

PREVENTING AND RESPONDING TO SEXUAL VIOLENCE AND MISCONDUCT POLICY

Name of Policy	Preventing and responding to sexual violence and misconduct policy
Last Revision	August 17, 2021
Implementation Date	September 1, 2021
Position(s) Responsible	Campus Director, SEA

PURPOSE STATEMENT

Winston College wishes to confirm its responsibility to provide a safe and secure learning environment. At Winston College, we firmly believe that there should be a safe environment for all the students, which is free from any kind of sexual misconduct as the college has zero tolerance towards this kind of misconduct. Through this policy the Winston College strive to prevent sexual misconduct and create a procedure to respond effectively and in a timely manner when incidents occur. This Policy has been designed in compliance with the BC Sexual Violence and Misconduct Policy Act S.B.C. c.23 (the Act).

SCOPE AND APPLICATION

- The policy applies to students, faculty and staff members working at Winston College as well as extends to the visitors, volunteers, and contractors at the campus, who may be found involved in any act of violating the respectful environment of the college by indulging in any sexual violence or misconduct.
- Sexual misconduct is defined as any form of undesired activity of a sexual nature which intends to violate the sexual integrity of the individual to whom it is directed.
- Sexual assault is characterized by a broad range of behaviors that involve the use of coercion, threats or control towards a person which makes the person feel uncomfortable, distressed, frightened.

SEXUAL MISCONDUCT MAY INVOLVE:

- a) Sexual Assault
- b) Sexual Exploitation
- c) Sexual Harassment
- d) Stalking
- e) Incident Exposure
- f) Voyeurism
- g) Distribution of a sexually explicit photograph or video of a person, without the consent of the person in the photo or video.
- h) Attempt to commit an act of sexual misconduct
- i) Threat to commit an act of sexual misconduct.

REPORTING /DISCLOSURE PROCEDURE

The person who wishes to disclose sexual misconduct or make a formal report against it may do so as per the following process:

1. The person (victim) may choose to disclose the sexual misconduct to the Senior educational Administrator/SEA Winston college, without making a formal report. In this case a formal process may not be initiated, but the management will deal with the disclosure seriously and may take steps to avoid the repetition of the incident.

2. To initiate a formal process, the victim or a member of the college community, on behalf of the victim, needs to submit a report in writing to the Senior Educational Administrator SEA.

Name: Asif Mir

Contact asif@winstoncollege.com

Call: 604-357-8021

3. If the SEA is absent or is named in the complaint, the student must address the complaint to the President Winston college.

Name: May He

Contact may@winstoncollege.com

Call: 604-357-8022

4. The student must state as clearly as possible the details of the incident, including the details of the people involved in the misconduct, along with a request for an action. The report must clearly state the allegations against the alleged person involved in the sexual misconduct.

5. The Senior Administrator/SEA will, within 24 hours of receiving the complaint, initiate an investigation to the complaint and may ask for more information from the complainant.

6. Depending on the severity of complain, the SEA will form a committee of at least two employees to investigate and may seek legal advice or may ask the complainant to follow a legal process if deem necessary besides the complaint filed at the Winston college.

7. The person against whom allegations are made will be informed about the same, keeping the name and details of the complainant private. The person will be given 24 hours' time to submit written explanation about the incident.

8. The SEA will ensure fair treatment with both parties involved. The SEA will arrange a meeting with the complainant to collect the necessary information about the incident and to assist the complainant to take appropriate steps.

The SEA may provide emergency numbers for off campus security, law enforcement, medical assistance, and mental health services (if required). The SEA will encourage immediate reporting of the incident and will ensure the safety of the students after the incident.

9. The SEA will determine the appropriate disciplinary action after the investigation if any should be taken.

- 1- Determine that the report is not proved; the file is closed.
2. Determine that the report is substantiated, in whole or in part, and either:
 - ✓ Give the student a warning clearing up the consequences of further misconduct; or
 - ✓ Set a probationary period with appropriate conditions; or
 - ✓ Recommend that the student should be dismissed from the college.
 - ✓

10. The SEA will determine the severity of the incident and can refer to police if needed.

11. A victim/survivor may also wish to make a formal report of an incident of sexual misconduct to police.

12. If the perpetrator is a visitor, whom the Winston college authorities cannot access, the information of the visitor will be given to the local police along with the copy of the complaint, if the complainant agrees to this.

13. The information of the complainant will be kept confidential according to the Freedom of Information and Protection of Privacy Act, unless it becomes mandatory by law to disclose the information to get full justice to the complainant. If required, the complainant will be given to counseling or emergency medical care to overcome the mental or physical problems faced by the complainant due to the incident.

14. The complainant can also make an anonymous report to the police about the incident, through a community-based victim support worker without disclosing his/her name or contact numbers. This anonymous report would be sent to Winston college by the Community Victim Service Agency.

1. It is contrary to this policy for the Winston College to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.
2. 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.
3. 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.

Disciplinary Procedures

The Winston College will act according to its policies to investigate the incidents related to the sexual harassment. The Winston College will take disciplinary action, if the college management determines that any student or staff member of the college is involved in sexual misconduct. This disciplinary action may include warning or termination of the employee/ dismissal of the student. The Winston College will not tolerate any form of sexual misconduct.

Winston College is certified by the Private Training Institutions Branch (PTIB) and comply with regulatory requirements. For more information about PTIB, go to www.privatetraininginstitutions.gov.bc.ca