

Policy Name:	SEXUAL VIOLENCE & MISCONDUCT	 <b>coast mountain college</b>
Approved By:	President's Council	
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Policy Holders:	Student Recruitment and Success & Human Resources	
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## SEXUAL VIOLENCE & MISCONDUCT Interim Policy

### 1.00 PURPOSE

The College is committed to addressing sexual violence and misconduct by creating and maintaining a learning and working environment characterized by mutual respect, safety, civility, and free inquiry. Safety at the College is a priority and any form of sexual violence and misconduct will not be tolerated. The College will address sexual violence and misconduct by offering support, awareness, training and prevention programs, and appropriate handling of complaints and disclosures. Victims of sexual violence and misconduct will be treated with compassion, dignity, and respect.

### 2.00 DEFINITIONS

- 2.01 **Balance of Probabilities:** The standard of proof in which the probability of an event occurring is greater than fifty-percent.
- 2.02 **College-Related Activity:** any College-endorsed activity or event occurring on or off College grounds. 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.
- 2.03 **College Community:** includes students, employees, contractors, volunteers, visitors, and guests.

- 2.04 **Consent:** active, direct, voluntary, un-coerced, ongoing, unimpaired, and conscious choice and agreement between adults to engage in sexual activity. Consent can be withdrawn at any point.
- 2.05 **Disclosure:** the communication to a College employee of an experience of sexual violence and misconduct. Disclosure on its own does not initiate an investigation, except where required by this policy.
- 2.06 **Employee:** any person employed by the College, including members of the Board of Governors.
- 2.07 **Formal Complaint:** a statement of facts including a record of the dates, times, nature of any incidents, and names of witnesses. The complaint must contain sufficient detail to allow the College to assess it and conduct an investigation, if required.
- 2.08 **Natural Justice:** procedural fairness that protects the rights of all parties involved by allowing a respondent to be heard before a decision is made that could have negative consequences.
- 2.09 **No-Contact Undertaking:** a directive of the College to prevent two or more people from contact.
- 2.10 **Respondent:** a person or persons alleged to have engaged in conduct that violates this policy.
- 2.11 **Report:** A variety of means that both allows a student to indicate that an event has occurred and informs the College and/or Police about the matter.
- 2.12 **Report to the Board:** A yearly submission to the Board of Governors containing aggregated information about incidents of sexual violence and misconduct.
- 2.13 **Retaliation:** Any adverse or threatening action taken through any means against a person who engages with this policy or is associated with anyone who engages with this policy.
- 2.14 **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.

2.14.01 **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.

2.14.02 **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.

2.14.03 **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.

2.14.04 **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.

2.15 **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.

2.16 **Third Party Report to Police:** Third-party reports are sent to police by an intermediary agency and provide detailed information about the incident and the perpetrator, but do not include the name or contact information of the victim/survivor.

2.17 **Victim:** The person who has alleged to have experienced sexual violence or misconduct.

### 3.00 **POLICY STATEMENTS**

3.01 Coast Mountain College is committed to providing a safe working and learning environment that allows for free and full participation of all members of the College Community.

3.02 This policy applies to the College Community engaged in College-related activities.

3.03 Sexual violence and misconduct is strictly prohibited under this policy

- 3.04 A breach of this policy by a member of the College Community represents serious misconduct and may be cause for disciplinary sanctions including, where appropriate, dismissal, suspension, or expulsion.
- 3.05 The College will use clear, appropriate and fair processes for handling complaints of sexual violence and misconduct.
- 3.06 There are three levels of reporting available for a victim:
  - 3.06.01 Disclosure
  - 3.06.02 Formal Complaint
  - 3.06.03 Report to Police
- 3.06 During investigation, the standard of proof for all allegations will be based upon the balance of probabilities.
- 3.07 The College is committed to assisting those who have experienced sexual violence or misconduct by providing them with information and support, including providing or referring them to counselling, medical care and legal services, and assisting with appropriate academic and other accommodations.
- 3.08 Coast Mountain College policy will supersede in educational partnership agreements.
- 3.09 This policy is not intended to supersede or interfere with collective agreements, terms of employment or with Federal and Provincial laws. The College will cooperate with any criminal investigation.
- 3.10 Anyone who has experienced sexual violence and misconduct has the right to pursue criminal or civil legal avenues whether or not they choose to take action under this policy
- 3.11 All processes must follow the principles of natural justice and must appropriately protect the rights of both the person making a complaint and the respondent.
- 3.12 The College will implement ongoing awareness and education programs targeting the College Community, as appropriate, including: bystander intervention training and disclosure training.
- 3.13 The College will provide education to the College Community about preventing sexual violence and misconduct;

- 3.14 The College is obligated to submit an annual report to Board of Governors on incidences of sexual violence.

#### 4.00 DUTIES & RESPONSIBILITIES

4.01 The Director of Student Recruitment and 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.

4.02 Under the direction of the Director, Student Recruitment and Success, the Sexual Violence Prevention and Response Working Group reviews, advises, and develops policies and procedures for sexual violence and misconduct prevention and response. This involves creating campus awareness and understanding that establishes a campus community that does not tolerate sexual violence and has a clear and comprehensive awareness and education program and prevention response plan. Specific functions of this committee are to:

- 4.02.01 consider issues related to sexual violence and make any necessary recommendations;
- 4.02.02 research and review best practices in sexual violence prevention and response;
- 4.02.03 review, develop, and maintain a sexual violence and misconduct policy and response protocol;
- 4.02.04 research and review appropriate support mechanisms;
- 4.02.05 make recommendations for interventions and activities aimed at the prevention of sexual violence; and
- 4.02.06 develop and deliver a sexual violence community awareness program.

4.03 College Community

All students, faculty, staff, and administration are responsible for being aware of and complying with this Policy and Procedures.

**5.00 PROCEDURES**

See: Sexual Violence and Misconduct Response Procedures

**6.00 Relevant Links and Resources:**

Harassment and Discrimination Policy:

<https://www.coastmountaincollege.ca/docs/default-source/policies/education-policies-and-procedures/education-policies/harassment-and-discrimination.pdf>

Personal Student Misconduct Policy:

<https://www.coastmountaincollege.ca/docs/default-source/policies/education-policies-and-procedures/education-policies/personal-student-misconduct-policy.pdf>

Employee Code of Conduct:

<https://www.coastmountaincollege.ca/docs/default-source/policies/hr-policies-procedures/human-resources-payroll-policies/employee-code-of-conduct.pdf>

**Community Resources:**

<b>Location</b>	<b>Organization</b>	<b>Contact</b>	<b>Website</b>
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  North Coast Community Services  RCMP Victim Services	(250) 627-8959  (250) 627-7166  (250) 627-7779	<a href="http://www.northccs.com/">http://www.northccs.com/</a>
Terrace	Ksan House Society  RCMP Victim Services	(250) 635-2373  (250) 638-7411	<a href="http://ksansociety.ca/">http://ksansociety.ca/</a>
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="http://www.kitimatcommunityservices.ca/Victimsservices.html">http://www.kitimatcommunityservices.ca/Victimsservices.html</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>

Links updated March, 2021