

Sexual Misconduct Policy

Cumberland College for Applied Learning Inc.		4667
		Institution Number
Sexual Misconduct Policy	September 1, 2021	October 10, 2024
Name of Policy	Effective Date	Revision Date

1. Purpose and Policy Objectives: Cumberland College for Applied Learning is:
 - a. responsible for the prevention of and appropriate response to sexual misconduct
 - b. committed to ensuring that its learning environment, on-premises, online, and at off-campus events, promotes a safe and secure environment for everyone, free from sexual misconduct.
 - c. committed to maintaining an environment in which it is secure and comfortable to file Complaints and Reports in good faith.
 - d. committed to assisting those who have experienced sexual misconduct.
 - e. committed to ensuring victims/survivors of sexual misconduct are treated with compassion, dignity, and respect.
 - f. dedicated to ensuring all individuals involved understand the College's confidentiality obligations and the limits of those obligations under the law.
 - g. committed to respect the procedural fairness rights of victims/survivors and alleged perpetrators.

2. 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
 - 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
 - the threat to commit an act of sexual misconduct.
3. A **Complaint** of sexual misconduct is different than a **Report** of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.
4. Scope: A student, faculty, staff, administration, or visitor making a **Complaint** will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a **Report**.
5. The process for making a **Complaint** about sexual misconduct involving a student is as follows:
- There is no time limit to bring forward a complaint by a victim or a witness.
 - A complaint may be directed to:
 - Patrick Golding -Director of Admissions pgolding@cumberland.college
 - In the case where the Director of Admissions is absent or a complaint involves the Director of Admissions, a complaint may be made verbally or in writing to the Director, Philippe Taza: ptaza@cumberland.college
 - As confidentiality and privacy are of utmost importance any complaint of sexual misconduct will be kept confidential and private to the extent permitted by law
 - Confidentiality may be limited by the following: imminent risk to the health and safety of the complainant and/or other members of the College
6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
- Immediate action by those in authority will be taken as soon as a complaint is received under the principles of procedural fairness in dealing with allegations of sexual misconduct.
 - Resources and support may be provided in the forms of, but not limited to, immediate action to ensure the protection and accommodation of the complainant, options to file a formal report, list of resources, appointment of a counsellor and/or external investigator.
 - Timeliness of investigation and response will vary based on factors and circumstances of each case.
7. The process for making a **Report** of sexual misconduct involving a student is as follows:
- There is no time limit to make a report by a victim or a witness.

- A report may be withdrawn at any time, although the College may continue to investigate the matter.
 - A report may be directed to:
 - Patrick Golding, Director of Admissions: pgolding@cumberland.college
 - In the case where the Director of Admissions is absent or a complaint involves the Director of Admissions, a report may be made in writing to the Director, Philippe Taza: ptaza@cumberland.college
 - As confidentiality and privacy are of utmost importance a report of sexual misconduct will be kept confidential and private to the extent permitted by law
 - Confidentiality may be limited by the following: imminent risk to the health and safety of the complainant and/or other members of the College.
 - Herein are the rights of an alleged perpetrator:
 - A respectful and fair investigation
 - Reasonable notice
 - Opportunity to respond
8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
- Speedy action by those in authority will be taken as soon as a report is received and reviewed under the principles of procedural fairness in dealing with allegations of sexual misconduct.
 - Resources and support may be provided in the forms of, but not limited to, immediate action to ensure the protection and accommodation of the complainant, options to file a formal report, list of resources, appointment of a counsellor and/or external investigator.
 - Timeliness of investigation and response will vary based on factors and circumstances of each case.
 - The victim/survivor will be kept informed, promptly, either verbally or in writing, of the progress of the investigation and decision-making.
 - Sanctions may include, but are not limited to letter or reprimand, temporary suspension, dismissal, and/or other sanctions imposable by law.
9. 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.
10. 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.

11. 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.

12. This policy will be reviewed every three years, or earlier as prescribed by law, by senior members of Cumberland College for Applied Learning Inc.

Important websites relevant to this policy:

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/16023_01

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/if-you-are-a-victim-of-a-crime>

<https://laws-lois.justice.gc.ca/eng/acts/c-46/>

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_96210_01

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.