

Policy Title: Sexual Misconduct Policy

Approved by: Campus Director

Executive(s) Responsible: Associate Director, Student Services/Registrar; and Associate Director, Compliance and Risk Management

Administrator(s) Responsible: Operations and Communications Manager; Student Services Officer; and Compliance Officer

Revision Date: May 5, 2023

Effective Date: October 27, 2022

Next Review Date: May 5, 2024

Institution Number: 4119

Background & Scope

The Canadian College of Technology and Business (CCTB) is committed to the prevention of and appropriate response to sexual misconduct.

This policy applies to the entire CCTB community, including staff, students, visitors, and contractors.

Purpose of the Policy

The purpose of this policy is to define the process that individuals must follow to make a complaint or a report of sexual misconduct, as well as the process that will be used by the institute to respond to them.

Policy Statement

A complaint of sexual misconduct is different than a report of sexual misconduct.

1. Complaint Process

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

- 1.1. The person making the complaint should provide the information regarding the complaint in-person, through video or audio conference, or in writing, to Melissa Nisbet, Operations and Communication Manager (melissa.nisbet@canadianctb.ca). If she is absent or named in the complaint, the complaint can be made, using the same means noted above, to Karlo Avenido, Associate Director, Student Services/Registrar (karlo.avenido@canadianctb.ca).

2. Responding to a Complaint

The process for responding to a complaint of sexual misconduct involving a student is as follows:

2.1. CCTB will provide written acknowledgement of the receipt of a complaint within two (2) business days. A preliminary response to the complaint will be set up to take place within five (5) business days of the complaint being received.

3. Report Process

The process for making a report of sexual misconduct involving a student is as follows:

3.1. The report must be documented using the *Incident Report Form*. A confidential file will be created for each instance an *Incident Report Form* is submitted to the Operations and Communications Manager or the Associate Director, Student Services/Registrar.

3.2. The person should provide the information in a comprehensive written report to Melissa Nisbet, Operations and Communications Manager. If she is absent or named in the complaint, the complaint can be made, using the same means noted above, to Karlo Avenido, Associate Director, Student Services/Registrar.

3.2. The report should set out the relevant details regarding the alleged Sexual Misconduct, or other alleged violation of the policy. The report should include a list of any potential witnesses, along with a description of the information those witnesses are expected to provide. Any relevant documents, including any social media or digital communications, video footage, or digital forensic evidence should also be included with the report.

3.3. The documentation collected will be kept in the confidential file to assist in further investigation.

4. Responding to a Report

The process for responding to a report of sexual misconduct involving a student is as follows:

4.1. Upon receipt of a report, the CCTB official will conduct an initial review to determine whether the allegations in the report fall under the CCTB Sexual Misconduct Policy.

4.1.2. The CCTB official will make a determination whether law enforcement or emergency medical services may be necessary.

4.2. This review will occur within 14 calendar days of receiving a report, unless exceptional circumstances exist that prevent the meeting of this timeline, in which case they will contact the individual making the Report as soon as possible to inform them of the revised timeline.

4.3. The official may implement interim measures as they consider appropriate, to protect the safety of the CCTB Community or any of its members during an evaluation of a complaint or report or pending the completion of an investigation. Such measures may include, but are not limited to, directing the complainant, respondent, witnesses, or other parties to cease and desist from engaging in a particular

type of behaviour; restricting access to a CCTB campus or specific areas of a CCTB campus; altering the learning or work schedule of an individual; imposing a no-contact directive; and/or temporary, non-disciplinary leave of an individual.

5. College's Responsibilities

In all instances the institution 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; and
- Respect the right of the individual to choose the services they consider most appropriate.

6. Retaliation

It is contrary to this policy for CCTB, its staff, partners, or other related entities to retaliate, engage in reprisals or threaten to retaliate in relation to a complaint or report.

7. Confidentiality

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; and
- Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

8. Disciplinary Action

8.1. 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.

8.2. If it is determined by CCTB that a student at our college has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of instructors or staff or expulsion of a student.

CCTB 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.

Definitions

Complaint: A victim/survivor of sexual misconduct may choose to disclose or complain of sexual misconduct without making a formal report to seek support. 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.

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. It can be made by a witness, for example.

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.

Related Legislation

- Private Training Act

Document History

Date	Approval/Review/Key Change(s)