

Sexual Misconduct Policy (Greystone College Vancouver)

Purpose

Greystone College is committed to providing its students with an educational environment free from sexual misconduct and treating its students who report incidents with dignity and respect.

As part of this ongoing commitment, Greystone College Vancouver has adopted this policy, which defines sexual misconduct and outlines related training, reporting, investigative and disciplinary responses to complaints made by its students of incidents that have occurred on its campus, or at one of its events and involve its students.

Scope

This policy and its related procedures apply to all Greystone College Vancouver students while they are on College property, or off College property while engaging in College-related activity,

acting in a capacity defined by their relationship to the College or interacting with persons known to them because of their relationship to the College, regardless of whether the incident occurs on or off campus.

For the purposes of investigations, outcomes and corrective actions, including discipline, this policy applies only to sexual misconduct by a College member against another College member.

Definitions

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; and
- the threat to commit an act of sexual misconduct.



The person accused of engaging in sexual misconduct will be referred to as the “Respondent” and the person making the allegation as the “Complainant”.

For the purpose of this policy, a complaint is when the Complainant provides notification to Greystone College of an incident of sexual misconduct. This could be accompanied by a request for action (actionable complaint), or it could be when a student chooses to tell someone about their experience of sexual misconduct but does not necessarily want to move forward with any formal process at that time.

A report is a formal notification of an incident of sexual misconduct to Greystone College accompanied by a request for action.

Making a Complaint or Report of Sexual Misconduct Involving a Student

1. A student may choose to disclose sexual misconduct without making a formal/actionable complaint or report. In these circumstances, a disclosure may not result in an actionable complaint or report being made and, therefore, may not initiate a formal process. A student will not be required or pressured to make a report.
2. Greystone College will act in accordance with procedural fairness in dealing with all allegations of sexual misconduct.
3. The process for making a complaint or report about sexual misconduct involving a student is as follows:
 - A student or any other member of the Greystone College Community who has experienced sexual misconduct involving a student, may file a complaint or report under this policy by submitting the complaint or report in writing to the Director, Greystone College Programs. Should this person be absent, the student shall submit the complaint or report to the Assistant Director, Greystone College Programs.
 - The complaint or report should be submitted in a written statement form and include the relevant details about the alleged incident, such as date and time of the incident, persons involved, list of any potential witnesses, relevant documents, including any social media communications or other supporting evidence.
 - A clear request for action must be included in the complaint or report, should a student want to move forward with a formal process.
 - A Complainant has the right to withdraw a complaint or report at any stage of the process. However, Greystone College may continue to act on the matter in order to comply with its obligations under the policy or legal obligations.

Responding to a Complaint or Report of Sexual Misconduct Involving a Student

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

- Upon receipt of a complaint, the Director, Greystone College Programs will conduct an initial review, within five (5) business days, to determine whether the allegations in the complaint fall under the scope of this policy.
- If the Director, Greystone College Programs determines that the allegations do not fall within the scope of this policy, they will advise the Complainant of this decision along with reasons. In cases where the complaint discloses other kinds of misconduct, the College may need to act on it under another policy or process.
- If the Director, Greystone College Programs determines that the complaint falls within the scope of this policy, they will:
 - Determine whether the incident should be referred immediately to the police.
 - Determine if an alternative resolution process would be appropriate, discuss options with the Complainant.
 - If an alternative resolution is not appropriate, determine whether an investigation should proceed and if the Complainant wishes to participate in an investigation.
 - Determine who should conduct the investigation having regard to the seriousness of the allegation and the parties involved.
 - Determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing necessary course studies.
- Once an investigation is initiated, the following will occur:
 - The Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation.
 - Interviewing the Complainant to ensure a complete understanding of the allegation and gathering additional information that may not have been included in the written complaint.
 - Informing and interviewing the Respondent of the complaint, providing details of the allegations and giving the Respondent an opportunity to respond to those allegations and to provide any witnesses the Respondent feels are essential to the investigation.
 - Interviewing any person involved or who has, or may have, knowledge of the incident and any identified witnesses.
 - Providing reasonable updates to the Complainant and the Respondent about the status of the investigation.

- Following the investigation, the Director, Greystone College Programs will:
 - Review all evidence collected during the investigation.
 - Determine whether sexual misconduct occurred; and if so
 - Determine what disciplinary action, if any, should be taken.
- If it is determined by Greystone College that the Respondent did engage in sexual misconduct, immediate disciplinary or corrective action will be taken. This may include:
 - Disciplinary action up to and including termination of employment of instructors or staff; or
 - Expulsion of a student; and /or
 - The placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
 - Any other actions that may be appropriate in the circumstances.
- Should the Complainant or the Respondent disagree with the decision resulting from the investigation, they may appeal the decision in writing within five (5) business days addressed to the Director, Greystone College Canada.

Contact Information

Director, Greystone College Programs: Elsie.Christopher@greystonecollege.com

Assistant Director, Greystone College Programs: Brad.Johnson@greystonecollege.com

Director, Greystone College Canada: Karyn.McMillan@greystonecollege.com

Reprisal

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. 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.

Confidentiality and Information Sharing

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.

Review

In consultation with students and other members of the Greystone College community including faculty, staff and administration, the Sexual Misconduct Policy shall be reviewed at least once every three years and amended where appropriate.

Related Legislation and Institutional Policies

Legislation

Criminal Code of Canada

Freedom of Information and Protection of Privacy Act

Human Rights Code

Sexual Violence and Misconduct Policy Act (Bill 23-2016)

Worker's Compensation Act; Occupational Health & Safety Regulation Part 4

Greystone College Policies

Respectful and Fair Treatment of Students Policy

Dispute Resolution Policy

Student Dismissal Policy