

Procedure Name:	SEXUAL VIOLENCE & MISCONDUCT RESPONSE PROCEDURES Interim
Approval Date:	March 9, 2021
Procedure Holders:	Student Recruitment and Success, & Human Resources
Procedure Number:	EDU-007-Appendix 1



SEXUAL VIOLENCE & MISCONDUCT RESPONSE PROCEDURES

WHAT THESE PROCEDURES COVER

The first two pages provide information for getting immediate help and support for victims of sexual violence or misconduct. The rest of the procedures outline the steps that the college will take when someone makes a disclosure or complaint of sexual violence or misconduct.

FIRST STEP: GET IMMEDIATE HELP

If you have experienced sexual violence, help is available. If you are in immediate danger, call 9-1-1. Ongoing support is available both from the College through community-based victim services. (See [Appendix A](#))

If you are responding to someone who has experience sexual violence, your first concern should be for their safety. If the person is in distress, ask them if they need emergency help. Follow these steps:

- i. Assure them that getting emergency help (medical or police assistance) does NOT mean they have to make a formal report to the police.
- ii. If they say they need emergency attention, encourage them to call 9-1-1 immediately. You may help them to call 9-1-1 with their permission, but you cannot call for them without their consent unless you believe they are in imminent danger.
- iii. Tell them that it may help to get immediate medical attention to ensure their overall well-being. The information will also be important if they decide to report the incident to the police in future. Many hospitals have a special unit that is set up to help survivors of sexual violence and collect evidence in case they ever wants to make a report to the police.

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

MAKING A REPORT OF SEXUAL VIOLENCE OR MISCONDUCT

1.00 REPORTING OPTIONS

If you have experienced or witnessed sexual violence or misconduct, or have reason to believe that sexual violence or misconduct has occurred or may occur, you may do any of the following. You may choose one of the options, some of them, or all of them, and may do so at different times or simultaneously.

1.01 Make a Disclosure

Making a disclosure means telling someone about what happened, without filing a formal complaint. If you make a disclosure, the College will not investigate the incident but may provide accommodations.

1.01.01 A student who makes a disclosure to a Student Services team member may receive support 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 Director of Student Recruitment and Success.
- ii. If a student discloses an incident to you, report the disclosure to the Director of Student Recruitment and Success, so staff trained in responding to sexual violence and misconduct can act it on.
- iii. All information will kept 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 reach out to a union representative for assistance.

1.02 Formal Complaint to the College

You may make a formal complaint to Coast Mountain College, which will initiate an investigation and/or resolution process.

1.02.01 A student may make a formal complaint to a member of the Student Services team, the Director of Student Recruitment and 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

You may report the incident to the police if you wish to pursue criminal charges. You can make your report by contacting the RCMP. A member of the Student Services team can help you make a report to the police. Or you may reach out to Campus Security on Terrace Campus (Weekdays and Saturday 5:00PM – 2:00AM/Sunday 10:00AM – 2:00AM)

1.04 Third Party Report to Police: A third-party report is an option available if you wish to report to the police but remain anonymous. You can make a third-party report through a community-based victim support worker (see [Appendix A](#)). The community agency will offer emotional support and practical assistance to the victim.

2.00 SUPPORT FOR VICTIMS

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 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.

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 Confidentiality is an important principle in creating an environment where those who have experienced sexual violence or misconduct feel safe to disclose and seek support. The privacy and confidentiality of all members of the College community involved in any complaint of sexual violence or misconduct will be protected to the extent possible. However, information or personal information may be shared if:

3.01.01 It is necessary to protect individuals' health or safety

3.01.02 It is required or authorized by law

3.01.03 The person the information is about has consented to the release of the 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 discipline.

5.00 COLLEGE PROCEDURES FOR FORMAL COMPLAINTS

The following outlines the immediate process for College employees after receiving a formal complaint (please refer to Section 1.02).

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 employee.

5.01.03 The Vice President Education, Students, International receives and reviews complaints involving the Director of Human Resources.

5.01.04 The Vice President Corporate Services receives and reviews complaints involving the Director, Student Recruitment and Success.

5.01.05 The Board Chair receives and reviews complaints involving the President or a member of the Board of Governors. The Board Chair will determine the appropriate procedures (following the procedures in this policy to the extent possible) and will retain an external investigator as necessary.

5.01.06 The Board Vice-Chair receives and reviews complaints involving the Board Chair. Board Vice-Chair will determine the appropriate procedures (following the procedures in this policy to the extent possible) and will retain an external investigator as necessary.

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 proceeding 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 a resolution or to a full investigation.

6.00 RESOLUTION OPTIONS for COMPLAINANT

The College encourages exploring options for resolution, but recognizes that neither may be possible or suitable depending on the nature of the complaint.

6.01 Informing the Respondent Directly

6.01.01 If you believe you have been subjected to inappropriate conduct as defined in this policy, you are encouraged to tell the person responsible of your disapproval and/or discomfort and tell them to stop.

6.01.02 If you are not comfortable attempting to resolve the situation with the person directly, or if you try to resolve it but are not successful, then you may submit a formal complaint.

6.02 Informal Mediation

6.02.01 Mediation is an informal process and refers to options other than investigation. It is a problem-solving approach with a goal of achieving a resolution satisfactory to the complainant (individual who files a complaint), respondent (individual alleged to have violated the Sexual Violence and Misconduct policy) and the College. For mediation to take place both the complainant and respondent must agree to participate.

6.02.02 If the complaint falls within the jurisdiction of this policy the Director, Human Resources or the Director, Student Recruitment and Success, will discuss the complaint with the complainant and, with the complainant's consent, the respondent, with a view to reaching a resolution. Options under the joint problem solving process include, but are not limited to, facilitated discussion or mediation.

6.02.03 If mediation does not result in a resolution of the issues, the complaint may proceed under the investigation process.

6.02.04 If a resolution is achieved, the parties will sign a statement of the terms of the resolution. No resolution may impose obligations on the College without the College's consent.

6.02.05 The Director, Human Resources or Director, Student Recruitment and Success may refer the complaint to the investigation process at any time.

7.00 FORMAL INVESTIGATION PROCESS

- 7.01** If the complaint falls within this policy and other attempts to resolve it and attempts at resolution are not proceeding, and investigation will be conducted diligently and promptly. The investigation will be fair and impartial.
- 7.02** The Director, Human Resources or Director, Student Recruitment and Success 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.
- 7.03** 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 the findings.
- 7.04** The investigation report is confidential and will not be released by the College except as required by law.
- 7.05** 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.
- 7.06** If the complaint involves someone 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.
- 7.07** 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.
- 7.08** 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, and to the Vice President, Education, Students, and International. The Vice President will decide whether to dismiss or uphold all or part of a complaint.

- 7.09** After consulting with the student's Program Dean as appropriate, the Vice President will impose or recommend corrective action or formal disciplinary action up to and including suspension/expulsion of the Respondent.
- 7.10** Depending on the nature of the disciplinary action, the President or the Board of Governors may have the final decision, subject to any appeals
- 7.11** Both the complainant and respondent will receive a written decision. The complainant has the right to know the outcome of an investigation.

8.00 SUPPORT DURING INVESTIGATIONS

- 8.01** All victims/survivors under this policy will be directed to community-based victim services for emotional support and guidance throughout the investigation process.
- 8.02** An employee who is either a complainant or respondent may access counselling through the College's Employee Assistance Program and will be provided with information on how to do so by the College's Pension & Benefits HR Advisor.
- 8.03** At any investigatory or disciplinary meeting, employees who are bargaining unit members have the right to have a union representative in attendance.
- 8.04** At any investigatory or disciplinary meeting, exempt employees may choose to have a colleague in attendance. The colleague must not be any person who may be placed in a conflict of interest.

9.00 SANCTIONS

- 9.01 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.
- 9.02 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.

9.03 Possible sanctions the College may impose include: 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.

10.00 SUSPENSION

10.01 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.

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

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

11.00 RETURN FOLLOWING SUSPENSTION

11.01 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.

12.00 APPEALS

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

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

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

12.03.01 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

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

12.03.03 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.

12.03.04 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.

12.04 Appeal Meeting

12.04.01 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.

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

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

12.05 Appeal of Sanctions other than Suspension

12.05.01 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.

12.05.02 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.

12.05.03 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.

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

12.06 Appeal of Suspension

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

12.06.02 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.

12.06.03 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.

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

13.00 POWERS OF THE PRESIDENT

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

14.00 RECORD RETENTION

14.01 The Director, Human Resources or Director, Student Recruitment and Success is responsible for maintaining records.

14.02 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.

15.0 REVIEW

15.01 This policy will be reviewed annually.

16.00 RELATED POLICIES

16.01 Student Non-Academic Conduct Policy

16.02 Employee Code of Conduct