

LESTER B PEARSON COLLEGE of the PACIFIC UWC

SEXUAL MISCONDUCT-SEXUAL VIOLENCE POLICY

Building and Sustaining a Culture of Respect and Consent

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GENERAL

In keeping with Canadian culture, federal and provincial laws, the British Columbia Child, Family and Community Service Act, the British Columbia Human Rights Code and the ethos of the United World Colleges movement, Lester B Pearson College of the Pacific UWC (hereinafter “Pearson College UWC” or “the College”) is committed and obliged to provide a safe and respectful environment for all its youth, child and adult populations; as well as all employees, volunteers, students, and other campus residents of Pearson College UWC.

This Policy aims to prevent and respond to instances of Sexual Misconduct, Harassment, Abuse, Assault, and/or Violence. It is an adjunct to the *Respectful Community Policy* and other related Pearson College UWC policies and documents including the *Gender-Diversity Policy*, the *Non-Discrimination Policy*, Incident Protocols, Emergency Procedures and the Student Handbook.

It is the responsibility of the Head of College to ensure that all adult and youth members of the Pearson College UWC Community are familiar with this Policy. To this end, all members of the community will be required to participate in continual training and education in support of this and related Policies. They will also be required to annually review and sign a copy of this Policy. All new employees, volunteers, students, and other campus residents must read in full and sign this Policy.

PRINCIPLES

This Policy aims to ensure that Pearson College UWC builds and sustains a community of respect and consent between its members to prevent, educate and assist in all matters related to Sexual Misconduct, Harassment, Abuse, Assault, and/or Violence.

The College does not tolerate any form of Sexual Misconduct, Harassment, Abuse, Assault, and/or Violence.

The College does not tolerate any sexual relationship between an adult (faculty, staff, resident, volunteer, visitor, guest, contracted services member) and a student (regardless of age), minor volunteer or adult with a mental or physical disability involved in a program at the College. The College does not tolerate a sexual relationship between any person 19 years of age and older in a position of authority and any student. In such relationships, consent cannot reasonably be given and would be deemed to be a serious breach of trust, if not the law. In British Columbia the age of majority is 19. This Policy and the *Respectful Community Policy* apply.

The College will not tolerate any sexual relationship between adults that is in breach of this Sexual Misconduct-Sexual Violence Policy.

The College will respond to complaints in a manner that supports all persons involved in a Complaint, consistent with College policies and principles of procedural fairness and commensurate with the circumstances and seriousness of the alleged offence.

With the particular gift and challenge of a highly diverse student community, our priorities are to ensure that:

- All youth and adult community members are fully aware of the law and community expectations with regard to Sexual Misconduct, Harassment, Abuse, Assault, and/or Violence.
- All adult community members are aware of their legal duty under the *British Columbia Child, Family and Community Services Act* when a person under the age of 19 needs protection. (This is described in Section 2.2.)
- All youth and adult community members are offered adequate and continuing training including understanding what constitutes such offenses and what the consequences are for such offenses.
- All youth and adult community members are aware of the appropriate responses, as survivor, witness or recipient of information regarding incidents of offenses.
- Pearson College UWC provides a safe and secure learning, living and working environment that is free from Sexual Misconduct, Harassment Abuse, Assault, and/or Violence.
- Allegations of Sexual Misconduct, Harassment, Abuse, Assault, and/or Violence are treated in a fair, impartial, timely and confidential manner.
- All those involved in such allegations receive the appropriate professional support.

This Policy applies if the Sexual Misconduct, Harassment, Abuse, Assault and/or Violence is alleged to have occurred on Pearson College UWC property or at College-sanctioned events or locations under the authority of the College (for example during Project Week, CAS activities or the One World Concert rehearsals). This Policy applies to incidents that take place in person or online. This Policy applies also in

cases in which a student discloses one or more incidents of sexual assault or abuse that have occurred outside the authority of Pearson College UWC (for example, including at any time prior to their arrival at the College and/or during winter or summer Breaks off campus).

There is no time limit on the reporting of such incidents.

In this Policy, where there is reference to the Head of College or their designate, the designate is normally the Acting or Deputy Head of College. In the case of a Complaint against a student, the designate may be the Vice-President Education and Programming, insofar as the Dean of Students reports to that Vice-President; in the case of a Complaint against an adult, the designate may be the Vice-President Operations and Administration in their capacity as head of Human Resources. In the case of a complaint against an adult involving a child resident or child guest on campus, the report is to be made to the Head of College or their designate where the designate may be the Vice-President Operations and Administration.

1. DEFINITIONS

1.1 Complainant

Any individual who believes themselves to have been subjected to Sexual Misconduct, Harassment, Abuse, Assault and/or Violence.

1.2 Respondent

The individual or individuals alleged to have been engaged in the Sexual Misconduct, Harassment, Abuse, Assault, and/or Violence.

1.3 Disclosure

Disclosure involves the sharing of information – explicit or general, intentional or accidental – regarding an incident(s) of sexual misconduct, harassment, abuse, assault and/or violence by a survivor to another individual(s).

1.4 Perpetrator

The perpetrator is the individual who has allegedly committed the offense. If a Complaint is filed, the alleged perpetrator becomes the Respondent.

1.5 Survivor

A survivor is the individual who has suffered from the offense. If the survivor wishes to file a Complaint, then the survivor becomes the claimant.

1.6 RCMP

For ease of reporting, where this Policy references the Royal Canadian Mounted Police (RCMP) this reference also includes local law enforcement where the incident allegedly occurred.

1.7 Adult

For the purposes of this Policy, the term “adult” refers to any individual aged 19 or over.

1.8 Student

For the purposes of this Policy, the term “student” refers to any individual (of any age) who is registered in one or more of the College’s educational programs, including its youth summer programs and all programs sanctioned by Pearson College UWC.

1.9 Pearson Community

For the purposes of this Policy, the Pearson College UWC community includes employees, volunteers, students, other campus residents, contractors and campus guests. The Policy will be invoked should any member of the community be a survivor or perpetrator while employed, living, studying or volunteering at the College. Disclosures made about incidents happening beyond the authority of Pearson College UWC will be addressed in conjunction with the appropriate legal systems.

1.10 Consent

For consent to be valid the person consenting must be competent, informed and acting voluntarily. Consent to sexual activity is the clear and continuing voluntary agreement to engage in the sexual activity(s) in question and to continue to engage in the activity. If someone expresses, by words or conduct, a lack of agreement to engage in the activity or to continue to engage in the activity, then there is no consent. Consenting to one kind of sexual activity does not mean that consent is given for another sexual activity, and consent applies only to each specific instance of sexual activity.

Consent:

- Cannot be assumed or implied: no assent means no consent;
- Cannot be obtained if the agreement is expressed by the words or conduct of a person other than the person engaging in the activity;
- Cannot be obtained if the person involved is incapable of consenting to the activity, such as when the person is affected by alcohol or drugs, or if the person is unconscious;
- Cannot be obtained through the application of force, as a result of threats or fear of the application of force, coercion, by fraud, or by an exercise of authority;
- Cannot be obtained if the perpetrator induces the survivor to engage in the activity by abusing a position of trust, power, or authority;
- Can be revoked at any time;
- In Canada, the legal age of consent for sexual activity is 16

Consent as it relates to Sexual Assault is further defined in the Criminal code of Canada, sections 265(1) and (2) and (3), and 271-273 <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-265.html> , <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-271.html> , <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-273.html>

1.11 Sexual Misconduct

Sexual misconduct is a form of sexual violence and is any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can

be committed by a person of any gender, and it can occur between people of the same or different gender. Sexual Misconduct includes, but is not limited to, sexual assault, sexual abuse, sexual harassment, sexual exploitation, sexual intimidation, threats and stalking, prostituting another person, , nonconsensual still or video photography (using any device) of sexual activity; presentation, unauthorized viewing and distribution of such images, letting others watch you have sex without the knowledge or consent of your sexual partner, possession of child pornography, voyeurism, incest and/or knowingly transmitting a sexually transmitted disease (STD.)

1.12 Sexual Violence

Sexual Violence is an act of non-consensual sexual contact that can include any action from sexual harassment to sexual assault. It is any sexual act or behavior that is committed against a person's will when that person does not or cannot consent. Survivors of sexual violence may know the perpetrator(s) from a casual encounter to a dating or marital relationship with the perpetrator, or the perpetrator may be unknown to the survivor. A person of any age or gender may be a survivor of sexual violence.

a) Sexual Abuse

Sexual abuse is a form for sexual violence involving repeated unwanted sexual activity by one person toward another, with perpetrators using force, making threats or taking advantage of survivors who are not able to give consent.

b) Sexual Assault

Sexual assault is a form of sexual violence that involves any form of sexual contact that occurs to a person without that person's consent. Sexual Assault includes the threat of sexual contact. Sexual assault can include any acts ranging from unwanted sexual touching to forced sexual intercourse. Sexual assault is a crime regardless of the relationship between the individuals involved, and therefore can be perpetrated by total strangers, casual acquaintances, dating partners, significant others, or marriage partners. According to the British Columbia Ministry of Justice, it is a crime to abuse a position of trust, power or authority to cause another person to have sex.

People of all ages and genders can experience sexual assault and may disclose historical as well as recent or current incidents.

Sexual Assault:

- Includes a range of sexual activities including, but not limited to, oral contact (kissing), groping, touching, oral sex, vaginal or anal penetration, and/or other forms of penetration;
- Can occur between individuals regardless of sexual orientation, gender, gender identity, or relationship status; and/or
- Can occur when an individual engages in sexual activity with another person whom the individual knows, or reasonably ought to have known, is mentally or physically incapacitated (e.g., by drug or alcohol use, unconsciousness, blackout, or as a result of a disability).

Sexual assault is further defined in the Criminal code of Canada, sections 265(1) and (2) and (3), and 271-273 <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-265.html> , <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-271.html> , <http://laws-lois.justice.gc.ca/eng/acts/C-46/section-273.html>

c) Sexual Harassment

Sexual Harassment is a form of sexual violence in which the behavior is i) non-consensual and ii) sexual or related to a person's sex. Whereas sexual assault is a crime prosecuted under the Criminal Code of Canada, sexual harassment is a civil offense coming under different legislation at the provincial and federal level.

Sexual harassment is any unwelcome conduct of a sexual nature that detrimentally affects an individual's learning, living or work environment and/or leads to adverse consequences for the individual or survivor.

Sexual Harassment can be any form of behaviour of a sexual nature that is non-consensual and could reasonably be considered to be objectionable or offensive. Sexual harassment includes:

- Leering, peeping,
- Displaying unwelcome gestures of affection,
- Spreading sexual rumours about an individual,
- Intrusive questioning about a person's sexual life or preferences,
- Invading personal space,
- Making inappropriate comments about a person's body or appearance, or remarks about a person's body generally,
- Bragging about sexual prowess, openly discussing sexual tastes, kinks, habits, or predatory behaviour,
- Telling crude sexual jokes and displaying graphic sexual materials.

Harassment can include sexual advances, lewd or offensive language and gestures, and displays of sexually offensive images and/or videos in which:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational progress; or
- Submission to or rejection of such conduct is used as a basis for employment or educational decisions; or
- Such conduct has the purpose or effect of interfering with work or educational performance; or
- Such conduct creates an intimidating, hostile, or offensive working or educational environment and includes comments which make others feel uncomfortable.

A finding of intention to harass is not required in order to establish a breach of this Policy.

1.13 Hostile Environment

Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:

- Is severe, pervasive, or persistent, and objectively offensive such that it denies or limits a person's ability to participate in or benefit from the College's programs, services opportunities or activities
- Unreasonably interferes with the individual's academic or work performance

A hostile environment can be created by anyone involved in a College program or activity, such as a faculty or staff member, student, resident, volunteer, contractor, or campus guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a sexual assault, can be sufficient.

Determining whether conduct creates a hostile environment depends not only on whether the conduct was un-welcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct to be objectively offensive. The following factors will also be considered:

- The degree to which the conduct affected one or more students' education or individual's employment
- The nature, scope, frequency, duration, and location of the incident(s)
- The identity, number, and relationship of persons involved

1.14 Dating Violence

Dating violence is an act of non-consensual sexual assault, abuse and/or violence committed by an individual in the context of a relationship of a romantic or intimate nature with another person.

1.15 Reporting

Reporting refers to providing a formal account or statement about any incident covered by this policy to an individual who or institution that has the authority to take action. A report can be made by a survivor or by a third party.

Reasons for reporting can vary from concern for individual or community safety to seeking disciplinary or criminal actions against the perpetrator.

1.16 Restorative Justice

Restorative justice is an approach to justice that involves the agreement of the Complainant(s), the Respondent(s) and the community in a mediated restitution process that seeks to remedy the adverse effects of a crime, to the satisfaction of all parties involved.

2. PROTOCOLS

Any member of the College community may bring a concern about sexual misconduct or violence that falls within the scope of this Policy to the attention of the College and/or report their concern(s) directly to the RCMP.

While the College encourages immediate reporting by those who have knowledge of or who have witnessed incidents of sexual violence or misconduct, it will accept such reports at any time.

Disclosures can be made to any member of the community, and are usually made to a person who the survivor knows and/or trusts. Disclosures may be made also through the *Ethicspoint* helpline:

<https://www.pearsoncollege.ca/about/ethicspoint-helpline/>

Reporting a concern will initiate a formal investigation only when requested by the survivor, or in the following situations:

- If there is a legal obligation to undertake an investigation; or
- There is a reasonable assumption of risk to the individual or to members of the College community.

The survivor, witnesses and reporters should document all the facts surrounding the incident, to be submitted to the Head of College or their designate and to be kept on record. Guidelines for documenting an incident can be found in the *Respectful Community Policy* Section 5 and *Incident Protocols* in the Pearson College UWC *Emergency Procedures*.

There is no time limit on the reporting of such incidents.

2.1 Confidentiality

Pearson College UWC recognizes that privacy and the maintenance of dignity and control over personal information is particularly important to both survivor(s) and the alleged perpetrator(s).

The College will respect and maintain the confidentiality of all persons involved, recognizing that limited information sharing may be necessary to address the concerns and ensure procedural fairness.

Confidentiality cannot be assured in the following circumstances:

- When an individual is at imminent risk of self-harm.
- When an individual is at imminent risk of harming another.
- When there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.
- Where there is a legal duty to report. (See Section 2.4 regarding RCMP and the *BC Child, Family and Community Services Act*)

In the case of a person under 19 years of age the parents will also be informed.

2.2 Sexual Misconduct, Abuse, Assault or Violence

Sexual Abuse and Assault are indictable offenses under the *Criminal Code of Canada*.

A survivor, witness to or recipient of information concerning claimed sexual misconduct, abuse, assault or violence committed in the Pearson College UWC community should report the incident(s) immediately.

Reporting requirements depend on whether the alleged offense occurs within or outside the authority of the College as follows:

Offences committed by or against an employee, volunteer, student or other campus resident while under the authority of Pearson College UWC (for example, on campus or at College-sanctioned events or locations)	Offences committed against a student while outside the authority of Pearson College UWC (for example, any time prior to arrival and/or during Winter or Summer Break not taken at the College)
Against an Adult	
<ul style="list-style-type: none"> a) the survivor may disclose to any adult b) the bystander or recipient of information should report the incident to the Head of College or their designate. 	
Against a Student	
<ul style="list-style-type: none"> a) the incident must be reported to an adult, who will subsequently report it to the Head of College or their designate. The latter will, when appropriate as required by law, report to the RCMP. (See "Reporting" Section 2.4 for information on when the RCMP will be notified.) The Head of College or their designate will also ensure that the College takes all necessary action according to its obligations under the <i>BC Child, Family and Community Services Act</i>. b) the incident should be reported also to the Dean of Students, Nurse and/or Mental Health Nurse, who will ensure that the survivor has appropriate medical and mental health support and treatment. 	<p>At times a student may disclose one or more incidents of sexual assault or abuse which has/have occurred in the student's home community or beyond the jurisdiction of Pearson College UWC. In such instances, the first concern should be for the well-being of the student, who will often have disclosed precisely because the student now feels safe to do so.</p> <p>The student's safety, health and well-being in these situations are of prime importance. The student may disclose to any adult on campus.</p> <p>The recipient of such a disclosure should support the student in going to the Health Centre where the student will be directed to a qualified counsellor who will support the student in a recording and healing process.</p> <p>Discretion and confidentiality will be preserved as much as possible. The utmost discretion will be used, but the Vice-President Education and Programming and Dean of Students and the Head of College or their designate will be informed.</p> <p>Where required by law the RCMP, will be notified. (See Section 2.4) The College will also take all necessary action according to its</p>

	<p>obligations under the <i>BC Child, Family and Community Services Act</i>.</p> <p>The student will be offered ongoing mental and physical health support.</p> <p>In all cases, the Health Centre and Dean of Students will deliver a record of the incident and response to the Vice-President Education and Programming and the Head of College or their designate, who may, depending on the circumstances surrounding the abuse or assault, inform the student's family.</p>
<p>Against a Child</p>	
<p>In instances in which the victim is a child resident or child guest on campus, the incident must be reported to an adult, who will subsequently report it to the Head of College or their designate. The latter will, when appropriate as required by law, report to the RCMP. (See "Reporting" Section 2.4 for information on when the RCMP will be notified.) The Head of College will supervise the process of the investigation of such cases directly. When the complaint is against the Head of College the report is to be made to the Chair of the Human Resources Committee of the Board of Directors.</p> <p>The Head of College or their designate will also ensure that the College takes all necessary action according to its obligations under the <i>BC Child, Family and Community Services Act</i>.</p>	

2.3 Sexual Harassment

Committed while under the authority of Pearson College UWC (at the College or College-sanctioned events or locations)

Adults and Students:

Canadian laws such as the *Canada Labour Code* and the *Canadian Human Rights Act* protect workers against sexual harassment in their place of employment. In British Columbia, anyone under the age of 19 is a minor and is protected under the *British Columbia Child, Family and Community Services Act* and the *BC Human Rights Code*.

The response to incidents of claimed Sexual Harassment follows the protocols of the *Respectful Community Policy*, Sections 4 & 5, and the Investigation and Consequences sections of this document to incidents of claimed sexual abuse, assault, violence and misconduct.

As per Sexual Abuse and Assault and other forms of Sexual Violence and Misconduct, there is no time limit on the reporting of incidents, which can be made directly to the Head of College or another adult, or to *Ethicspoint*:

<https://www.pearsoncollege.ca/about/ethicspoint-helpline/>

2.4 Reporting to Head of College or Designate

In all cases, the Health Centre and Dean of Students will deliver a record of the incident and response to the Vice-President Education and Programming and the Head of College or their designate.

Depending on the circumstances, the Head of the College or their designate may be obligated to report the incident(s) to the RCMP, and/or inform a student's parents and/or national committee.

In all cases a Complainant will be provided guidance and access to support services in accordance with the Complainant's needs and wishes – whether a formal investigation is initiated or not. In cases in which the RCMP are involved the Complainant will be supported in making this report. See Section 5 for additional information on Assistance and Support.

The RCMP must be contacted when a sexual assault involves a person who:

- Carries, uses or threatens to use a weapon or an imitation of a weapon
- Threatens to cause bodily harm to a person other than the Complainant
- Causes bodily harm to the Complainant, or
- Is a party to the offence with any other person.

The RCMP must be informed when the Respondent is over 19 years of age and the Complainant is under the age of consent. In Canada, the legal age of consent for sexual activity is 16. For consent to be valid the person consenting must be competent, informed and acting voluntarily. Refer to Section 1.10 for a definition of "consent." The College will also take all necessary action according to its obligations under the *BC Child, Family and Community Services Act*.

2.5 Appointment of an Investigator

The Head of College or their designate will appoint an external expert Investigator in all cases, who will report back within one month, the context/facts and proposed consequences. (See the *Respectful Community Policy* Section 5, **Investigator’s Responsibilities.**)

3. INVESTIGATION

3.1 The investigation process will depend on whether the alleged offense occurs while under the authority of Pearson College UWC or not – as follows:

Offences committed while under the authority of Pearson College UWC (e.g. on campus or College-sanctioned events or locations)	Offences committed against a student while beyond the authority of Pearson College UWC (e.g., at any time prior to arrival and/or during Winter or Summer Break not taken at the College)
The Investigation process follows that of the <i>Respectful Community Policy</i> (Section 5) in all cases of Sexual Misconduct, Harassment, Abuse, Assault and/or Violence. In the event that it is believed that a criminal act has been committed, the College has a legal duty to report and the RCMP will be contacted.	The Investigation may be referred to local law enforcement authorities in all cases of Sexual Abuse, Assault or Violence.

3.2 As soon as the Investigation begins, every attempt will be made for scrupulous fairness, sensitivity, discretion and, wherever possible, confidentiality. The Investigator will ensure that all perspectives are heard and recorded.

3.3 Individuals alleged to have breached this Policy will:

- Receive reasonable and timely notice of the allegations against them;
- Have the right to respond to the allegations; and
- Have the right to an unbiased decision arising from the allegations.

3.4 During the Investigation, the Respondent and Complainant will be instructed not to have any contact with one another– and not without the supervision of an assigned person from the College.

3.5 An investigation may necessitate limited disclosure of information in order to interview witnesses.

Both Complainant and Respondent are entitled to have a student or adult advocate/ supporter with them during any part of the investigation process provided that the adult advocate/supporter is not a witness in the investigation. A translator will be provided to all parties should this be needed.

3.6 The Investigator will give a written report to the Head of College, Vice-President Education and Programming, Dean of Students (when the Complaint involves a student), Complainant and Respondent. This to be kept on record with the Head of College and:

- In the case of a student, the Vice-President of Education and Programming; or
- In the case of an adult, the Vice-President of Operations and Administration.

3.7 The Investigator will make recommendations to the Head of College, the Vice-President Education and Programming and Dean of Students (when the Complaint involves a student) with regard to consequences for any individual within the context of employment, living, learning or volunteering while at Pearson College UWC for incidents of Sexual Misconduct, Harassment, Abuse, Assault and/or Violence. (See Section 4 below regarding Consequences.) The Head of College will accept or amend the recommendations and will document the reasons for acceptance or amendment.

3.8 The Investigator will make recommendations to the Head of College and head of Human Resources (when the Complaint involves an adult) with regard to consequences for any individual within the context of employment, living, learning or volunteering while at Pearson College UWC for incidents of Sexual Misconduct, Harassment, Abuse, Assault and/or Violence. (See Section 4 below regarding Consequences.) The Head of College will accept or amend the recommendations and will document the reasons for acceptance or amendment.

3.9 If either Complainant or Respondent wishes to challenge the findings of the investigation an appeal may be made to the Head of College who will appoint an external independent Investigator who is professionally qualified to handle an appeal and further investigation.

4. CONSEQUENCES

4.1 While Pearson College UWC favours the approaches of Restorative Justice, Federal and Provincial Laws and Codes will be upheld and there will be zero tolerance of sexual misconduct, harassment, abuse, assault and/or violence of any kind committed by adults in the context of working, living and/or volunteering at Pearson College UWC.

4.2 No sanction and/or disciplinary action will be taken against individuals without their knowledge.

4.3 After Investigation, an <u>Adult</u> found to have engaged in:	4.4 After Investigation, a <u>Student</u> found to have engaged in:
Sexual misconduct, harassment, abuse, assault, and/or violence	Sexual misconduct, harassment, abuse, assault, and/or violence
Against a child or student	Against a Student
In the context of working, living or volunteering at Pearson College UWC, will face immediate dismissal and the consequences of BC and Canadian Law. During an investigation and appeal, the Respondent would be suspended from employment and residence on campus.	Sexual misconduct, harassment, abuse, assault, and/or violence will not be tolerated and an offense may result in the Respondent being dismissed from campus.

<p>Sexual misconduct, abuse, assault or violence</p> <p>Against an Adult</p> <p><u>Depending on the details of the incident and the findings of the investigation</u>, the Respondent may face immediate dismissal or will face a warning that a further offense could result in their dismissal. If the Complainant and Respondent agree, a restorative meeting or initiative (mediated by a qualified, trained facilitator) would attempt to re-establish a respectful relationship and environment.</p> <p>The Respondent may be dismissed from the College if one or more of these situations applies:</p> <ul style="list-style-type: none"> • More than one offense occurs • At the discretion of the Head of College, it is determined that remaining at the College is a serious detriment to the community • The Respondent refuses to participate in a training or restorative process <p>The Respondent will be dismissed if convicted of a criminal offence.</p>	<p>Depending on the details of the incident and the findings of the investigation, consequences for the Respondent could include all or some of the following:</p> <ul style="list-style-type: none"> • A suspension of up to three weeks • A letter to the family and National Committee stating that a further offense would result in the student having to be dismissed from the College. • Mandatory counseling and training from a qualified person or organization in respect and consent • A restorative process, with the consent of the Complainant and Respondent, led by a qualified, trained facilitator. <p>The Head of College reserves the right to dismiss the student after the first incident <u>depending on the details of the incident, the findings of the investigation</u> and if all efforts have been made to resolve the situation.</p> <p>The Respondent may be dismissed from the College if one or more of these situations applies:</p> <ul style="list-style-type: none"> • More than one offense occurs • At the discretion of the Head of College, it is determined that remaining at the College is a serious detriment to the Complainant or to the community • The Respondent refuses to participate in the mandatory training or restorative process
	<p>Against a Child</p> <p>Sexual misconduct, harassment, abuse, assault, and/or violence will not be tolerated and an offense will result in the Respondent being dismissed from campus and the RCMP will be contacted.</p> <p>During the investigation, the Respondent will be removed from campus.</p>
<p>Sexual Harassment</p>	
<p>Against an Adult</p> <p>Will face a warning that a further offense could result in their dismissal. If Complainant and Respondent agree, then a restorative meeting (mediated by a trained facilitator) would attempt to re-establish a respectful relationship and safe environment.</p>	

<p>The Respondent may be dismissed from the College if one or more of these situations applies:</p> <ul style="list-style-type: none"> • A second offense occurs • At the discretion of the Head of College, it is determined that remaining at the College is a serious detriment to the community • The Respondent refuses to participate in a training or restorative process 	
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5. ASSISTANCE AND SUPPORT

The Complainant, and in some cases the Respondent, will be offered guidance and access to support services in accordance with their needs and wishes - whether a formal investigation is initiated or not.

Support services may include:

- Referral to College counselling or health services;
- Referral to external resources;
- Safety and security planning; and/or
- Support for RCMP reporting in accordance with the circumstances and the wishes of the Complainant.

During the investigation and while accessing support services the Complainant may wish to include the original person to whom the disclosure was made, provided that this person is not a witness in the case, recognizing that confidentiality must be maintained by all those involved throughout this process.

Depending on the circumstances, interim measures may be implemented while an allegation of sexual misconduct, harassment, abuse, assault and/or violence is being investigated, or in those situations where interim measures are deemed necessary to maintain a safe and productive environment and/or to protect the health or safety of any individual or the community. Such support includes, but is not limited to:

- The availability of medical attention,
- College Counsellors,
- College Nurse,
- Emergency housing,
- Accommodation in academic and other aspects of the Pearson College UWC program.

External resources may also be available to the individual. The College maintains an inventory of available external agencies which the Complainant may wish to contact regardless of whether they wish to report the incident to the College. The list of resources can be found at the Health Centre, the Bulletin Board of each resident house, in the Administration Building, Dining Hall, PeerNet, washrooms and by the landline telephones.

6. EDUCATION AND TRAINING

It is the responsibility of the Head of College – along with senior management, including VP Operations and Administration (overseeing Human Resources management) with respect to all adults; and VP Education and Programming (overseeing the Dean of Students) with respect to all students – to ensure that all adult and youth members of the Pearson College UWC community are familiar with this Policy. To this end, all members of the community will be required to participate in continuing training and education in support of this Policy. They will also be required to annually review and sign a copy of this Policy. All new employees, volunteers, students and other campus residents must read in full and sign this Policy. In all cases community members will be encouraged to ask questions and seek clarification regarding any elements of this Policy in order to ensure full understanding. Translation services will be provided when needed or requested.

In addition, the College students will attend mandatory Respect and Consent awareness and training events near the beginning of every academic year and at least one more time during the academic year.

First-year students will participate in mandatory training, including off-campus safety awareness and bystander witness training, from the Health Centre as part of the Extended Orientation. A training session will be offered for second-year students on preparing for leaving the College environment.

Training for employees, volunteers, students, and other campus residents will be provided during an annual training period before the beginning of the Academic Year and at least one more time during the academic year. The Policy will be provided to new members of the community on arrival and they will be included in training as it occurs during the year.

The Investigators will provide a summary report at the end of each fiscal year identifying suggestions for improvement to the training based on known cases during the year in which the Complainants, Respondents and/or witnesses had been involved in training. Revisions could be made to strengthen the training as a result of learning from these incidents. On an ongoing basis during the year, should a need for immediate revisions to the training programs be identified as a result of individual cases, Investigators will make recommendations to the Head of College.

All adults and students will view, and volunteers will be encouraged to view, the WorkSafe BC Video on workplace bullying and harassment:

www.worksafebc.com/en/resources/health-safety/videos/student-videos/2015-student-safety-video-contest-winner-grades-1112-being-nobody?lang=en

All employees, volunteers, students and other campus residents will sign acknowledgement of receiving training after each instance; training will ensure that participants have full opportunity for dialogue and the signing will include acknowledgement of this opportunity as well as the Date, Purpose and Agenda of the training. The record of this acknowledgement will be kept in the appropriate personnel or student files –adults (employees, campus residents, volunteers) or students, respectively.

7. RIGHT TO WITHDRAW FROM AN INVESTIGATION

At any time during the investigation process, the Complainant has the right to withdraw from the process without consequences to the Complainant's College status and activities.

The College may continue to act on the identified issue, if such action is necessary to comply with its obligation under this Policy and/or its legal obligations.

In the event that the College is required to proceed, the Complainant will be advised of this requirement.

8. ANNUAL SAFETY AUDIT

The Head of College will ensure that an audit of this Policy is conducted annually through: the Vice President Operations and Administration, who is responsible for all human resources and administrative components of the audit; and the Vice President Education and Programming, who is responsible for all faculty, academic, students and residents components of the audit.

9. REPORTING

With advice and assistance from the Vice-President of Operations and Administration and the Vice-President Education and Programming, the Head of College will report any incidents as they occur to the College Board of Directors and any relevant Committees such as the Executive Committee, the Human Resources Committee, the Risk Committee and the Education and Programming Committee. At the end of each fiscal year, ending June 30, the Head of College and the relevant Committees will issue a report indicating if any Complaints were filed under this procedure during that same academic year, (normally ending in May.) The report will record the number of Complaints filed, incidents which were investigated but which may not have been the subject of a Complaint(s) and the number of Complaints resolved during the academic year, but will not identify the Complainants, Respondents, or the details of the Complaints, which will remain confidential.

10. CAMPUS CLIMATE SURVEY

The College will include in the annual Health and Wellness Questionnaire a survey specific to sexual misconduct, harassment, abuse, assault and/or violence to determine the understanding and effectiveness of the College's prevention programs, education and training, and protocols for responding to reported incidents.

I hereby confirm that I have read and understood the *Sexual Misconduct-Sexual Violence Policy*; and I confirm my full commitment to upholding this Policy.

Signature (Circle One): Employee, Volunteer, Resident, Student

Date:

This Policy is available through Operations and Administration.

This Policy will be reviewed and if necessary renewed, every three years by College Administration and the Board of Directors.

Cross Reference: *Respectful Community Policy*

Date of Policy: June 2017

Revised: April 2018

Updated: September 2018



APPENDIX 1

Related Pearson College UWC Policies

- Respectful Community Policy
- Gender Diversity Policy
- Non-Discrimination Policy
- Incident Protocols
- Emergency Procedures
- Student Handbook

PEARSON COLLEGE
UWC