



## HS104 Sexual Misconduct and Harassment

HS104	Health and Safety	Sexual Misconduct and Harassment
Handbook Inclusion	All	
Programs	All	
	Effective Date	April 2020
	Revised	April 2021
	Accountable	Leadership Team
Documents/Forms		

### *Policy*

Western Community College (the College) recognizes and adheres to the provisions of British Columbia's Human Rights Code and is committed to providing a safe and respectful environment free from harassment and discrimination.

The College is committed to a zero-tolerance policy for sexual harassment or discrimination in any of the administrative, academic, or work experience environments.

For purposes of this policy, members of the College community include students, staff, faculty, visiting faculty, clients, contractors, work experience host site supervisors and employees, and volunteers.

### *Scope*

This policy applies only in cases of Sexual Misconduct and Harassment. For all complaints, see policy *AC110 Dispute Resolution*. This policy does not apply to criminal cases, nor does it remove any rights of the complainant or respondent to use the judicial system.

### *Definition of Sexual Misconduct and Harassment*

The college relies on the definition provided by the Government of British Columbia in [Core Policy Objectives & Human Resources Policies](#), Chapter 11, Definitions. .

### *Procedure*

The Allegations of sexual misconduct or harassment can be made against an individual who was a member of the College community at the time of the alleged misconduct or at the time when the incident occurred. Sexual misconduct or harassment between College community members is prohibited not only on College property or work experience venues, but also at social events, business trips or conferences sponsored or authorized by the College.

## *Complaints*

The President of the College is authorized to accept, review, and investigate all complaints and reports of alleged sexual misconduct or harassment occurring within the College community. In the absence of the President or if the complaint is about the President, any member of the Leadership Team is authorized to receive complaints.

If the complaint is about the President, the person receiving the complaint will discuss with the complainant whether to deal with the issue directly or to refer to an external body or person. (In the remainder of this policy, the word President shall include the person receiving the complaint or to the external body or person.)

Any College community member who wishes to make a complaint or report of alleged sexual misconduct or harassment may, if appropriate and reasonable in the circumstances, choose to first inform the respondent that their conduct is inappropriate and unwanted and that they should cease the inappropriate behaviour immediately.

If the complainant chooses to make a sexual misconduct or harassment report to the President, they should do so in a timely fashion, preferably in writing, setting out the relevant details of their allegations.

The President will review the allegations with the complainant and determine whether the College has jurisdiction to proceed with the investigation and resolution of the complaint.

In the event of a legal investigation, the College commits to work collaboratively and transparently with the officials to investigate the allegations.

If the President decides that the College has jurisdiction, the President or designate will, as soon as possible, compile the written complaint with the contact information for any witnesses to the alleged misconduct.

The President will meet with the complainant and discuss the two ways of proceeding with the complaint: Informally with the willing participation of the respondent, or formally. For either process the Participants must sign a non-disclosure form.

If the complainant agrees to the informal process, they will do so on the understanding that choosing to resolve the matter informally does not preclude using the formal procedures should the complainant not be satisfied with the result of the informal process.

The President will clarify with the complainant, what outcome they are seeking and what would be acceptable.

The President will also inform the complainant that they can choose to make their complaint to an appropriate public authority as an alternative to pursuing resolution using the College's procedures.

The President will ensure that the complaint process is completed within 30 days of the complaint being made. In exceptional circumstances, this period can be extended in consultation with the complainant.

### *Informal Mechanism*

If the complainant chooses to attempt to resolve the matter informally, the President will inform the respondent of the details of the complaint and advise the respondent that the complainant has agreed to resolve the matter by way of the informal mechanism.

The President will ensure that the respondent understands both the informal and formal mechanisms as outlined below.

If both the complainant and the respondent agree to proceed informally, the President will arrange and facilitate face-to-face discussions between the parties and attempt to come to a resolution of the matter acceptable to the complainant. Note: Either or both parties may choose to have representatives in the meetings. The representatives must be acceptable to the President or designate.

The President will maintain a confidential record of what transpires during the informal process, including the substance of the discussions and the specifics of any agreed outcome. Only the President will have access to the confidential records.

The President will follow up with the complainant and the respondent to ensure that the alleged misconduct has ceased, and that the complainant is satisfied with the outcome.

### *Formal Mechanism*

If the complainant chooses this process or is not satisfied with the outcome of the informal process or should the respondent decline to participate in the informal process, the President will process the complaint formally.

The President will interview the Complainant and Respondent separately and create and maintain a confidential record of the interviews. Note: Either or both parties may choose to have representatives in the meetings. The representatives must be acceptable to the President or designate.

The President will interview any witnesses or other relevant third persons separately and maintain confidential records of those interviews.

The President will consider the evidence and prepare a report setting out findings of fact, including whether the alleged sexual misconduct or harassment has been established on a balance of probabilities and any recommendations that flow from the findings. Both the Complainant and Respondent will be given a copy of the report.

The President will review the report with the Leadership Team, and they shall determine what, if any, disciplinary or any other measures are required.

The President will follow up to ensure the approved recommendations are implemented and that the sexual misconduct or harassment, if established, has stopped and the Complainant is satisfied with the outcome.

### Disciplinary Measures

These measures are specific to this policy. Any College community member and who has been found to have committed sexual misconduct or harassment is subject to one or more of the following sanctions:

- A verbal or written warning
- An adverse performance evaluation
- If an employee, a demotion, suspension or dismissal
- If a student or other member of the College community would also be subject to a temporary or permanent suspension from participation from any or all of the College's academic programs
- Other such discipline, as appropriate in the circumstances, including the gravity and seriousness of the found behaviour and its impact on the Complainant and/or on the environment of the College's academic programs up to and including expulsion from the program or the College or dismissal from employment.

### Appeal Process

The decision of the President or designate is final.

### Confidentiality and Privacy

To protect the integrity, fairness, and effectiveness of complaint mechanisms and to ensure compliance with the Freedom of Information and Protection of Privacy Act (FIPPA), all participants in an investigation or procedure under this policy must act in accordance with the requirements set out below.

Individuals, including the Complainant and the Respondent, who have obtained information about an identifiable individual through their participation in an informal or formal process must not disclose this information to anybody except their own personal advisors or representatives, or as required by law.

### Implementation

The College will ensure that this policy is disseminated to all members of the College community. All new employees will be given an orientation that includes becoming familiar with the content of this policy. Contractors will be required to adhere to this policy as a condition of their contractual arrangement with the College.