

SEXUAL MISCONDUCT POLICY

KOOTENAY COLUMBIA COLLEGE

1365

Name of Institution

Institution Number

Sexual Misconduct Policy

December 18, 2017

March 26, 2024

Name of Policy

Effective Date

Revision Date

ALL KOOTENAY COLUMBIA COLLEGE PROGRAMS

Name of Program

1. Kootenay Columbia College (KCC) is committed to the prevention of and appropriate response to sexual misconduct. KCC strives to create a safe, compassionate and respectful learning environment. KCC will respond to sexual misconduct by:

- Informing students of their rights to safety, privacy and respect;
- Informing KCC students and staff about the sexual misconduct policy;
- Outlining the steps that will be taken in case of sexual misconduct;
- Providing an outline of the support that students will receive if they come forward with a complaint of sexual misconduct;
- Outlining KCC's response to sexual conduct

2. 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.

Definitions:

Sexual Misconduct: Refers to any unwanted verbal, physical or psychological act carried out with sexual implications, which is humiliating, offensive or intimidating. Sexual misconduct includes but is 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: When a student communicates to another person that they have been involved in, or have knowledge of, sexual misconduct.

Confidentiality: The individual must give permission before KCC can disclose information about the incident to another person or authority. 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.

3. A **Complaint** of sexual misconduct is different from 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.

4. 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. KCC will respond immediately to reported incidents which may include an investigation in response to allegations.

5. 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 and 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 and 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 Dean, SK Holma (dean@kootenaycolumbiacollege.com) or Administrator, Lilith Swetland

(admin@kootenaycolumbiacollege.com) if the Dean is absent and/or named in the complaint. Complaints from students are relevant whether the incident occurred on or off school property.

6. KCC's process for responding to a Complaint of sexual misconduct involving a student is as follows: KCC will ensure the immediate safety of the student and will ask if the student needs immediate medical treatment, including emergency services. KCC 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 the Canadian Mental Health Association). KCC will discuss next steps that can be taken by the student and KCC, which may include filing a police report and KCC conducting an investigation into the incident.

7. The process for making a Report of sexual misconduct involving a student is as follows: Provide a written statement and request for desired action to the Dean, SK Holma (dean@kootenaycolumbiacollege.com) or the Administrator, Lilith Swetland (admin@kootenaycolumbiacollege.com) if the Academic Dean is absent and/or named in the complaint.

8. The process for responding to a Report of sexual misconduct involving a student is as follows: The Dean will acknowledge and review a Report of sexual misconduct within two business days and will follow up with the student to invite them for an in-person meeting. If it is the student's 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 writing within a reasonable timeframe following the receipt of the Report. 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.

9. KCC 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.

10. 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.

11. 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.

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.

- 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 it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.
- Where reporting is required by law.

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.