

Kootenay Columbia College

of Integrative Health Sciences



SEXUAL MISCONDUCT POLICY

<u>KOOTENAY COLUMBIA COLLEGE OF INTEGRATIVE HEALTH SCIENCES</u>	<u>1365</u>	
Name of Institution	Institution Number	
<u>Sexual Misconduct Policy</u>	<u>December 18, 2017</u>	<u>July 7, 2022</u>
Name of Policy	Effective Date	Revision Date
<u>REGISTERED MASSAGE THERAPY / TRADITIONAL CHINESE MEDICINE PROGRAMS/ HOLISTIC NUTRITION</u>		
Name of Program		

1. **Kootenay Columbia College of Integrative Health Sciences (KCCIHS)** is committed to the prevention of and appropriate response to sexual misconduct. KCCIHS is committed to educating its staff, instructors and students about sexual misconduct, prevention of sexual misconduct/violence.

KCCIHS will ensure that information about community support services and online support services are made available to students via student bulletin boards, postings to the Learning Management System and in 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 to another person that they have been involved in, or have knowledge of, sexual misconduct.

Confidentiality: When information is confidential, it will not be disclosed to anyone. 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, for instance if 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.

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2. KCCIHS will tolerate no form of sexual misconduct and will respond immediately to reported incidents. 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.
3. 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.

4. 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
5. Complaints from students are relevant whether the incident occurred on or off school property.
6. 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;

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- 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.
7. 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.
8. 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**.
9. The process for making a **Complaint** about sexual misconduct involving a student is as follows:
- 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 or Dean.
 - If you are an instructor or admin staff member and a student or fellow staff member discloses information about sexual misconduct, you are encouraged to respond in a respectful and non-judgemental way. You are encouraged to bring the information to the Administrator or Dean.
 - If you would like to file a formal complaint/report, you should seek a private audience with the Academic Dean, Dr. James Kakulavaram (dean@kootenaycolumbiacollege.com) or Administrator, Lilith Swetland (admin@kootenaycolumbiacollege.com) if the Academic Dean is absent and/or named in the complaint.
10. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
- KCCIHS will ensure the immediate safety of the student.
 - KCCIHS will acknowledge receipt of the Complaint within 2 business days.

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- KCCIHS will ask if the student needs immediate medical treatment, including emergency services.
 - 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 counselors and lawyers.
11. The process for making a Report of sexual misconduct involving a student is as follows:
- Prepare a written statement and request for action desired.
 - Provide the written statement and request for desired action to the Academic Dean, Dr. James Kakulavaram (dean@kootenaycolumbiacollege.com) or the Administrator, Lilith Swetland (admin@kootenaycolumbiacollege.com) if the Academic Dean is absent and/or named in the complaint.
12. The process for responding to a Report of sexual misconduct involving a student is as follows:
- The Academic Dean will acknowledge and review a Report of sexual misconduct within two business days.
 - Academic Dean will follow up with the student to invite them for an in-person meeting. If it is the students preference, the meeting will be conducted via telephone.
 - Students may have a legal agent or friend accompanying them to the meeting.
 - Next steps or any decisions made will be communicated to the student in

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writing within a reasonable timeframe following the receipt of the Report.

13. The steps for making or responding to a **Report** of sexual misconduct involving an instructor or admin staff member is the same as if the individual were a student.
14. 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.
 - Respect the right of the individual to choose the services they consider most appropriate.
15. 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.
16. 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.
17. 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.

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

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.