



Sexual Misconduct Policy

Report to Program Director

<u>Canadian Southwestern College</u>	<u>ID-04508</u>	
Name of Institution	Institution Number	
<u>Sexual Misconduct Policy</u>	<u>August 31st, 2021</u>	<u>August 31st, 2021</u>
Name of Policy	Effective Date	Revision Date

1. Canadian Southwestern College is committed to the prevention of Sexual Misconduct and provision of an appropriate response to alleged incidents. Acts of Sexual Misconduct violate the rights and integrity of individuals. This policy outlines procedures that support students and other members of CSC who are affected by Sexual Misconduct. CSC is committed to providing resources and an effective process for making a complaint, a report, and investigation for allegations of Sexual Misconduct. CSC strongly recommends all members of CSC to be aware of their rights and obligations under this policy, and encourages all members to stay informed about the procedures. CSC's goal is to create a safe and respectful learning environment.
2. Sexual Misconduct refers to a spectrum of non-consensual sexual contact and behaviour including the following:
 - sexual assault;
 - sexual exploitation;
 - sexual harassment;
 - stalking;
 - indecent exposure;
 - voyeurism;
 - the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video;
 - the attempt to commit an act of sexual misconduct; and
 - the threat to commit an act of sexual misconduct.
3. This policy applies to: including and not limited to all incident of Sexual Misconduct that occurs on CSC property; any events or activities that is in connection with CSC where the alleged incident occurs, such as sponsored or organized events by CSC; an alleged incident off CSC property for activities that require participation for the course (eg. Practicum



placement), which involves a member of CSC or a person at the time of the incident has a connection with CSC.

This policy does not apply to: a person who has allegedly breached Sexual Misconduct policy and is not a member or in connection of CSC. The policy does not cover the scope or have jurisdiction to take any disciplinary action against such person who is not affiliated with CSC. CSC reserves the right to take other action, such as prohibiting one's access and permission to CSC property or organized events and activities.

If the alleged incident does not meet the basis above, CSC will continue to take necessary actions to minimize the impacts of the incident on the campus and learning environment.

4. A **Complaint** of sexual misconduct is different than a **Report** of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.
5. A student making a **Complaint** will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a **Report**.

6. **Complaints**

The process for making a **Complaint** about sexual misconduct involving a student is as follows:

- Anyone directly subjected to Sexual Misconduct who files a Complaint to CSC regarding an experience of Sexual Misconduct must provide the name, title and contact information of the individual to whom the Complaint may be directed to and an alternate contact where the primary individual is absent and/or named in the Complaint. The Complaint should include relevant details, such as address who was involved in the incident including any witness(es), when the incident occurred, where the incident occurred, what happened during the incident.
 - The complainant has the right to withdraw a Complaint at any time.
 - Anyone who files a Complaint to CSC regarding an experience of Sexual Misconduct can also pursue other external processes against the alleged individual, which may include and not limited to reporting to the police. However, the complainant must acknowledge that these are separate processes. Note that filing a Complaint does not result in a police report or civil action.
7. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
 - CSC will acknowledge receipt of a Complaint of Sexual Misconduct within 7 days. CSC is committed to responding to Complaints in a timely manner. CSC understands the



impacts of Sexual Misconduct on individuals and will respond in a way that minimizes re-traumatization to the best of their ability.

- After a review, CSC will determine whether the Complaint falls under the scope of the policy. The policy will apply if the criterias are met. If it does not, CSC will inform the complainant in writing.
- CSC reserves the right to initiate an investigation without the consent of the person filing the Complaint regarding an incident in violation of the Sexual Misconduct policy. If CSC believes the safety of members of the college is at risk, CSC may inform law enforcement agency for assistance.
- To protect the safety of members of the college, CSC reserves the right to implement appropriate measures during an evaluation of a Complaint or pending result of an Investigation. When applicable, appropriate measures will be carried out. Measures will include but not limited to:
 - Communicating clearly that the alleged individual's behaviours must be stopped immediately and are unwelcome
 - Arranging temporary, non-disciplinary leave of an individual
 - Arrange for an alternative learning or working schedule of an individual
 - If necessary or appropriate, CSC will support the Complainant in reporting the incident to the police.
- The alleged individual may be required to leave the area or campus in which the incident took place for a defined time period.
- If the alleged individual complies with any caution or temporary orders, the incident may be considered as resolved or directed for follow up and investigation.

Investigations are not adversarial processes and the alleged individual will be informed of the allegations made against them and will be given a full opportunity to respond.

- If the alleged individual does not comply with any caution, then CSC may impose sanctions or further actions for the individual to be removed from campus or working/learning environment.
- Provided the Complainant feels safe in doing so, the Complainant may make an informal conflict resolution and approach the alleged individual, in person or in writing, about the alleged Sexual Misconduct with a request stop or to resolve informally. The Complainant may first consult with CSC for advice or assistance when pursuing an informal resolution.
- Any findings of misconduct under the policy will result in any misconduct incidents be filed in the alleged individual's official student record and should be taken into account if there are subsequent findings of misconduct.



- If CSC discovers that the Complaint was frivolous or vindictive in nature, CSC may take appropriate disciplinary action against the Complainant as consequences.

8. Reports

The process for making a **Report** of sexual misconduct involving a student is as follows:

- Anyone directly subjected to Sexual Misconduct who files a Report to CSC regarding an experience of Sexual Misconduct must provide the name, title and contact information of the alleged individual who the Report may be about. In the case the alleged individual who shall receive the Report cannot be contacted, an alternate contact shall be provided. The Report should include relevant details, such as address who was involved in the incident including any witness(es), when the incident occurred, where the incident occurred, what happened during the incident, and what type of external or internal process or actions should the person reporting wish to make.

9. The process for responding to a **Report** of sexual misconduct involving a student is as follows:

- CSC will acknowledge receipt of a Report of Sexual Misconduct within 7 days. CSC is committed to responding to Reports in a timely manner. CSC will take all necessary and appropriate steps to review and/or investigate and address reports of Sexual Misconduct in a fair manner and in accordance with this policy and procedures.
- After a review, CSC will determine whether the Report falls under the scope of the policy. The policy will apply if the criteria are met. If it does not, CSC will inform the person reporting in writing.
- CSC will provide appropriate support services to Employees, Students, and members of CSC who are involved in incidents of Sexual Misconduct. This may be in the form of providing a personal safety plan and community support services.
- For an internal process, the person reporting may choose to contact CSC to file an internal Report and initiate an investigation. Upon reporting, CSC's jurisdiction to investigate is determined by the Director and is limited by the following:
 - Allegations must be against an individual who was a member of the CSC community at the time of the alleged Sexual Misconduct and at the time the Report is submitted
 - Alleged misconduct must comply with the definition of Sexual Misconduct
 - Alleged misconduct must have occurred in a substantial connection to CSC. The substantial connection
- The person reporting may choose one or more of the following options to initiate an external process:



- Contact the relevant law enforcement agency and pursue criminal proceedings
 - File a complaint with the British Columbia Human Rights Tribunal where the matter falls within its jurisdiction
 - Initiate other legal proceedings
- CSC reserves the right to initiate an internal investigation without the consent of the person reporting an incident if CSC believes that any member of the college is put at risk.
 - CSC reserves the right to decline to investigate a Report under this policy on the grounds that:
 - Passage of time affects access to witnesses or other evidence and proceeding with the investigation would be unfair and result in substantial prejudice to any person
 - Proceeding with the Report is otherwise not practicable
 - CSC has a duty to warn and provide necessary information to members of CSC that can expect to encounter the individual who has a history of Sexual Misconduct behaviour and who may present a risk to the campus or working/learning environment. However, no other personal information will be disclosed.
9. It is contrary to this policy for an institution to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.
10. Any processes undertaken pursuant to this policy will be based on the principles of administrative fairness. All parties involved will be treated with dignity and respect.
11. All information related to a Complaint or Report is **confidential** and will not be shared without the written consent of the parties, subject to the following exceptions:
- If an individual is at imminent risk of severe or life-threatening self-harm.
 - If an individual is at imminent risk of harming another.
 - There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
 - Where reporting is required by law.
 - Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.



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