

SEXUAL MISCONDUCT POLICY

1. POLICY STATEMENT

SBC College is committed to fostering a safe, inclusive, and respectful environment that promotes the health, safety, and well-being of all members of its community. The College maintains a zero-tolerance stance toward sexual violence in any form, recognizing that such behavior is harmful, unacceptable, and incompatible with the values and standards of the College.

2. PURPOSE

The purpose of this policy is to ensure that SBC College provides and maintains a safe, respectful, and inclusive learning and working environment free from sexual violence. This policy demonstrates the College's commitment to the prevention of sexual violence and to ensuring appropriate response, support, and resolution for those affected. It establishes standards of conduct, defines prohibited behaviors, and outlines the procedures and resources for the prevention, reporting, investigation, and resolution of incidents of sexual violence and sexual harassment involving students at the college.

3. SCOPE

This policy applies to:

- All students enrolled at SBC college.
- All learning environments, including classrooms, labs, online platforms, and College-related activities.

4. DEFINITIONS

Sexual Violence: any sexual act or act targeting a person's sexuality, gender identity, or gender expression that is committed without consent. This includes, but is not limited to sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, and cyber-based sexual violence.

Sexual Harassment: includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature such as uninvited touching, offensive comments or innuendos that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate.

Stalking: is a crime called criminal harassment. Stalking consists of repeated behavior that is carried out over a period of time, and which causes a person to reasonably fear for their safety and mental health.

Consent: the Criminal Code of Canada defines consent as it relates to sexual assault as the voluntary agreement to engage in sexual activity. Consent must be an active, ongoing, informed, and voluntary agreement to engage in sexual activity. An individual must actively and willingly give consent to sexual activity. Simply stated, sexual activity without consent is sexual assault. Specifically, Consent:

- cannot be assumed or implied;
- is not silence, no communication or the absence of “no”;
- cannot be given if the victim is impaired by alcohol or drugs, or is unconscious;
- should not be obtained through threats or coercion;
- can be revoked at any time, regardless of whether it was previously granted; and
- cannot be obtained if the perpetrator abuses a position of trust, power, or authority.

Complaint: a formal report of an incidence of Sexual Violence.

Complainant: an individual who discloses or reports an experience of sexual violence.

Respondent: an individual against whom a Complaint is made.

Disclosure: sharing information about an experience of sexual violence without initiating a formal complaint or investigation with another individual or the college.

Formal Report: a request for the College to initiate a formal response or investigation.

Retaliation: means any adverse action taken against a person for disclosing, making a Complaint under this Policy, participating or cooperating with an investigation under this Policy.

Sexual Assault: is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual assault is characterized by a broad range of behaviors that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

5. OBJECTIVES

This policy is guided by the following principles:

- **Safety:** Ensure the physical, emotional, and psychological safety of students.
- **Respect and Dignity:** Uphold the rights, autonomy, and lived experiences of individuals affected by sexual violence.
- **Confidentiality:** Fully protect privacy possible while meeting legal and institutional obligations.
- **Fairness:** Ensure impartial and equitable processes.
- **Support and Choice:** Empower individuals to make informed decisions regarding reporting and support.

6. ROLES AND RESPONSIBILITIES

Students:

- Respect personal boundaries and consent
- Report concerns or seek support as needed

Faculty:

- Maintain professional conduct
- Respond appropriately to disclosures
- Refer students to appropriate supports

Education Leadership:

- Serve as a primary point of contact for disclosures
- Coordinate support services

7. PREVENTION AND EDUCATION

SBC College is committed to maintaining a safe and respectful educational and work environment, free from sexual violence. The College is therefore committed to:

- Maintaining an environment free from harm, where respect and informed Consent are core values in all interactions.
- Promoting and engaging in public education and awareness with internal and external stakeholders about Sexual Violence, including its occurrence through social media and digital communication.
- Recognizing and addressing the needs of individuals and groups who may be more vulnerable to Sexual Violence and making every effort to support them.

- Raising awareness about the meaning and importance of Consent and addressing related concerns in the context of sexual activity.
- Providing comprehensive training to all members of the College community on Sexual Violence, including this Policy and related procedures.
- Actively promoting education and prevention programs to empower and inform the community and curb the occurrence of Sexual Violence.
- Offering compassionate support to individuals who disclose an incidence of Sexual Violence by informing on available choices including information and support, referral to counselling, medical care, legal options, academic, non-academic and work appropriate accommodations.
- Conducting investigations into Sexual Violence complaints with fairness and sensitivity to minimize trauma for those affected.
- Monitoring and updating policies and procedures to ensure continued relevance and effectiveness.

8. REPORTING AND RESPONSE PROTOCOL

- Individuals who disclose or file a Complaint on the occurrence of Sexual Violence can expect a response that is non-judgmental, respectful, compassionate and supportive.
- Any person who witnesses or who receives a disclosure of Sexual Violence is encouraged to immediately report the incidence to the College.
- Complaints may be made to any faculty member, staff or human resources personnel. The College is committed to addressing Complaints fairly and promptly and in accordance with this Policy.
- A Complainant retains the right at all times to decide whether to make a formal Complaint, pursue the matter through law enforcement, and access available support.
- Individuals are entitled to receive support under this Policy, irrespective of whether they file a formal Complaint.
- Upon receiving a complaint, the College will ensure prompt coordination between internal departments to facilitate its resolution.
- A Complainant may choose not to request or participate in an investigation; however, the College may still initiate or continue an investigation to fulfill its obligations under this Policy or if the Complaint poses a threat to the safety of the College community.
- The College will provide support to all staff and students immediately they disclose conduct which is contrary to this Policy, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options and reporting to police, and appropriate work/academic and non-academic accommodation.

Confidentiality

The College respects and will observe strict confidentiality of all individuals involved in a Complaint. The College will not disclose information regarding a Complaint and all parties whose interest are affected except as may be necessary for the purposes of investigating the Complaint and/or taking disciplinary action; in order to address safety concerns and as may be required by law.

Retaliation

Retaliation against any individual for exercising their rights under this Policy, participating in or cooperating with an investigation, or being associated with someone who has disclosed an incident or filed a complaint, is strictly prohibited and constitutes a violation of this Policy.

Making False Statements

Knowingly making a false complaint of sexual violence or sexual harassment, or knowingly providing false information during the complaint process, is a violation of this Policy. Individuals who engage in such conduct may be subject to disciplinary and/or corrective action.

9. INVESTIGATION AND RESOLUTION

Investigation Procedure

- The College will resolve Complaints quickly and ensuring fairness during the process.
- The College will notify the affected parties of the Complaint, and they will be given a reasonable opportunity to answer the Complaint.
- Investigative procedures may include interviews with the parties involved, individuals who observed the alleged conduct, or individuals who have relevant knowledge regarding the Complaint.
- All parties are entitled to bring a support person to meetings.
- Complainants who report sexual violence in good faith will not be asked irrelevant or inappropriate questions during the College's investigation process.

- The College may impose interim measures while an investigation is ongoing. These measures are precautionary and not disciplinary, and do not represent a finding of misconduct. Interim measures will be implemented only when necessary to ensure a safe environment for Complainants and those who report incidents of sexual violence.
- Following the conclusion of the investigation, the College will inform the Complainant and the Respondent of the investigation's outcome, and any disciplinary measures imposed.

Disciplinary Measures

- Where findings of Sexual Violence or Retaliation are made, the College will determine and implement the appropriate corrective and disciplinary action including but not limited to expulsion for students and termination for staff.
- If an investigation does not result in a finding of Sexual Violence or Retaliation, no disciplinary action will be taken against the parties. The College may, however, take steps to restore a safe and respectful environment, which could include offering support services or implementing non-disciplinary measures to address any ongoing concerns.
- Following an investigation, Disclosures or Complaints that are found to be frivolous, vexatious, or made in bad faith may result in sanctions and/or discipline against the Complainant.
- When an investigation is referred to external authorities, the College will fully cooperate with the investigation and will apply disciplinary measures as outlined in its policies and procedures.

Public Reporting

The College is committed to transparency and accountability in its efforts to prevent Sexual Violence and will report related activities and outcomes.

10. POLICY COMPLIANCE AND INTERPRETATION

Students and staff are expected to comply with this policy. Questions regarding interpretation or application should be directed to Education Leadership.