

Sexual Misconduct Policy

York Community College Ltd

Institutions are required to establish a written Sexual Misconduct Policy that must be posted on their website and provided to students before the start date of the program: *Private Training Regulations*.48.1.The policy must set out procedures for making and responding to a Complaint or Report of sexual misconduct involving a student.

<u>York Community College</u>		<u>02056</u>
Name of Institution		Institution Number
<u>Sexual Misconduct Policy</u>	<u>October11,2024</u>	<u>August10, 2024</u>
Name of Policy	Effective Date	Revision Date

1. York Community College is committed to the prevention of and appropriate response to sexual misconduct. All students and staff fall under this Policy.
2. Sexual misconduct refers to a spectrum of non-consensual sexual contact and behavior 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.
3. A **Complaint** of sexual misconduct is different than a **Report** of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.
4. A student making a **Complaint** will be provided with resolution and options and, if appropriate, accommodation, and will not be required or pressured to make a **Report**.
5. The process for making a **Complaint** about sexual misconduct involving a student is as follows:

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6. [Submit your complaint to the Policy Administrator, Gurinder Brar by email to admissions@yorkcommunitycollege.ca or in person. In the event that Gurinder Brar is unavailable for the complaint, submit to the Academic Head, Pawanjit Brar by email to pawan@yorkcommunitycollege.ca
7. **Include the name, title, and contact information of the individual for whom the Complaint may be directed against and your name and contact information with the details of the complaint.**
8. The process of corresponding to a **Complaint** of sexual misconduct involving a student is as follows:
 - [The complaint will be reviewed and acknowledged within 48 hours. An investigation of the complaint will take place including a notification to the party accused requiring a full statement of rebuttal to be received no later than two days after notification is given. The identity of the complainant shall be confidential. The Policy administrator will investigate any and all information pertaining to the complaint and make a report within 5 days. Should the complaint be found to prove misconduct, the offender shall be immediately dismissed from the program under the behavior and dismissal policies.]
 - Please note that any complaint that involves misconduct requiring legal action due to imminent risk or law will be reported to the appropriate authority as outside the jurisdiction of the Institution.
9. The process for making a **Report** of sexual misconduct involving a student is as follows:
 - [Students may use the Dispute and Resolution form to make a formal written Report or place the details of the Report in a letter with the names of the complainant and perpetrator, time and date of incident, details of incident, named witnesses (if applicable). The report or letter should be given to the Policy Administrator or the SEA should the PA not be available.]
10. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
 - [The institution will review the Report within 48 hours and confirm next steps in writing as outlined in the Dispute and Resolution Written Report template issued to all students and reviewed at enrolment. Should the incident fall into the category of assault or a criminal act, the institution will forward the details to the appropriate authorities pursuant to an investigation under the law. All reports should be submitted to the Policy Administrator, or the SEA should the PA not be available. The Institution will not accept the responsibility of investigating any misconduct that falls under legal authority but will support the efforts of any student in pursuing legal ends.]

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9. 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.

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10. 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.
11. 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 ground
 - 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 neither procedural fairness in an investigation nor other response to a Complaint or Report.

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 www.privatetraininginstitutions.gov.bc.ca.