



### HS104 Sexual Misconduct and Harassment

HS104	Health and Safety	Sexual Misconduct and Harassment
Handbook Inclusion	All	
Programs	All	
	Effective Date	April 2020
	Revised	February 2026
	Accountable	Leadership Team
Related Policy	HS109	Workplace Violence, Bullying, and Harassment Prevention Policy
Documents/Forms		

## 1. 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.

## 2. Scope

This policy applies only in cases of Sexual Misconduct and Sexual Harassment.

Complaints of sexual misconduct and sexual harassment will be investigated and resolved using the same reporting, investigation, documentation, corrective action, confidentiality, and record-keeping framework set out in HS109 Workplace Violence, Bullying and Harassment Prevention Policy, with modifications specific to sexual misconduct, including leadership of the investigation by the President or Vice President.

This policy does not replace criminal proceedings or limit access to the judicial system. Where allegations involve potential criminal conduct, the College may refer the matter to law enforcement while maintaining internal safety measures.

### 3. 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.

Sexual misconduct or harassment includes any unwelcome sexual behavior, comment, gesture, or conduct that undermines dignity, creates an intimidating or hostile environment, or is reasonably known to be unwanted.

Forms of sexual misconduct can include verbal, physical, visual, written, or electronic behavior.

For conduct that does not involve sexual content but constitutes workplace bullying, harassment, or violence, see HS109 - Workplace Violence, Bullying, and Harassment Prevention Policy.

### 4. Jurisdiction

Allegations of sexual misconduct or harassment may be made against any individual who was a member of the College community at the time of the alleged incident.

Sexual misconduct or harassment is prohibited not only on College property or work experience venues, but also at social events, business trips, conferences, online platforms, or any activity sponsored or authorized by the College.

### 5. Investigation and Resolution

All complaints under this policy will be addressed using the reporting, investigation, documentation, corrective action, confidentiality, and record-keeping framework set out in HS109 - Workplace Violence, Bullying and Harassment Prevention Policy, with the following modifications specific to sexual misconduct cases:

- **Reporting:** Submitting the complaint to the HR Director, President, or Vice President. (for employees), and to the Student Services Director (for students).
- **Initial Assessment:** Screening for jurisdiction, assessing risk, and implementing interim safety measures.
- **Investigation:**
  - Informal resolution (if appropriate and agreed by both parties)
  - Formal investigation is conducted by a team lead by President or Vice President or an external investigator
  - Collection of evidence, witness interviews, and review of relevant documentation
- **Timelines:** Investigations are normally completed within 30 calendar days; extensions may be communicated.
- **Findings and Recommendations:** A written report is prepared, and the President/VP

makes the final determination. Findings are shared with the complainant and respondent.

- **Corrective and Preventative Actions:** Disciplinary measures, support resources, and preventive actions are applied proportionally.
- **Confidentiality:** All procedures follow FIPPA and HS109 standards.
- **Protection from Retaliation:** Retaliation is strictly prohibited.

### **5.1 Leadership of the Investigation**

- The President or Vice President leads all investigations.
- They coordinate the investigation process, including appointing and directing the Investigation Team or an external investigator if required.
- They ensure investigations are fair, thorough, and compliant with policy, including interim safety measures.
- They authorize the use of external investigators as needed.

**Mandatory External Investigator:** If the complaint involves any Leadership Team member, including the President or Vice President, WCC will appoint an external, independent investigator. The President/VP continues to lead the investigation process and oversee implementation but does not participate in fact-finding.

### **5.2 Investigation Team**

- Team size: 3 members:
- President or Vice President leads the investigation
- HR representative handles intake, procedural guidance, documentation for employees and Student Services handles this process for students.
- Neutral manager or staff member supports fact-finding and ensures fairness
- External investigators may be added if required (mandatory when Leadership is involved).

**Substitute Appointment:** Where a neutral team member cannot participate due to conflict or involvement, a substitute may be appointed (excluding cases where the President/VP is the subject). Substitutes participate in fact-finding but do not make decisions.

### **5.3 Trauma-Informed Approach**

Investigators apply a trauma-informed approach, ensuring sensitivity to the emotional and psychological needs of parties involved. This includes providing support resources and minimizing unnecessary repetition of accounts.

### **5.4 Timelines**

Investigations are normally completed within 30 calendar days. Extensions due to complexity or external authorities will be communicated.

## **5.5 Findings and Final Decision**

The President or Vice President makes the final determination regarding the complaint. Corrective or disciplinary measures are applied according to college policy.

Findings and actions are communicated to the parties.

## **5.6 Criminal or Civil Processes**

This policy does not replace or limit access to criminal or civil proceedings. Where allegations involve potential criminal activity, the College may refer the matter to law enforcement while maintaining internal safety measures.

## **6. Disciplinary Measures**

Where sexual misconduct or harassment is substantiated, the College will implement corrective and disciplinary actions proportionate to the severity of the conduct, including:

- Verbal or written warnings
- Mandatory training or coaching
- Changes to work or academic responsibilities
- Suspension or removal from college activities or premises
- Termination of employment or expulsion from the College

Additional preventive measures may include:

- Policy reminders
- Mediation or facilitated discussions
- Increased supervision or monitoring
- Adjustments to reporting lines or work arrangements

Support for affected parties will be provided, including counseling, accommodation, or other resources.

All measures are applied under the direction of the President or Vice President, who makes the final decision.

## **7. Criminal Conduct**

This policy does not replace or limit access to criminal or civil proceedings. Where allegations involve potential criminal activity, the College may refer the matter to law enforcement while maintaining internal safety measures and investigation procedures.

## **8. Roles and Responsibilities**

President / Vice President:

- Lead all sexual misconduct investigations.
- Appoint and direct the Investigation Team or external investigator.

- Ensure investigations are fair, thorough, and compliant with policy.
- Make the final determination regarding findings and corrective or disciplinary actions.
- Authorize external investigators when required.

Human Resources Director / Student Services Director/Designate:

- Receive and intake complaints.
- Conduct initial assessments and implement interim safety measures.
- Maintain detailed, confidential records.
- Support the President or Vice President in managing the investigation process.

Investigation Team / External Investigator:

- Conduct impartial, fact-based investigations.
- Gather and assess all relevant evidence.
- Interview with parties and witnesses respectfully and confidentially.
- Maintain strict confidentiality.
- Prepare written findings and recommendations.
- Act independently and free from conflicts of interest.

Supervisors / Managers:

- Model respectful behavior.
- Report observed or suspected sexual misconduct.
- Support affected parties and cooperate with investigations.
- Implement interim measures as directed.

Employees / Students/College Community Members

- Treat all members with dignity, respect, and fairness.
- Promptly report incidents.
- Cooperate with investigations.
- Refrain from retaliation.

## **9. Confidentiality, Privacy, and Record-Keeping**

To protect the integrity, fairness, and effectiveness of complaint mechanisms, all participants in a complaint or investigation process must maintain confidentiality.

Information will only be shared on a need-to-know basis, where required to carry out this policy, or as required by law, including under the Freedom of Information and Protection of Privacy Act (FIPPA).

Record-Keeping:

All records related to sexual misconduct complaints, investigations, findings, and corrective actions will be securely maintained in accordance with HS109 - Workplace Violence, Bullying, and Harassment Prevention Policy, and applicable privacy legislation. Access to records is restricted to authorized personnel only.

## **10. Training and Awareness**

The College will ensure that this policy is disseminated to all members of the College community. All new employees will receive training and orientation that includes this policy.

Contractors will be required to adhere to this policy as a condition of their contractual arrangement with the College.

### **11. Annual Review**

The Leadership Team and HR will review this policy annually to ensure compliance and make updates as necessary.