

## **SEXUAL MISCONDUCT POLICY**

Responsibility

Campus Director

Senior Education Administrator

Onsite Administrator

Date of latest version

25 June 2023

1. The 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:

The individual should contact the on-site administrator, Campus Director or SEA in person, through email, or phone. As mentioned, a student can make a disclosure/complaint without initiating a formal process.

- A. The complaint will be filed in writing.

Upon receipt of a complaint, the Campus Director or SEA (if appropriate) will conduct an initial review to determine whether the allegations in the complaint fall within the scope of the policy. This review will occur within four business days. The complaint may be dismissed if it is not within the policy and the student will be advised of the reasons on writing. Alternatively the complaint will be investigated further.

6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
  - A. The institution will acknowledge receipt of the complaint within 4 business days.
  - B. The complaint will be investigated if it falls within this policy.
  - C. The institution will review the complaint within a reasonable time frame and confirm next steps in writing within 10 business days of receipt of the report.
  - D. The investigation will gather and review all related evidence.
  - E. The investigation will determine what action should be taken. A student making a complaint will be provided with resolution options.
  - F. Except in exceptional circumstances, a response to the complaint will be provided in writing within 30 days.
7. The process for making a **Report** of sexual misconduct involving a student is as follows:

The individual should contact the Campus Director, SEA or onsite administrator person, through email, or phone.

A report will be filed in writing including a request for action to the Campus Director; or the SEA in the case of one being absent or having been named in the report. The alternate person is the on site administrator.

Upon receipt of a report, the Campus Director or SEA (if appropriate) will conduct an initial review to determine whether the allegations in the report fall within the scope of the policy. This review will conclude within four calendar days. The report may be dismissed if it is not within the policy and the student will be advised of the the reasons on writing. Alternatively the report will be investigated further.

8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
  - A. The institution will acknowledge receipt of the report within 4 business days.
  - B. The report will be investigated if it falls within this policy.
  - C. The institution will review the report within a reasonable time frame and confirm next steps in writing within 10 business days of receipt of the report.
  - D. The investigation will gather and review all related evidence.
  - E. The investigation will determine what action should be taken.
  - F. Except in exceptional circumstances, a response to the report and recommendations will be provided in writing within 30 days.
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.

**Contact Information**

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