



Sexual Misconduct Policy

<u>Anderson College of Health, Business and Technology</u>	<u>3328</u>	
Name of Institution	Institution Number	
<u>Sexual Misconduct Policy</u>	<u>March 1, 2022</u>	<u>March 1, 2022</u>
Name of Policy	Effective Date	Revision Date

Anderson College of Health, Business and Technology is committed to providing its students with an educational environment free from sexual misconduct and treating its students who report incidents of sexual misconduct with dignity and respect. The college is committed to the prevention of and appropriate response to sexual misconduct.

Anderson College of Health, Business and Technology has adopted this Sexual Misconduct Policy, which defines sexual misconduct and outlines its training, reporting, investigative and disciplinary responses to complaints of sexual misconduct made by its students that have occurred on its campus, or at one of its events and involve its students.

The person accused of engaging in sexual misconduct will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

This Policy is not intended to be used in situations where Sexual Misconduct is of a violent nature. In the event of violent incidents, law enforcement authorities will be contacted, and support will be provided to the victim.

Definition of Sexual Misconduct

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.

Disclosures/Complaints of Sexual Misconduct

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.

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.

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

- i) Students who have been affected by sexual misconduct or who need information about support services should contact the Campus Director. If the Campus Director is absent or is named in a dispute, the student must provide the dispute to the Chief Operating Officer.
- ii) A student can make a disclosure/complaint without initiating the formal report process.
- iii) Students may file a formal complaint of an incident to the Campus Director / Chief Operating Officer in writing.
- iv) Upon receipt of a complaint, the Campus Director or Chief Operating Officer (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 in writing. Alternatively, the complaint will be investigated further.

For the purposes of this policy, a report is a formal notification of an incident of sexual misconduct to someone at the College accompanied by a request for action. The actual process/procedures may vary in relation to the nature of the disclosure/complaint or report (for example, whether or not there has also been a report to law enforcement). To make a formal complaint to the College, the student should follow the Dispute Resolution Policy.

Upon receipt of the complaint the Campus Director / Chief Operating Officer will respond promptly, and this review will occur within four business days:

- i) determine whether the behaviour(s) in question may fall within the definition(s) of Sexual Misconduct under this Policy.
- ii) determine whether an investigation should proceed and if the student wishes to participate in an investigation;
- iii) determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved;
- iv) determine whether the incident should be referred immediately to the police and/or relevant authorities.

Investigating and Responding to Disclosures/ Complaints and Reports of Sexual Misconduct

Career college management, instructors, staff, other employees and contractors of Anderson College of Health, Business and Technology will report incidents of or complaints of sexual misconduct to the Campus Director upon becoming aware of them.

Students who have been affected by sexual misconduct or who need information about support services should contact the Campus Director.

To the extent it is possible, Anderson College of Health, Business and Technology will attempt to keep all personal information of persons involved in the investigation confidential except in those circumstances where it believes an individual is at imminent risk of self-harm, or of harming another, or there are reasonable grounds to believe that others on its campus or the broader community are at risk. This will be done by:

(i) ensuring that all complaints/reports and information gathered as a result of the complaint/reports will be only available to those who need to know for purposes of investigation, implementing safety measures and other circumstances that arise from any given case; and

(ii) ensuring that the documentation is kept in a separate file from that of the Complainant/student or the Respondent.

(iii) Anderson College of Health, Business and Technology recognizes the right of the Complainant not to report an incident of or make a complaint about sexual misconduct or not request an investigation and not to participate in any investigation that may occur in order to obtain supports and services or accommodation.

(iv) Notwithstanding (iii), in certain circumstances, Anderson College of Health, Business and Technology may be required by law or its internal policies to initiate an internal investigation and/or inform police without the complainant's consent if it believes the safety of members of its campus or the broader community is at risk.

Anderson College of Health, Business and Technology will assist students who have experienced sexual misconduct in obtaining counselling and medical care and provide them with information about sexual misconduct supports and services available in the community. Students are not required to file a formal complaint in order to access supports and services.

All reported incidents of sexual misconduct will be investigated in a manner that ensures due process as detailed in the procedures below.

Under this Sexual Misconduct Policy, any student at Anderson College of Health, Business and Technology may file a report of an incident or a complaint to the Campus Director in writing. The other officials, offices or departments that will be involved in the investigation are Campus Director, Chief Operating Officer, Human Resources, and/or The President.

Upon receipt of a report of an incident or a complaint of alleged sexual misconduct being made, the Campus Director 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, Anderson College of Health, Business and Technology 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.

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.

Following the investigation, the Campus Director will:

- (A) review all of the evidence collected during the investigation; within a reasonable timeframe
- (B) determine whether sexual misconduct occurred; and if so
- (C) determine what disciplinary action, if any, should be taken.
- (D) confirm next steps in writing.

Disciplinary Measures

If it is determined by Anderson College of Health, Business and Technology that the Respondent did engage in sexual misconduct, immediate disciplinary or corrective action will be taken. This may include:

- (i) disciplinary action up to and including termination of employment of instructors or staff; or
- (ii) expulsion of a student; and /or
- (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.

Appeal

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the President within 10 days by submitting a letter addressed to the President advising of the person's intent to appeal the decision.

Making False Statements

It is a violation of this Sexual Misconduct Policy for anyone to knowingly make a false complaint of sexual misconduct or to provide false information about a complaint.

Individuals who violate this Sexual Misconduct Policy are subject to disciplinary and / or corrective action up to and including termination of employment of instructors or staff or expulsion of a student.

Reprisal

It is a violation of this Sexual Misconduct Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual misconduct, provided information related to a complaint, or otherwise been involved in the complaint investigation process.

Individuals who violate the Sexual Misconduct Policy are subject to disciplinary and /or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

If students, in good faith, report an incident of, or make a complaint about, sexual misconduct, they will not be subject to discipline or sanctions for violations of the College's policies relating to drug or alcohol use at the time the alleged sexual misconduct occurred.

Students who disclose their experience of sexual misconduct through reporting an incident of, making a complaint about, or accessing supports and services for sexual misconduct, will not be asked irrelevant questions during the investigation process by the College's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

Anderson College of Health, Business and Technology will:

- Ensure the safety of the victim/survivor.
- As appropriate, provide emergency numbers for on and off campus security (if applicable), law enforcement, medical assistance, mental health services, and other services.
- Respect the right of the individual to choose the services they consider most appropriate.
- Treat all parties with dignity and respect.

Confidentiality and Further Support

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.

College Contacts

Campus Director	Todd Maki	info@andersoncollege.com
Chief Operating Officer	Rose Elia	info@andersoncollege.com

The following represents a list of Rape Crisis Centres in BC:

WAVAW Rape Crisis Centre

24-Hour Crisis and Information Line

Phone: 604-255-6344

General inquiries: admin@wavaw.ca

Website: wavaw.ca

Surrey Women’s Centre

Phone: 604-589-1868

General Inquiries: info@surreywomenscentre.ca

Website: surreywomenscentre.ca

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.