

---

Standard Number:	<b>5010R</b>	Effective Date:	<b>Jan 1, 2024</b>
Standard Title:	<b>Sexual Violence &amp; Misconduct Rules</b>	Last Updated:	<b>Dec 15, 2023</b>
Standard Category:	<b>Human Resources</b>	Next Review Date:	<b>Jul, 2025</b>

## Sexual Violence and Misconduct Rules

### Prevention

Ridge Meadows College will take an active role in preventing cases of sexual violence and misconduct. Prevention activities may include:

- a) Providing mandatory and/or optional education and training to the college membership regarding the Sexual Violence and Misconduct service standard.
- b) Notifying members of the community if and when the college is aware of any known risk of sexual violence or misconduct and the nature of the risk.
- c) Establishing procedures for notifying, reporting and investigating incidents of sexual violence and misconduct in a prompt and confidential manner in accordance with WorkSafeBC regulations.
- d) Provide appropriate support and/or referrals to college members who disclose or file a report.

### Safety Planning and Accommodations

A College member who wishes to create a safety plan or request workplace, academic or other requirements, arising from an incident of sexual violence or misconduct may contact the Manager.

Appropriate supports and safety plans may include:

- a) Safety planning and safety measures
- b) Academic or workplace accommodations
- c) Class or work schedule changes
- d) Assistance with finding financial aide

### Disclosure of Sexual Violence or Misconduct

1. A disclosure is not the same as a report and does not normally initiate an investigation of the claim or any other process. To initiate an investigation, a report must be filed with the college manager.
2. A college member who has experienced sexual violence and misconduct may choose to disclose the experience by confiding in another college member. When an employee receives a disclosure of sexual violence or misconduct from a student or other employee they should respond to the student or employee as per Appendix A.

3. The college encourages but does not require anyone who has experienced sexual violence and misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure physical safety, to obtain medical care or emotional support, and/or to preserve evidence.
4. Any employee who receives a disclosure of sexual violence or misconduct must notify the college Manager if any of the following circumstances apply:
  - a. A person is at risk of self-harm or of harming others
  - b. There is an imminent risk of harm to a college member, or the broader community
  - c. The disclosure involves sexual harassment or misconduct in the workplace
  - d. A minor is involved or affected
  - e. Disclosure is otherwise required by law

In these cases, the minimal amount of information to meet legal or other obligations will be disclosed. Every effort will be made to involve the person making the disclosure in the decision-making process and to mitigate any associated risks.

5. The decision to disclose or report are separate decisions. An individual may choose to disclose without filing a report. Therefore a disclosure does not necessitate an investigation or other actions by the college.

### **Reports of Sexual Violence or Misconduct**

1. College members may choose to file a report of sexual violence or misconduct. Reports must be made in writing to the college Manager and specify that the intention is to report the case. If there is any question as to whether the claimant is seeking to disclose or report, the manager will ask for the claimant to specify.
2. In cases where there may be a conflict of interest, or accusation towards the manager, college members may file a report with the School District 42 HR department.
3. Upon receipt of a report, the manager will conduct an initial review to determine whether the allegations in the report fall within the college's jurisdiction to investigate. This review will occur within 7 calendar days of receiving a report unless exceptional circumstances prevent the manager from meeting the timeline.
4. If the manager determines that the report falls within the college's jurisdiction to investigate, they will appoint an investigator to investigate the report (in some cases, when there is no conflict of interest, this may be the college manager).
5. If the manager determines that the allegations in the report do not fall within the college's jurisdiction to investigate under the service standard, they will advise the claimant of this decision along with the reasons. If the manager believes that the Report discloses other kinds of misconduct or information that the college may need to act on under another service standard or process, they may refer the report or the relevant portions of the report to the appropriate employee. The manager will consult with the claimant before referring it elsewhere.

### **Interim Measures**

1. The manager may implement interim measures as they consider appropriate, to protect the safety of college members during an evaluation of a disclosure or report or pending the completion of an investigation. Such measures may include but are not limited to directing the claimant, respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour; restricting access to campus or specific areas of campus; alteration of the learning or work schedule of an individual; imposing a no-contact directive; and/or temporary, non-disciplinary leave of an individual.

### **Investigations**

1. The investigator will advise participants in the investigation process of the option to have a support person present for interviews.
2. Except in exceptional circumstances, investigations (including the preparation of the investigator's report) will be completed within 60 calendar days of the investigator's receipt of the report. If during the course of the investigation the investigator believes that this timeline cannot be met, the investigator will contact the claimant, the respondent, and the manager as soon as possible to inform them of the revised timeline.
3. Investigations are not adversarial processes, and hearings will not be held as part of the investigatory process. Formal rules of evidence commonly associated with a civil or criminal trial will not be applied.
4. In all investigations, the respondent will be informed of the allegations made against them and will be given a full opportunity to respond.
5. The investigator will conduct the investigation in a procedurally fair manner, using a process determined by the investigator. The investigation process may include, but is not limited to, the following:
  - a. Requesting a written response to the report from the respondent, including a list of any potential witnesses along with a description of the information those witnesses are expected to provide, and any relevant documents, including any social media communications
  - b. Meeting with or requesting further information from the claimant
  - c. Meeting with or requesting further information from the respondent
  - d. Meeting with or requesting further information from any other individuals who may have information relevant to the investigation, including any witnesses identified by the claimant or the respondent
  - e. Inviting the claimant and the respondent to submit questions they believe should be asked of the other party or any witness, provided that the decision as to whether such questions will actually be asked of the other party or a witness is entirely within the discretion of the investigator; and
  - f. Obtaining any other evidence that may be relevant to the investigation.

6. At the completion of the investigation, the investigator will submit a written report to the manager. The investigator's report will include the following information:
  - a. A description of the allegations
  - b. A description of the investigative process; a summary of the evidence considered; an analysis of the evidence including any assessment of credibility that is required to make a determination; and
  - c. The investigator's findings of fact, and a determination as to whether, on a balance of probabilities, the service standard has been violated in respect of each allegation.

### Investigation Outcomes

1. If the investigator's report determines that sexual violence and misconduct has occurred, or that the service standard has otherwise been violated, the following will occur:
  - a. The manager, in consultation with the investigator will determine what disciplinary sanctions or other measures are appropriate based on the findings in the report and may recommend suspension or expulsion of a student or suspension or termination of employment of an employee
  - b. The claimant and the respondent will be notified of the decision
  - c. The respondent will be notified of the option to appeal, as described below
2. In addition to any sanctions or disciplinary actions, the college may require workshops and/or mediation for the parties or other college members in the environment affected by the report or investigation.
3. If the investigator's report determines that that the service standard has not been violated, the manager will dismiss the report and so notify the claimant and the respondent. The claimant will be notified of the option to appeal, as described below.
4. Whether or not the investigator's report determines that sexual violence and misconduct has occurred, or that the service standard has otherwise been violated, if the manager believes that the investigator's report discloses other kinds of misconduct or information that the college may need to act on under another college service standard or process, they may refer the investigator's report, or the relevant portions of the report, to the appropriate college authority. When appropriate, the manager will consult with the person making the report before referring it elsewhere.

### **Confidentiality**

1. Confidentiality of all persons and information involved in a disclosure or report of sexual violence and misconduct is expected.
2. To protect the integrity, fairness, and effectiveness of investigations and to ensure compliance with the BC Freedom of Information and Protection of Privacy Act ("FIPPA"), all participants in an investigation must act in accordance with the requirements set out below.
3. Individuals, including the claimant and the respondent, who have obtained personal information about an identifiable individual through their participation in an investigation must not disclose

this information to anybody except their own personal advisors or representatives, or as required by law. However, this section does not prevent:

- a. Any participants in an investigation from disclosing information about themselves, or information that they have obtained outside the investigation; or
  - b. College representatives from disclosing investigation-related information as authorized under the service standard.
4. The college will not disclose any personal information related to an investigation except to the extent such disclosure is:
- a. Expressly authorized by the affected individual
  - b. To a college representative, if necessary, for the performance of that individual's duties
  - c. To a claimant, respondent, witness, or other participant in the investigation, if necessary, for the conduct of the investigation
  - d. Authorized by the service standard, or
  - e. Authorized or required under law
5. information may also be shared where:
- a. An individual is at imminent risk of self-harm
  - b. An individual is at imminent risk of harming another, or
  - c. There are reasonable grounds to believe that others in the college community or wider community may be at risk of harm
6. To maintain the integrity of the investigation process, the college must ensure that both claimants and respondents know the investigation findings.
7. Under FIPPA, the college is only authorized to disclose sanctions it has taken against a respondent if the disclosure is authorized by the college for compelling health or safety reasons. The college will normally inform a claimant of any relevant restrictions that have been imposed upon the respondent's movements or activities.

### **Retaliatory Action**

1. Retaliatory action of any kind is prohibited. This includes retaliatory action against a person who discloses or files a report regarding sexual violence and misconduct, against witnesses, or against any other persons involved in the process.
2. Where a member of the college community is found to have engaged in retaliatory action, or to have breached the confidentiality requirements in the service standard, the college may take appropriate disciplinary action.

### **Appeal**

1. A claimant or respondent may appeal the decision of the manager to school district no. 42 senior team. A student who has been suspended or expelled by the manager has a right of appeal to school district no. 42 senior team.
2. The appeal must be submitted in writing within ten (10) business days of the decision being received by the claimant/respondent, and must state specific grounds for the appeal which will be limited to:

- a. How the service standard was incorrectly applied,
  - b. How due process was not followed, or
  - c. How the severity of the sanction was disproportionate to the nature of the violation of the service standard.
3. The appeal will not reconsider the original report unless the person or body deciding the appeal finds that relevant evidence has become available that was not available at the time of the original decision and there is a strong probability that such evidence would have a significant effect on the decision.
4. The appeal may be upheld or dismissed, in whole or in part, and/or referred back to the manager for reconsideration.
5. The person or body deciding the appeal will give reasons for their decision in writing.

---

## Appendix A

### **Disclosure of Sexual Violence or Misconduct by a Member of the College Community**

The purpose of this appendix is to provide advice and guidance to a member of the college community who is approached by someone who wishes to disclose an incident of sexual violence or misconduct.

The member should:

1. Respond in a manner that demonstrates compassion and respect.
2. Refrain from asking questions or making comments that imply judgment or blaming such as questions about dress, conduct, language, emotional disposition, past sexual history, or consumption of alcohol or drugs.
3. Listen empathically and without judgement or interruption and avoid personal advice.
4. Validate their experience or reactions and reassure them that they are not responsible for the other person's actions.
5. Ask them what can be done to support them.
6. Help them to identify safe individuals within their existing support system and review their current safety.
7. Provide information about on-campus and off-campus resources, as appropriate to the college member.
8. Encourage them to seek medical attention and counselling support, while respecting their right to choose the services they believe will benefit them the most, including any decision to notify the police.
9. Refer to the manager or program chair if accommodations or support services are needed.
10. Inform them of their right to make a formal report and explain the length of time that an investigation and disciplinary process may take.
11. Do not promise, or agree to conduct, or commence to conduct an investigation into any incident or incidents.
12. Do not call the police unless they specifically ask you to do so.