


Policy Name:	SEXUAL VIOLENCE AND MISCONDUCT	
Approved By:	President's Council	
Approval Date:	June 6, 2021	
Next Scheduled Renewal Date:	May 2024	
Policy Holder:	VP, Academic, Students, and International	
Operational Lead:	Dean, Teaching, Learning, and Student Success	
Policy Number:	EDU-007	

## SEXUAL VIOLENCE AND MISCONDUCT

### 1.00 POLICY STATEMENT

- 1.1 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.
- 1.2 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).
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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 PURPOSE

- 2.1 The sexual violence and misconduct policy is intended to:
  - a) 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
  - b) facilitate a safe learning, living, and working environment that is free from sexual violence and misconduct

- c) 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
- d) establish clear, appropriate, coordinated, and fair processes in response to disclosures and complaints of sexual violence and misconduct
- e) describe the College's response to an individual disclosing, informing, or making a complaint of sexual violence and misconduct
- f) outline the services, accommodations, and resources available to members of the College Community who may be affected by sexual violence and misconduct
- g) ensure all reporting requirements are established, including the College's obligation to submit an annual report to the Board of Governors on incidents of sexual violence and misconduct.

### 3.00 DEFINITIONS

- 3.1 **College Community:** Includes students, employees, contractors, volunteers, visitors, and guests.
- 3.2 **Complainant:** An individual who has made a complaint of sexual violence and/or misconduct.
- 3.3 **Complaint:** A formal request by an individual that a matter be investigated by the College.
- 3.4 **Consent:** Active, direct, voluntary, uncoerced, ongoing, unimpaired, and conscious choice and agreement between adults to engage in physical contact or sexual activity. The initiator of physical contact or sexual activity is responsible for obtaining consent at all stages of mutually acceptable sexual engagement. More specifically, consent:
  - a) cannot be given by an individual incapacitated by alcohol, drugs, or for some other reason, and/or who is unconscious, or otherwise incapable of providing consent
  - b) is not present if the impaired judgement on the part of the initiator leads them to think there was consent
  - c) can be revoked at any time, regardless of previous sexual activities or agreements
  - d) can never be obtained through abuse, threats, intimidation, coercion, harassment, or other pressure tactics
  - e) cannot be obtained if the initiator abuses a position of trust, power, or authority
  - f) cannot be assumed from previous consent to similar activities or agreements
  - g) is required regardless of the relationship status or sexual history of the parties.
- 3.5 **Disclosure:** The communication to anyone within the College Community of an experience of sexual violence and/or 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 Dean of Student Success.
- 3.6 **Employee:** Any person employed by the College and, within the application of this policy, including members of the Board of Governors.

- 3.7 **Inform:** The provision of information by an individual about an act of sexual violence or misconduct to the Dean of Student Success (as a student) or Director of Human Resources (as an employee).
- 3.8 **Respondent:** A person or persons alleged to have committed an act of sexual violence or misconduct whom a complaint is made against.
- 3.9 **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:
- a) oral contact (kissing), groping, touching, oral sex, vaginal or anal penetration, and/or other forms of penetration
  - b) sexual contact that is forced, manipulated, or coerced
  - c) non-consensual physical contact of a sexual nature
  - d) the use of alcohol and/or drugs by a person to control, overpower or subdue a person for purposes of sexual assault.
- 3.10 **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 another person.
- 3.11 **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:
- a) sexual solicitations, advances, remarks, suggestive comments, and gestures (including songs and chants)
  - b) the inappropriate display of sexually suggestive pictures, posters, objects, or graffiti
  - c) non-consensual distribution of sexually explicit pictures or video with the intent to distress the person in the picture or video
  - d) sexually aggressive comments and slurs on any form of social media
  - e) sexual conduct that interferes with an individual's dignity or privacy, such as voyeurism, exhibitionism, and indecent exposure.
- 3.12 **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:
- a) sexual assault
  - b) sexual harassment
  - c) stalking
  - d) sexual exploitation.
- 3.13 **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:
- a) non-consensual communication (face-to-face, phone, email, social media)

- b) threatening or obscene gestures
- c) surveillance
- d) sending unsolicited gifts
- e) cyberstalking
- f) uttering threats.

3.14 **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.

#### 4.00 SCOPE OF THE POLICY

4.1 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:

- a) on College property
- b) in or at College housing facilities
- c) at a College-sponsored activity or event, which extends to online or distributed education, practicum, field education, off-site training, or work term required by a program of study at the College
- d) at any other location or event where there is a reasonable connection between the circumstance and the College.

#### 5.00 DUTIES AND RESPONSIBILITIES

5.1 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 of Student Success and/or Director of Human Resources.

5.2 The Dean of Student Success is responsible for the overall management of the sexual violence and sexual misconduct policy. The Dean guides the development and implementation of policies and procedures.

5.3 The Dean of Student Success is responsible for receiving and reviewing any incident of sexual violence and/or misconduct as it relates to a student participating at the College.

5.4 When an individual informs the Dean of Student Success, the Dean 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 of Student Success will support the individual in doing so.

5.5 The Director of Human Resources is responsible for receiving and reviewing any incident of sexual violence and misconduct as it relates to an employee of the College. Such a review will be done in harmony with any College collective agreements.

- 5.6 The College will act according to the principles of procedural fairness in responding to complaints of sexual violence and/or misconduct and will take all reasonable steps to ensure that all parties are heard and their rights upheld.
- 5.7 The Sexual Violence Prevention and Response Working Group, under the direction of the Dean of Student Success, reviews the current policy, advises, and supports development of policies and procedures for sexual violence and misconduct prevention and response. Specific functions of the Working Group are to:
  - a) consider issues related to sexual violence and misconduct and make any necessary recommendations
  - b) research and review best practices in sexual violence and misconduct prevention and response
  - c) review and recommend appropriate changes to the sexual violence and misconduct policy and related procedure
  - d) research, deliver and provide recommendations to sustain an ongoing sexual violence and misconduct awareness program, including but not limited to campaigns, workshops, print and online resources, and events on topics related to preventing sexual violence on campus
  - e) consult with students and with any persons identified in 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 at least every three years.
- 5.8 The College Community, including students, faculty, staff, and administration, are responsible for being aware of and complying with this policy.

## 6.00 RELATED POLICIES, PROCEDURES, AND SUPPORTING DOCUMENTS

- 6.1 College policies:
  - a) [ADM-003, Freedom of Information and Protection of Privacy Policy](#)
  - b) [ADM-009, Student Non-Academic Conduct Policy](#)
  - c) [EDU-007P, Sexual Violence and Misconduct Response Procedures](#)
  - d) [EDU-015, Student Complaints Referral Policy](#)
  - e) [HMR-001, Employee Code of Conduct Policy](#)
  - f) [HMR-003, Bullying, Harassment, and Discrimination Policy](#)
  - g) [HMR-003, Bullying, Harassment, and Discrimination Procedure](#)
- 6.2 Legislation:
  - a) [Freedom of Information and Protection of Privacy Act, RSBC 1996, c165](#)
  - b) [Human Rights Code, RSBC 1996, c210](#)
  - c) [Sexual Violence and Misconduct Policy Act, SBC 2016, c23](#)
  - d) [Workers Compensation Act, RSBC 1996, C492](#)

## 7.00 COMMUNITY RESOURCES

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

## 8.00 HISTORY

Created/Revised/Reviewed	Date	Author's Name and Role	Approved By
Created	June 6, 2021	Patricia Pryce, Dean Student Success	President's Council