

KCCIHS Sexual Misconduct Policy

Scope:

This policy outlines the protocols and procedures of Kootenay Columbia College of Integrative Health Sciences (KCCIHS) in regards to sexual misconduct and the steps that will take place if there is a report or disclosure of information about acts of sexual misconduct performed by another student, or a staff member of KCCIHS. Complaints from students are relevant whether the incident occurred on or off school property.

KCCIHS reserves the right to pursue legal action, conduct internal investigations, bring incidents to higher authorities (such as the police) and conduct any other necessary and appropriate action in order to preserve the safety and security of its staff and students.

Policy Statement:

KCCIHS will tolerate no form of sexual misconduct and will respond immediately to reported incidents. Sexual misconduct degrades our learning environment and creates an unsafe atmosphere for students. If a student or staff member is found to have committed acts of sexual misconduct or sexual violence, that person will face disciplinary actions, up to and including dismissal or expulsion.

KCCIHS encourages the immediate reporting of sexual misconduct by those who have knowledge of, have witnessed, been involved in, or have been victims/survivors of any form of sexual misconduct. KCCIHS will respect the privacy of students (or staff) who come forward to report an incident of sexual misconduct. Confidentiality is a priority for all persons involved in any alleged incidents. KCCIHS will strive to maintain confidentiality of the situation and any persons involved, as long as it is not in direct conflict with the law, and as long as there is no impending risk or harm to another person.

KCCIHS values fairness and truth, and will conduct a thorough investigation in response to allegations. KCCIHS will not tolerate any reprisal or mistreatment against anyone involved in a report of sexual misconduct.

Purpose:

KCCIHS strives to create a safe, compassionate and respectful learning environment. KCCIHS's sexual misconduct policy is intended to outline the steps that will be taken in the case of sexual misconduct. The purpose of this policy is as follows:

- Inform students of their rights to safety, privacy and respect
- Inform KCCIHS students and staff about the sexual misconduct policy

- Outline the steps that will be taken in case of sexual misconduct
- Provide an outline of the support that students will receive if they come forward with a complaint of sexual misconduct
- Outline the response that will be taken by KCCIHS in the form of an investigation

Prevention and Education

KCCIHS is committed to educating its staff and students about sexual misconduct, prevention of sexual misconduct/violence and available support services to victims/survivors.

KCCIHS will ensure that information about community support services and online support services are made available to students via student bulletin boards, online postings and collaboration with community services.

Definitions:

Sexual Misconduct: Definition of sexual misconduct: includes any unwanted verbal, physical or psychological act carried out with sexual implications, which is humiliating, offensive or intimidating. Sexual misconduct includes but it not limited to: sexual assault/exploitation/harassment/stalking, distribution of sexually explicit materials, and the attempt or threat to commit a sexual act of misconduct.

Complaint/Disclosure: For the purposes of this policy, a complaint or disclosure of information is simply when a student communicates with another person that they have been involved in, or have knowledge of, sexual misconduct.

Report: A report, for the purposes of this policy, is a formal notification made to the academic Dean of KCCIHS, or another authority, such as the police, accompanied by a request for action.

Confidentiality: When information is confidential, it will not be disclosed to anyone. Information about sexual misconduct will be considered confidential. KCCIHS will strive to protect the privacy and anonymity of the individual who came forward with a complaint/report, and any other persons involved. The individual must give permission before KCCIHS can disclose information about the incident to another person or authority. However, this confidentiality doesn't apply if there is imminent risk of violence or harm to the individual or another person (such as self-harm or additional assaults), or if there is a conflict with the law, such as a minor (person under 19 years of age) was involved in the incident. Reporting of incidents involving a minor is required by law under the Child, Family and Community Service Act of British Columbia.

Response/Steps Taken:

If you are a student, and a fellow student discloses information about sexual misconduct, you are encouraged to respond in a respectful and non-judgmental way. You are encouraged to bring the information to the Administrator.

If you would like to file a formal complaint/report, you should seek a private audience with the Administrator.

The following are responses and steps to be taken and expected in the event of sexual misconduct:

- KCCIHS will ensure the immediate safety of the student
- KCCIHS will ask if the student needs immediate medical treatment, including emergency services (which can provide a sexual assault evidence kit if sexual violence occurred within 72 hours).
- KCCIHS will inform the student about relevant services they can access, and provide information for contacting those services if they choose. (Example: The Advocacy Centre, located at 521 Vernon Street, Nelson, BC, which will provide specialized victim assistance to victims of sexual violence, and Canadian Mental Health Association)
- KCCIHS will discuss next steps that can be taken by the student and KCCIHS, including filing a police report and KCCIHS conducting an investigation into the incident
- KCCIHS will respect the student's choices to the fullest extent it is able. If there is imminent risk to another person or persons, KCCIHS has a duty to contact police authorities in order to mitigate further violence.
- KCCIHS takes allegations of sexual misconduct very seriously, and will respond immediately to the complaint
- An internal investigation will be conducted and a guilty perpetrator will face serious repercussions including but not limited to: expulsion from school and criminal or civil charges.
- An internal investigation will be prompt, fair and impartial and may include: collection and review of relevant documents (paper documents, emails etc.), interviewing witnesses and individuals involved in the incident, consulting with police, relevant community services, victim services counsellors and lawyers.