



Sexual Misconduct Policy

<u>Avalon Community College</u>	<u>4137</u>	
Name of Institution	Institution Number	
<u>Sexual Misconduct Policy</u>	<u>01st May 2020</u>	<u>01st August 2021</u>
Name of Policy	Effective Date	Revision Date

1. Avalon Community College is committed to the prevention of and appropriate response to sexual misconduct.
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. 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.
4. 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**.
5. The process for making a **Complaint** about sexual misconduct involving a student is as follows:
 - (a) Under this Sexual Misconduct Policy, any student of Avalon Community College may file a report of an incident or a complaint to the Campus Administrator/ Director in writing.
 - (b) The other officials, offices or departments that will be involved in the investigation are Director of Operations, Campus Administrator and/or The Chief Operating Officer.
 - (c) If the Campus Administrator /Campus Director is not available at the Campus, student will be able to make the complaint with Senior Education Administrator (SEA).



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6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
 - (a) Upon receipt of a report of an incident or a complaint of alleged sexual violence being made, the Campus Administrator will respond promptly and:
 - (i) determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation;
 - (ii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
 - (iii) determine whether the incident should be referred immediately to the police; In such cases or where civil proceedings are commenced in respect of allegations of sexual misconduct, Avalon Community College may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures; and
 - (iv) determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.
7. The process for making a **Report** of sexual misconduct involving a student is as follows:
 - (a) Once an investigation is initiated, the following will occur:
 - (i) the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
 - (ii) interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
 - (iii) informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation;
 - (iv) interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses;
 - (v) providing reasonable updates to the Complainant and the Respondent about the status of the investigation; and
 - (vi) following the investigation, the Campus Administrator/ Director will:
 - (b) review all of the evidence collected during the investigation;
 - (c) determine whether sexual violence occurred; and if so
 - (d) determine what disciplinary action, if any, should be taken as set out in Section 6.
8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
 - (i) disciplinary action up to and including termination of employment of instructors or staff; or
 - (ii) expulsion of a student; and /or



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- (iii) the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
- (iv) any other actions that may be appropriate in the circumstances.

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.

This institution is certified by the Private Training Institutions Branch (PTIB). Certified institutions must comply with regulatory requirements, including the requirement to have a Sexual Misconduct policy. For more information about PTIB, go to www.privatetraininginstitutions.gov.bc.ca.