



Policy on Sexual Misconduct

ISSUE DATE: May 15, 2022

LAST REVISION DATE: May 15, 2022

REVIEW REQUIREMENTS: Every two (2) years

PERSON RESPONSIBLE FOR POLICY: Senior Education Administrator

POLICY PURPOSE

Seabird College is committed to the prevention of and appropriate response to sexual misconduct. The purpose of this policy is to affirm the College's commitment to maintaining and enhancing a safe and healthy environment for all members of the College community.

SCOPE

This policy applies to all enrolled students, all individuals employed by the College, and any other individuals acting as representatives or holding a titular position of the College.

POLICY

a. DEFINITIONS

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.

Sexual misconduct refers to a spectrum of non-consensual sexual contact and behaviour, including the following:

- i. Sexual assault,
- ii. Sexual exploitation,
- iii. Sexual harassment,
- iv. Stalking,
- v. Indecent exposure,
- vi. Voyeurism.
- vii. 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,
- viii. The attempt to commit an act of sexual misconduct, and/or the threat to commit an act of sexual misconduct.



b. PROCEDURE

- i. 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.
- ii. The process for making a Complaint about sexual misconduct involving another student is as follows:
 1. Students desiring to make a Complaint against another student will make the Complaint directly to the Education Manager or delegate with instructions on what outcomes they expect.
- iii. The process for responding to a Complaint of sexual misconduct involving another student is as follows:
 1. The Education Manager will respond to the Complaint within five business (5) days notifying the student of receipt of the Complaint and notifying the student of the amount of time required to investigate the Complaint to a maximum of thirty (30) days and an additional five business (5) days to inform all parties of any decisions or consequences.
- iv. The process for making a Report of sexual misconduct involving a student is as follows:
 1. Students desiring to make a Report against another student will make the Report directly to the Education Manager or delegate requesting a formal investigation of the matter.
- v. The process for responding to a Report of sexual misconduct involving a student is as follows:
 1. The Education Manager will respond to the Report within five business (5) days notifying the student of receipt of the Report and notifying the student the amount of time required to investigate the Report to a maximum of thirty (30) days and an additional five business (5) days to inform all parties of any decisions or consequences.
- vi. In all instances the institution will:
 1. Ensure the safety of the victim/survivor.
 2. As appropriate, provide emergency numbers for on and off campus security (if applicable), law enforcement, medical assistance, mental health services, and other services.
 3. Respect the right of the individual to choose the services they consider most appropriate.
- vii. If the Education Manager is absent or is named in the Complaint or Report, the Senior Education Administrator will perform the duties of the Education Manager within this policy.
- viii. 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.
- ix. 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.
- x. 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:
 1. If an individual is at imminent risk of severe or life-threatening self-harm.
 2. If an individual is at imminent risk of harming another.



3. There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
4. Where reporting is required by law.
5. Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

ACCOMPANYING POLICIES

This policy is a part of a suite of policies under the Seabird College Policies category.