

SEXUAL MISCONDUCT POLICY

Approved by: Associate Director, Quality Assurance

Revision Date: September 21, 2024

Effective Date: October 1, 2024

Next Review Date: October 1, 2027

Institution Number: ID-03111

1. Eton 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 Complaint is when the victim/survivor discloses or chooses to tell someone at the institution of an incident of sexual misconduct in order to seek support, but may not want to make a formal report to police or the institution. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action. A Report does not have to be made by the victim/survivor.
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**.

Making a Complaint about Sexual Misconduct Involving a Student

5. The process for making a **Complaint** about sexual misconduct involving a student is as follows:

- a. A student should bring the matter to the attention of the Manager, Administration via email or through an in-person meeting.
- b. In the event that the Manager, Administration is absent or named in the complaint, the student should direct the complaint to the Administrative Coordinator.

Responding to a Complaint about Sexual Misconduct Involving a Student

6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
 - a. The Manager, Administration will acknowledge receipt of the complaint within five days and conduct an initial review to determine whether the allegations in the complaint fall within the scope of this policy.
 - b. If the complaint does not fall within the policy's scope, it may be dismissed or addressed under a different policy.
 - c. If the Manager, Administration determines that the complaint falls under the scope of this policy, they will discuss with the individual what and how much they should disclose about the incident.
 - d. The Manager of Administration may, with the complainant's permission, further investigate the incident, which may include, but is not limited to, the following:
 - i. Meeting with the complainant to determine the date and time of the incident, the individuals involved, and the description of what occurred.
 - ii. Informing the respondent(s) of the complaint, providing details of the allegations and giving the individual(s) an opportunity to respond to those allegations.
 - iii. Gathering additional evidence.
 - e. The Manager, Administration will respond in writing 15 days of receiving the complaint and:
 - i. Provide information or make referrals to support service providers who have experience addressing sexual misconduct and violence.
 - ii. If necessary, provide the student with reasonable academic accommodation while on campus.
 - iii. When necessary, provide contact information for external investigating bodies such as police.
 - iv. Determining if any disciplinary action should be taken.
 - f. In case of a complaint, should a student want to move forward with a formal process, a clear request for action must be included in the complaint.
 - g. A complainant has the right to withdraw their complaint or report at any point in the process. However, Eton College may still proceed with

the matter to fulfill its obligations under the policy or legal requirements.

Making a Report about Sexual Misconduct Involving a Student

7. The process for making a **Report** about sexual misconduct involving a student is as follows:
 - a. A student can submit a report under this policy by providing a written statement to the Manager, Administration. If this individual is absent or named in the report, the student should direct the report to the Administrative Coordinator.
 - b. The written report should contain pertinent details about the alleged incident, including the date and time, the individuals involved, a list of potential witnesses, and any relevant documents, such as social media communications or other supporting evidence. A clear request for action must be included in the report.

Responding to a Report about Sexual Misconduct Involving a Student

8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
 - a. The Manager, Administration will acknowledge receipt of the report within five days and conduct an initial review to determine whether the allegations in the report fall within the scope of this policy.
 - b. If the allegations do not fall within the policy's scope, the report may be dismissed or addressed under a different policy.
 - c. If the Manager, Administration determines that the allegations in the report fall under the scope of this policy, they will request permission from the complainant to further investigate the incident, which may include the following:
 - i. Meeting with the complainant to further discuss the details of the incident and the proposed resolution.
 - ii. Informing the respondent of the report, providing details of the allegations and giving the individual an opportunity to respond to those allegations.
 - iii. Initiate further inquiries and investigation into the incident.
 - d. The Manager, Administration will respond in writing 15 days of receiving the report and:
 - i. Provide information or make referrals to support service providers who have experience addressing sexual misconduct and violence.
 - ii. If necessary, provide the student with reasonable academic accommodation while on campus.
 - iii. When necessary, provide contact information for external investigating bodies such as police.

- iv. Determining if any disciplinary action should be taken.
9. As in the case of a complaint, a complainant has the right to withdraw their report at any stage of the process. However, Eton College may still proceed with the matter to meet its obligations under the policy or legal requirements.
10. Should the complainant or the respondent disagree with the decision resulting from the investigation, they may appeal the decision in writing within five days addressed to the Senior Manager, Learning Innovation.
11. Unless there are exceptional circumstances, all complaints and reports will be resolved within 30 days.
12. In all instances the institution will:
 - a. Ensure the safety of the victim/survivor.
 - b. As appropriate, provide emergency numbers for on and off campus security (if applicable), law enforcement, medical assistance, mental health services, and other services.
 - c. Respect the right of the individual to choose the services they consider most appropriate.
13. 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.
14. 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.

Confidentiality and Information Sharing

15. 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:
 - a. If an individual is at imminent risk of severe or life-threatening self-harm.
 - b. If an individual is at imminent risk of harming another.
 - c. There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
 - d. Where reporting is required by law.
 - e. Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

Review

In consultation with students and other members of the Eton College community including faculty, staff and administration, the Sexual Misconduct Policy shall be reviewed at least once every three years and amended where appropriate.

Contact Information

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Related Legislation and Institutional Policies

Legislation

Criminal Code of Canada

Sexual Violence and Misconduct Policy Act (Bill 23-2016)

Freedom of Information and Protection of Privacy Act

Human Rights Code

Eton College Policies

Respectful and Fair Treatment of Students Policy

Dispute Resolution Policy

Student Dismissal Policy