

Dunsmuir College Name of Institution		Institution Number
Sexual Misconduct Policy Name of Policy	Effective Date	Revision Date

Preamble to this Policy

Dunsmuir College is committed to the prevention of and appropriate response to sexual misconduct. Any student making an allegation of sexual misconduct shall never be subject to any form of reprisal for making a report or complaint of sexual misconduct. The policy guidelines in this document are meant to deal with any sexual misconduct allegations made by a student during her/his time of enrollment at Dunsmuir College. Dunsmuir College upholds the principle of administrative fairness in relation these policy guidelines. Therefore, all parties involved will be treated with dignity and respect. No party named in an allegation shall have any involvement in making any determination concerning how Dunsmuir College deals with an allegation of sexual misconduct.

Definitions of Sexual Misconduct

Sexual misconduct refers to a spectrum of non-consensual sexual contact and behavior including the following:

For purposes of this policy sexual misconduct is defined as any non-consensual sexual I behavior: a) sexual assault; b) sexual exploitation; c) 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; and the threat to commit an act of sexual misconduct.

Complaint vs. Report

A **Complaint** of sexual misconduct is different than a **Report** of sexual misconduct. A Complaint is when the victim/survivor discloses or chooses to tell someone at the institution of an incident of sexual misconduct in order to seek support, but may not want to make a formal report to police or the institution. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action. A Report does not have to be made by the victim/survivor. A student making a **Complaint** will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a **Report**.

Student Rights to Confidentiality and Exceptions

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: a) If an individual is at imminent risk of severe or life-threatening self-harm; b) if an individual is at imminent risk of harming another; c) there are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided d) where reporting is required by law; or e) where it is necessary to ensure procedural fairness in an investigation or other response to a complaint or report.

Students Rights Not to Disclose and Exceptions

Dunsmuir College understands the right of a student to not to do any of the following:

- a) make a formal report,
- b) make a complaint or
- c) participate in any investigation that may occur related to an incident of alleged sexual misconduct.

Dunsmuir College will never compel or pressure a student beyond what they are willing to disclose. However, where any exception outlined in the aforementioned item then Dunsmuir College may be required to take further action related to protecting the complainant or other students.

Dunsmuir College Responsibilities

1. Ensure the safety of the victim/survivor.
2. As appropriate, provide emergency numbers for on and off campus security (if applicable), law enforcement, medical assistance, mental health services, and other services.
3. Respect the right of the individual to choose the services they consider most appropriate.
4. 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.
5. Any processes undertaken pursuant to this policy will be based on the principles of administrative fairness.
6. All parties involved will be treated with dignity and respect.

Confidentiality Mandate

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:

1. If an individual is at imminent risk of severe or life-threatening self-harm.
2. If an individual is at imminent risk of harming another.
3. There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
4. Where reporting is required by law.
5. Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

The process for making a report about sexual misconduct involving a student is as follows:

To make a formal report about sexual misconduct involving another student, employee, or about an incident concerning a practicum or co-op a related to an occurrence that falls within the definitions of this policy, individuals should contact our designated Sexual Misconduct Response Coordinator, Mr. Irwin Selvadhas, at irwin.selvadhas@gastownbusinesscollege.com or 604-642-0411. If Mr. Selvadhas is unavailable or named in the report, please contact the alternate coordinator, Margarette

C. Bagsit at Margarette.bagsit@gastownbusinesscollege.com or 604- 642-0411. The report should be formalized in writing, detailing the incident(s).

The process for responding to a report of sexual misconduct involving a student is as follows:

- 1) Upon receiving a report, the institution will acknowledge receipt within **2 business days or immediately** if there is an urgent need to form a protective plan to ensure the safety of staff or students. Within 1 business day, the Sexual Misconduct Response Coordinator will conduct an initial assessment to determine if the report falls within the scope of the Sexual Misconduct Policy.
- 2) If it does, a formal investigation will be initiated as soon as possible to assess safety and trauma issues. The complainant will be kept informed of the progress throughout the process, with regular updates provided until the investigation is concluded. The focus of this process is on fairness and support of the victim and alleged perpetrator. Supportive trauma- based counselling and safety will be given immediate attention.
- 3) Action protocols will be deployed to support this process and may include any accommodations deemed necessary. Consultative advice may be sought through BC Social Services/police services anonymously or transparently to support this process. All such activities will be carefully documented with records being maintained for

- 4) Both complainant and respondent will be treated with dignity and respect once the aforementioned is addressed.

Walk Through of Protocols:

1. Upon receiving a Complaint, the institution will acknowledge receipt within **2 business days or immediately** if there is an urgent need to form a protective plan to ensure the safety of staff or students. Within 1 business day, the Sexual Misconduct Response Coordinator will conduct an initial assessment to determine if the report falls within the scope of the Sexual Misconduct Policy.
2. If it does, the following steps will be taken:
 - a. A formal investigation will be initiated as soon as possible, **within 24 hours/immediately** of receipt of the complaint, to assess safety and trauma issues.
 - b. Margarette C. Bagsit/Irwin Selvadhas, will communicate with the complainant immediately or on the same day to:
 - i. Provide support
 - ii. Discuss options
 - iii. Offer guidance
 - iv. Assess urgent needs

If immediate meeting is not possible, Margarette C. Bagsit/Irwin Selvadhas will communicate via telephone to assess urgent needs and arrange an appropriate follow-up meeting.

Margarette C. Bagsit/ Irwin Selvadhas ongoing role until final disposition will include:

- a) Gathering factual information as the complainant wishes to disclose
- b) Assessing risk to the complainant and determining their needs
- c) Assessing risk to the college and other students
- d) Informing the management team of findings for consultation and planning (Managing Director)
- e) Determining necessary accommodations to support the student

Other Considerations

1. The management team will develop an intervention plan consistent with the complainant's requests, considering risk factors and confidentiality rights.
2. The complainant will be informed about external supports such as sexual assault counseling services in Vancouver and how to access them.

3. The complainant will be kept informed of the progress throughout the process, with regular

updates provided until the investigation is concluded.

4. Supportive trauma-based counselling and safety measures will be given immediate attention.
5. Consultative advice may be sought through BC Social Services/police services anonymously or transparently to support this process.
6. All activities will be carefully documented, with records maintained for follow-up.
7. A confidential record will be kept of the entire process in accordance with Dunsmuir College record keeping policies.
8. The focus throughout this process will be on fairness and support of the complainant/respondent as well as determining all required actions within the support of internal and external resources.

Complaint of Sexual Misconduct

Please note for purposes of this policy we again differentiate as below:

Complaint vs. Report

A **Complaint** of sexual misconduct is different than a **Report** of sexual misconduct. A Complaint is when the victim/survivor discloses or chooses to tell someone at the institution of an incident of sexual misconduct in order to seek support, but may not want to make a formal report to police or the institution. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action. A Report does not have to be made by the victim/survivor. A student making a **Complaint** will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a **Report**.

We further note that a student making a Complaint will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a Report.

Procedural matters:

To make a formal complaint about sexual misconduct involving another student, employee, or about

an incident concerning a practicum or co-op related to an occurrence that falls within the definitions of this

policy, individuals should contact our designated Sexual Misconduct Response Coordinator, Mr. Irwin Selvadhas at Irwin.selvadhas@gastownbusinesscollege.com or 604-642-0411. If Mr. Selvadhas is unavailable or named in the complaint, please contact the alternate coordinator, Margarette C. Bagsit at margarette.bagsit@gastownbusinesscollege.com or 604-642-0411. The report should be formalized in writing, detailing the incident(s). Level of disclosure and actions will determine response actions.

- 1) Upon receiving a complaint, the institution will acknowledge receipt within **2 business days or immediately** if there is an urgent need to form a protective plan to ensure the safety of staff or students. Within 1 business day, the Sexual Misconduct Response Coordinator will provide the complainant with ongoing supportive counselling outlining options including the right to make a report but he/she will not be pressured to do so.
- 2) Action protocols will be deployed to support this process and may include any accommodations deemed necessary. Consultative advice may be sought through BC Social Services anonymously to support this process. All such activities will be carefully documented with records being maintained for follow-up.
- 3) Follow-up will be ongoing until such a point as the complainant feels he/she feels supported and there are no identified safety issues for other students, or staff. At minimum the complaint will be reassessed within 5 working days to determine if safety and psychological traumas have been addressed.
- 4) Investigation strategies will depend on types of disclosure given the fact that there may be no named respondent.
- 5) Where there are deemed safety issues that outweigh the needs of the complainant consultations might include external professionals such as BC Social Services, Police or Legal professionals in relationship as to how to proceed. The assumption is that cases are unique, complex, and reporting patterns of sexual conduct might easily require external consultations to take any and all appropriate actions.

This institution is certified by the Private Training Institutions Regulatory Unit (PTIRU). Certified institutions must comply with regulatory requirements, including the requirement to have a Sexual Misconduct policy. For more information about PTIRU, go to