension/expulsion of the Respondent.
- 7.09** Depending on the nature of the disciplinary action, the President or the Board of Governors may have the final decision, subject to any appeals
- 7.10** Both the Complainant and Respondent will receive a written decision. The Complainant has the right to know the outcome of an investigation.

8.00 SANCTIONS

- 8.01 Employees:** Where an employee is found to have violated the Sexual Violence and Misconduct policy, the Director, Human Resources will enforce sanctions in alignment with the Employee Code of Conduct and within the terms of the relevant collective agreement.

8.02 Students: Where a student is found to have violated the Sexual Violence and Misconduct policy the Director, Student Recruitment and Success (or delegate) will impose sanctions as appropriate to the nature and severity of the violation and monitor compliance. The student will be notified in writing of the decision and sanctions, including the duration and any other conditions. The Director will also notify the student's department of the sanctions where the sanctions may impact classroom or department activities.

8.03 Possible sanctions the College may impose include, but not limited to: coaching, community service, educational projects or assignments, formal apology, letter of expectation, letter of reprimand, loss of privileges, mediation/alternate dispute resolution, no contact directive, no trespass direction, probation, restorative conference, restriction, suspension, verbal warning, workshop/training attendance, permanent or temporary removal from residences, or other sanctions at the discretion of the Director, Student Recruitment and Success.

9.00 SUSPENSION

9.01 If the Director, Student Recruitment and Success determines that suspension is the appropriate sanction, the Director will inform the President in writing, including the reasons for the determination.

9.02 If the President agrees that suspension is the appropriate sanction, the President shall impose the sanction.

9.03 If the President does not agree that suspension is appropriate, the President will refer the matter back to the Director (or delegate).

10.00 RETURN FOLLOWING SUSPENSTION

10.01 A student who has been suspended from the College is required to meet with the Director, Student Recruitment and Success prior to registration to review the College's expectations regarding student behaviour.

11.00 APPEALS

11.01 An employee may appeal a ruling of discipline using the applicable procedures.

11.02 A student may appeal a suspension or expulsion as provided under the College and Institute Act.

11.03 To appeal a sanction, a student must make an Application to Appeal showing that one or more of the following grounds have been met:

11.03.01 Relevant evidence has become available that was not available at the time of the original decision and there is a strong probability that the evidence would have a significant effect on the decision; or

11.03.03 The severity of the sanction is disproportionate to the nature of the violation; or

11.03.03 The student was denied:

- i. an opportunity to know the case against him or her;
- ii. an opportunity to respond to the case against him or her;
- iii. an unbiased decision.

11.03.04 An application to appeal must:

- i. identify the grounds for the appeal,
- ii. include a copy of the original decision,
- iii. set out the requested outcome.

11.04 Appeal Meeting

11.04.01 If a student is requested to attend a meeting about an appeal, the student may be accompanied by a support person who is a member of the College Community, providing the support person has had no prior involvement in the matter under appeal.

11.04.02 Attendance at an appeal meeting by any other person shall be at the discretion of the entity hearing the appeal.

11.04.03 If a student does not attend a meeting when requested to do so, the matter will be decided based upon the available information.

11.05 Appeal of Sanctions other than Suspension

11.05.01 A student must submit an Application to Appeal to the Office of the Vice President, Education, Student, and International within seven days of receiving the sanction decision.

11.05.02 Within 14 days of receiving the application, the Vice President may:

- i. request a meeting with the student before making a decision;
- ii. request additional information from internal or external sources. If such information is provided the student will be given an opportunity to respond to that information; or
- iii. make a decision based on the written application.

11.05.03 In response to the appeal the Vice President may:

- i. deny the appeal because it does not meet the required grounds;
- ii. deny the appeal and uphold the sanction; and/or
- iii. grant the appeal and remove the sanction and impose a different sanction.

11.05.04 The Vice President will notify the student in writing as to the outcome of the appeal. No further appeal is allowed.

11.06 Appeal of Suspension

11.06.01 A student may appeal a suspension by submitting an Application to Appeal to the Board of Governors.

11.06.02 Within 21 calendar days of receiving the application, a designated member of members of the Board may:

- i. request a meeting with the student before making a decision;
- ii. request additional information from internal or external sources. Should such additional information be provided, the student will be given an opportunity to respond to that information; or
- iii. make a decision based on the written application.

11.06.03 In response to an appeal, the designated member or members of the Board may:

- i. deny the appeal because it does not meet the required grounds;
- ii. deny the appeal and uphold the suspension;
- iii. grant the appeal and remove the suspension; or

- iv. grant the appeal, remove the suspension and impose a different sanction.

11.06.04 The designated member or members of the Board will notify the student in writing of the outcome of the appeal.

12.00 POWERS OF THE PRESIDENT

12.01 Nothing in this policy interferes with the authority of the President under the College and Institute Act.

13.00 RECORD RETENTION

13.01 The Director, Human Resources (employee related) or Director, Student Recruitment and Success (student related) is responsible for maintaining records.

13.02 A copy of the corrective or disciplinary action will be placed on the employee's personnel file or student's file with the Registrar's Office.

14.0 REVIEW

14.01 This policy will be reviewed at a minimum of every 3 years. The review process will include consultation with Students and a cross-section of representatives of The College Community.

15.00 RELATED POLICIES

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

Appendix A:

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 tested and updated March 2021