



POLICY TITLE: Sexual Misconduct Procedures
POLICY NUMBER: AM.805
DATE APPROVED: 2017 08 30
CATEGORY: Administration (AM)
APPROVAL AUTHORITY: Lead (Administrative) Team
RESOLUTION / MINUTES REFERENCE NUMBER: 2017 08 30 LEAD Min
POLICY HOLDER: President's Office

1.0 PURPOSE:

- 1.1** This document outlines certain procedures that have been adopted pursuant to the Sexual Misconduct Policy and should be read in conjunction with that policy. Terms not otherwise defined herein have the meaning set out in the Sexual Misconduct Policy.

2.0 RESPONDING TO FORMAL REPORTS:

- 2.1** A Formal Report can be filed by any person and must be made in writing. Filing a Formal Report does not prohibit and/or constitute reporting under any other reporting regimes.
- 2.2** To conduct a timely and effective investigation, the College strongly encourages Complainants and other applicable persons to file a Formal Report as soon as possible following the occurrence of the alleged Sexual Misconduct. Delaying the filing of a Formal Report may impede the College's ability to conduct an investigation and/or take appropriate action.
- 2.3** Where a student of the College is involved, the most Senior Contact Officer in Student Development will lead the response and if an employee of the College is involved, the most Senior Contact Officer in human resources will lead the response (each of who are Contact Officers). If both a student and employee are involved, both Contact Officers will co-lead the response.
- 2.4** The Contact Officer(s) will handle the matter in accordance with the Sexual Misconduct Policy and this procedure as well as in accordance with i) the Responsibilities of Community Membership for Students (found in the Student Handbook, as it may be amended) where a student of the College is involved (the "Student Policies") and ii) the Employees, and the Discrimination and Harassment Policy (Policy# AM.213) where an employee is involved (the "Approved College policies").
- 2.5** The Contact Officer(s) will refer the Complainant to the police and/or other support services as appropriate. The Respondent will also be referred to support services as appropriate.
- 2.6** The Contact Officer(s) will either be the primary contact for the Complainant(s), Respondent(s) and other persons involved in the Formal Report review and investigation processes or will appoint another person to be the primary contact. The primary contact will provide information

to such persons, facilitate access to resources and services, coordinate and respond to communications from and to the College and external entities (including without limiting, police, academic areas and health care providers), and conduct other work for the participants as required under the Sexual Misconduct Policy and this procedure.

3.0 FORMAL REPORT REVIEW AND INVESTIGATIONS:

- 3.1** The Contact Officer(s), in consultation with at least one other member of the Administrative team as appointed by the President, will determine whether the matters described in the Formal Report should be investigated. In determining whether or not a Formal Report will be investigated, the Contact Officer(s) will consider whether, if the allegation are true, it would be a violation of the Sexual Misconduct Policy. The Contact Officer will consider each situation individually.
- 3.2** An investigation will not be conducted into a Formal Report if:
- the Formal Report was made in bad faith;
 - the Formal Report is frivolous or vexatious; or
 - the Formal Report does not provide sufficient information to permit an investigation and the Complainant is unwilling or unable to provide such additional information.
- 3.3** If, after assessing the information with respect to a Formal Report, the Contact Officer(s) determines that an investigation will not be pursued, the Contact Officer(s) will document the rationale for not initiating an investigation and may advise the Complainant and the Respondent of the reasons for not pursuing an investigation.
- 3.4** In the event an investigation of a Formal Report is required, the Contact Officer(s) will appoint an Investigation committee within ten (10) business days of receipt of the Formal Report. The Investigation committee may consist of employees of the College or an external person(s) and may be a team of persons.
- 3.5** If an Investigation committee is appointed, comprised of College employees, it should consist of at least one male and one female and where possible, one faculty member and one staff member.
- 3.6** The Contact Officer(s) will consider all relevant factors in the circumstances when determining the Investigation committee including without limiting:
- the nature of the Formal Report;
 - the ability for objectivity and lack of bias in the investigation (i.e. no Investigation committee members with real, potential or perceived conflicts of interest or biases);
 - the ability to maintain the confidentiality of all information;
 - knowledge of legal and compliance requirements of the core nature/subject matter of the allegation;
 - potential Investigation committee member's ability to identify and access the appropriate resources to conduct the investigation in a timely manner;
 - the need to balance the functional skills, operations knowledge, and seniority of the individuals;
 - the need to retain external investigators, lawyers or other experts in highly sensitive, specialized or confidential matters; and

- The need to protect an investigation with legal privilege.
- 3.7** Terms of reference will be established by the Contact Officer(s) in consultation with the Investigation committee for each investigation in order to best address the context of the alleged incident and to define, among other matters, the scope of the investigation and the projected timeline of completion of the investigation.
- 3.8** The Contact Officer(s) and the Investigation committee may at any time directly or indirectly collect, use and disclose personal information, individually identifying information and any other information from any Member of the College Community that is reasonably necessary to manage and investigate Formal Reports. The Contact Officer(s) and the Investigation committee (after first consulting with the Contact Officer(s)) may seek legal counsel as to specific aspects of the investigation.
- 3.9** The investigation will be completed as expeditiously as possible, in most cases within thirty (30) calendar days of the date the Formal Report was filed or time period as may be approved by the Contact Officer(s).
- 3.10** The Investigation committee will be conducted in a systematic, orderly and discreet manner and confidentiality will be maintained wherever possible. The objectives of an investigation will be to:
- compile information relating to the Formal Report as quickly as possible (including, if applicable, taking steps to protect or preserve documents, materials and equipment);
 - consider the information collected and draw conclusions objectively and impartially; and
 - maintain procedural fairness in the treatment of witnesses, the Complainant and the Respondent.
- 3.11** The Investigation committee may, where required by the circumstances, assess and make determinations as to the credibility of the Complainant, the Respondent and all other witnesses.
- 3.12** Where possible, the Complainant and the Respondent will be notified when the investigation is complete.

4.0 CRIMINAL INVESTIGATION:

- 4.1** A criminal report may be pursued by a Complainant at any time even if non-criminal options are also being pursued. Criminal investigations may be initiated following the making of a report to the Abbotsford Police department (or other police detachment). The Contact Officer(s) can assist a Complainant to contact the police if the Complainant would like to pursue criminal charges but the Contact Officer(s) will maintain objectivity and will not become an advocate for the Complainant.

5.0 OUTCOMES:

- 5.1** Subject to any limitations regarding the need to maintain confidentiality or privacy in accordance with the Sexual Misconduct Policy, this procedure or applicable laws, following the conclusion of an investigation, the findings from the investigation will be shared with the

Complainant and the Respondent.

- 5.2** The Investigation Committee will provide the Contact Officer(s) with a written investigation report. The report will include:
- A summary of all relevant statements and evidence;
 - Assessment of witness credibility and other evidence and, where appropriate, conclusions as to the accepted evidence and findings of fact;
 - Assessment of whether violations of the Sexual Misconduct Policy, other College policies or the law have occurred; and
 - Recommendations as to a range of appropriate corrective measures or disciplinary action where violations have been found.
- 5.3** The Contact Officer(s) (and the President of Columbia Bible College if the approved college policy apply) will review the investigation report and determine what corrective measures and/or disciplinary action is or is not required. Where the proposed decisions of the Contact Officer(s) (and the President of Columbia Bible College if the approved college policy apply) differ materially from the conclusions and recommendations in the investigation report, the Contact Officer(s) (and the President of Columbia Bible College if the approved college policy apply) in all cases retain discretion to determine final corrective measure and/or disciplinary action.
- 5.4** The Contact Officer(s) may issue directives to responsible offices regarding corrective actions, discipline and/or sanctions. Special care and possibly additional consultation should be taken with respect to directives concerning the results of investigations and corrective actions being included on student academic records and/or employee personnel files.

6.0 CONFIDENTIALITY:

- 6.1** To the extent possible, the confidentiality and privacy of all persons involved in a report of Sexual Misconduct must be strictly observed from the outset of a Formal Report being received through to the end of the resolution process and outcome. In order to enhance confidentiality, as few people as are reasonably required will handle Formal Reports.
- 6.2** With respect to the use or collection of personal information pursuant to section 8.3.3 of the Sexual Misconduct Policy, such use and collection shall be as limited in its application, as reasonable in terms of amount of information shared and kept as confidential as is reasonably possible while still completing a thorough investigation.
- 6.3** The details and results of investigations will not be disclosed or discussed with any person other than those College employees, contractors or advisors who have a legitimate need to know such results in order to perform their duties and responsibilities. However, the Contact Officer(s) may at any time disclose information in relation to any Formal Report, investigation or investigation outcome to members of the senior administration, the College's board of directors and/or law enforcement agencies, if deemed appropriate, or as otherwise required or permitted by law. Where such disclosures are made, including consultations by the Contact Officer(s) with members of senior administration in accordance with these procedures, as little identifying information as possible should be given.

6.4 Notwithstanding sections 6.2 and 6.3, results of investigations and corrective actions taken may be included on Respondents' student academic records and/or employee personnel files in accordance with these procedures.

7.0 REPORTING:

7.1 On an annual basis the President will prepare a summary report of all investigations held during the relevant time period for review by the College's board of directors, such summary report to exclude identifying information where appropriate.

7.2 The College is committed to reviewing this policy at least once every three years, in consultation with students and other Members of the College Community.

8.0 MODIFICATIONS:

8.1 Students who feel they are in need of academic modification due to Sexual Misconduct or involvement with a Formal Report (e.g., assignment extension, exam deferral, class scheduling, or withdrawal from a class) can request assistance from the Contact Officer.

8.2 College employees who feel they are in need of workplace modification due to Sexual Misconduct or involvement with a Formal Report can request assistance from the Contact Officer in human resources.

9.0 SUPPORTS AND RESOURCES:

9.1 The College is committed to providing all Members of the College Community, including Respondents, Complainants and others that witness or are subject to Sexual Misconduct, with the following supports:

- Counselling and related support through Counselling Services, Human Resources or community agencies partnering with the College;
- Reasonable modification options through Student Development, Academic Affairs, the Contact Officer or Human Resources, as appropriate;
- Information regarding available medical services through British Columbia Health Services with initial care, follow-up, and/or referral;
- Reporting options through the Contact Officer; and
- Education and training on matters including Sexual Misconduct reporting, prevention and general awareness.

10.0 EDUCATION AND TRAINING:

10.1 All Members of the College Community are to be encouraged to participate in Sexual Misconduct educational programs and initiatives offered by the College.

10.2 Key Staff, full-time faculty and student leaders shall be required to attend initial training on receiving Disclosures and responding to Sexual Misconduct and then additional training from time to time.

10.3 All Members of the College Community can assist with maintaining an educational and working

environment free from Sexual Misconduct by:

- Modelling healthy and respectful behavior in all relationships at the College;
- Speaking out against conduct that may encourage or condone Sexual Misconduct;
- Speaking out against behaviour that discourages reporting of Sexual Misconduct;
- Promoting the College's safe disclosure policies and procedures; and intervening in situations that may constitute, or lead to, Sexual Misconduct.