



# Shinede College Sexual Misconduct Policy

**Shinede College**

Name of Institution

**4735**

Institution Number

**Sexual Misconduct Policy**

Name of Policy

**Nov 1, 2022**

Effective Date

**October 1, 2022**

Revision Date

## **Sexual Misconduct Policy**

1. The Shinede College is committed to the prevention of and appropriate response to sexual misconduct. This policy applies to the students in case of any kind of sexual misconduct at the Shinede College or at any event organized by the college. It also includes faculty, staff, administration, Board members, contractors, volunteers, visitors and others identified by the institution.
2. The Shinede College intends to provide a safe and secure learning environment to prevent such incidents and to provide support to the students in making a disclosure/complaint or report if such incidents occur. Further, the college will treat the individuals with dignity and respect who will report the incidents of sexual misconduct. The college also aims to educate the college community about prevention of sexual misconduct.
3. Sexual misconduct refers to a spectrum of non-consensual sexual contact and behavior 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.



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4. 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.
5. 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.
6. **Procedure:** The process for making a Complaint about sexual misconduct involving a student is as follows:
  - The students can make complaints to the Senior Educational Administrator (SEA) who is responsible for making determinations in respect of complaints.
    - Contact SEA:
      - Name:
      - Phone:           {Info will be inserted}
      - Email:
    - Alternatively, if the SEA is absent or is named in the complaint, the student must address the complaint to the Campus Director.
      - Contact Campus Director:
        - Name:
        - Phone:           {Info will be inserted}
        - Email:
7. The **process for responding** to a Complaint of sexual misconduct involving a student is as follows:
  - Upon the complaint about the sexual misconduct, the SEA will immediately take a notice on behalf of institution.
  - The institution will acknowledge receipt of the complaint within three business days.
  - After receiving a complaint, the college will provide the victim/survivor all necessary information on resources and support available for these situations.



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- The SEA will arrange a meeting with the complainant to collect the necessary information about the incident and to assist the complainant to take appropriate steps.
  - The SEA may provide emergency numbers for law enforcement, medical assistance and mental health services (if required). SEA will further make;
    - A commitment that the institution will act in accordance with the principles of procedural fairness in dealing with allegations of sexual misconduct.
    - A commitment that there will be immediate action by those with authority to act.
    - A commitment to take reasonable steps to ensure the safety of the campus community when the institution has been made aware of an incident.
    - A statement encouraging immediate reporting by those who have knowledge of or who have witnessed incidents of sexual misconduct.
    - A supportive response statement outlining what an individual who has experienced sexual misconduct can expect in the way of a compassionate and caring response.
  - The SEA will ensure the safety of the students after the incident.
  - A complaint may not result in a report being made and, therefore, may not initiate a formal process.
  - The consent of the complainant is important to disclose and report the matter for further investigations.
  - The complainant may change his/her mind later on and choose to report to law enforcement agency e.g. police.
  - The SEA will ensure fair treatment with the parties involved.
8. The process for **making** a Report of sexual misconduct involving a student is as follows:
- The student must submit the written report about the sexual misconduct to the College SEA.
- Call or Email the SEA:



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Name:

Phone:

Email:

- If the SEA is absent or is named in the complaint, the student must address the complaint to the Campus Director.

Contact Campus Director:

Name:

Phone:

Email:

9. The process for **responding** to a Report of sexual misconduct involving a student is as follows:

- The SEA or Campus Director will respond to the report as soon as possible, but maximum within three business days from the submission of the report.
- The SEA will meet the individual who has experienced sexual misconduct and interview the person.
- Interview the witnesses (if available) of that incident to collect the facts.
- Interview any other person who may have knowledge or information of the incident related to the report.
- Determine the date of the incident, time of the incident, the person(s) involved and any witness of the incident etc.
- After the preliminary investigation which will take a maximum of 5 business days, the SEA will inform the individual filing report about the progress and provide a chance to the respondent to respond to the allegations.
- If the individual filing a report to the college wants to withdraw the report, the institution may continue to act on the matter (if required for the safety of the students).
- Further, the SEA can also consult with other relevant institutions e.g., police, community-based victim services programs, or other experts as required.



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- After investigations, the SEA will determine the appropriate disciplinary action, if any should be taken.
    - (1) Determine that the report is not proved; the file is closed.
    - (2) Determine that the report is substantiated, in whole or in part, and either:
      - (i) Give the student a warning clearing up the consequences of further misconduct;
      - (ii) Set a probationary period with appropriate conditions; or
      - (iii) Recommend that the student should be dismissed from the college.
  - The SEA will determine the severity of the incident and can refer to police if needed.
  - An individual experiencing sexual misconduct may also wish to make a formal report of an incident of sexual misconduct to police.
  - The complainant can also make an anonymous report to the police about the incident, through a community-based victim support worker without disclosing his/her name or contact numbers.
- 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.** It is contrary to this policy for the Shinede College to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.
- 12.** 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.

### **Disciplinary Procedures**



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The Shinede College will act according to its policies to investigate the incidents related to the sexual misconduct. The Shinede College will take disciplinary action, if the college management determines that any student or staff member of the college is involved in sexual misconduct. This disciplinary action may include warning or termination of the employee/ dismissal of the student.

The Shinede College respects the privacy and fair treatment rights of the individual experiencing sexual misconduct and suspected perpetrators.

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](http://www.privatetraininginstitutions.gov.bc.ca).