

Sexual Misconduct Policy

Vancouver Beijing College of Chinese Medicine		
Name of Institution		Institution Number
Sexual Misconduct Policy	Nov. 1st, 2021	Nov. 1st, 2021
Name of Policy	Effective Date	Revision Date

Vancouver Beijing College of Chinese Medicine (VBCOM) is committed to the prevention of and appropriate response to sexual misconduct.

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
- The threat to commit an act of sexual misconduct.

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.

PROCESS OPTIONS

Anyone who experiences or witnesses Sexual Violence or Misconduct by any member of the campus community, or has reason to believe that Sexual Violence or Misconduct by any member of the campus community has occurred or may occur, may pursue any of the following options (or pursue more than one option simultaneously):

- A. Seeking support and accommodation options
- B. Making a Disclosure (without a Complaint) to the College
- C. Making a formal Complaint to the Institute
- D. Making a report to the police or community victim services

A. SEEKING SUPPORT AND ACCOMMODATION OPTIONS

- Support and accommodation are available to any member of the VBCOM Community who has experienced or witnessed sexual misconduct as well as the respondent.

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- If a decision is made by the individual who has experienced or witnessed Sexual Violence or Misconduct to make no Disclosure or Complaint, the individual is still able to access a wide range of support and accommodation services such as medical attention, and/or academic accommodation, where required and reasonably possible.
- The College will provide academic and non-academic supports or accommodation where required and reasonably possible. The Institute may require additional information to provide accommodation and/or support requests.
- In general, support and accommodation will be coordinated by the College President.
- In some situations, support or accommodation may include limiting contact between Students.
- Interim measures involving support and accommodation may be implemented.

B. MAKE A DISCLOSURE (WITHOUT A COMPLAINT) TO VBCOM

- Any person who experiences or witnesses Sexual Violence or Misconduct involving a campus community member but does not want to proceed with a Complaint may make a Disclosure to the College president, Directors, or any faculty or employee of VBCOM the person feels comfortable making it to.
- Any faculty or employee who receives a Disclosure should seek advice from the College President on how best to support the process.
- A Disclosure is not the same as a Complaint under this Policy and does not normally serve to initiate an investigation or other process unless VBCOM believes one of the following circumstances applies:
 - a person is at risk of self-harm or of harming others.
 - there is an imminent risk of harm to the VBCOM Community and/or the broader community.
 - the Disclosure involves Sexual Violence or Misconduct by an employee or representative of VBCOM.
 - a person under the age of 19 is endangered; or disclosure is otherwise required by law.
 - Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

In these instances, the minimum amount of information needed to meet legal or other obligations will be disclosed, and every effort will be made to involve the person making the Disclosure in decision-making and to mitigate any associated risks. Any faculty or employee of VBCOM who is unsure about their responsibility to disclose should seek advice from the College President.

- Any person who makes a Disclosure can choose to make a Complaint later if they wish.

C. MAKE A COMPLAINT TO VBCOM

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- Any person who experiences or witnesses Sexual Violence or Misconduct on the campus may make a Complaint to VBCOM.
- A Complaint can be made to the College President and Directors, or any faculty or employee of VBCOM the person feels comfortable making it to. Any faculty or employee who is approached by the person who wishes to file a Complaint should seek advice from the College President or the Director on how best to support the Complainant.
- The Complaint should be in writing and include a statement of facts including a record of the dates, times, and nature of any alleged incidents, and the names and, if possible, contact information of any witnesses. The Complainant may request assistance in providing a written Complaint.
- Complaints must contain sufficient detail to allow VBCOM to assess the Complaint and conduct an investigation, if required.

D. REPORT TO POLICE OR COMMUNITY VICTIM SERVICES

- Individuals may report their allegations through the criminal justice or victim services system by contacting the local police detachment directly.
- Any individual who chooses this option may contact College President or Directors for assistance in making a report to the police.
- VBCOM will cooperate with any criminal investigation.

VBCOM'S RESPONSE TO A COMPLAINT

INITIAL REVIEW

1. The College will acknowledge receipt of the Complaint within 10 days, and the College President will conduct an initial review to determine whether the allegations in the Complaint fall within the scope of this Policy.
2. If the College President determines that the Complaint falls within the scope of this Policy, the College President will do one of the following:
 - a. refer the matter to the informal resolution process described below; or
 - b. initiate a formal resolution process by appointing an impartial and appropriately qualified Investigator to investigate the Complaint.

INFORMAL RESOLUTION OF A COMPLAINT

1. Where appropriate, VBCOM will consider an informal resolution of Complaints of Sexual Violence or Misconduct. Discussion and clarification of expectations can be an effective way to resolve situations and prevent escalation of inappropriate behaviour. Upon receipt of a Complaint, the College President will determine whether an informal resolution is appropriate. Both the Complainant, and the Respondent must agree to the informal resolution process.
2. A record of any informal resolution may be kept in the College's administration record.
3. Where an informal resolution is not appropriate or unsuccessful, VBCOM will initiate its formal resolution process into the Complaint.

FORMAL RESOLUTION OF A COMPLAINT

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1. If VBCOM is unable to resolve a Complaint through an informal resolution process, a formal investigation and resolution process will begin. Throughout an investigation VBCOM will take all reasonable steps to ensure the safety of the Students and the VBCOM Community.

INVESTIGATION

2. If the College President decides that the Complaint will be investigated, the College President will deliver a copy of the Complaint to the Respondent and ask that the Respondent provide the College President with a written response within a specified timeline. If there is more than one Respondent, each will be asked to provide a response. This timeline may be extended at the discretion of the President, based on a reasonable request from the Respondent(s).

3. The College President will appoint an impartial and appropriately qualified Investigator and provide the Investigator with a copy of the Complaint, the written response(s) of the Respondent(s), and the terms of reference for the investigation. The Investigator may be an employee of VBCOM or an external investigator. Where reasonably possible, the Investigator should be a person who has had no prior dealings with the Complainant or Respondent.

4. The Investigator will carry out an investigation that will include interviewing the Respondent(s) and providing the Respondent(s) with an opportunity to respond to the allegations in the Complaint. The Investigator may also interview any other individual the Investigator determines necessary, and may review any documents or other evidence the Investigator considers relevant.

5. When the investigation is complete, the Investigator will provide College President with a written report of the Investigator's findings of fact (the "Findings").

6. The College President will meet with the Respondent(s), review the Findings, and provide the Respondent(s) with the opportunity to make representations on whether the Policy has been violated, and whether Disciplinary or Corrective Measure(s) should be imposed.

7. After considering the Findings and the Respondent(s) representations, the College President will determine whether the Respondent(s) has violated the Policy. If the College President determines that the Respondent(s) has not violated the Policy, the College President will notify the Respondent(s) in writing and no Disciplinary or Corrective Measure will be imposed. If the College President determines that the Respondent(s) has violated the Policy, the College President will consider and determine the appropriate Disciplinary or Corrective Measure(s) to be imposed or recommended.

8. The College President will inform the Complainant of the outcome of the proceedings.

DISCIPLINARY OR CORRECTIVE MEASURES

9. The student or campus member who is found to have engaged in Sexual Violence or Misconduct may be subject to one or more of the Disciplinary or Corrective Measures, as

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determined by VBCOM. All Disciplinary or Corrective Measures will become part of the Official administration Record.

APPEAL

Should the Complainant or the Respondent not agree with the decision resulting from the investigation, he or she may appeal the decision to the College President within 10 days by submitting a letter addressed to College President advising of the person's intent to appeal the decision. An external reviewer may be engaged if necessary.

MAKING FALSE STATEMENTS

It is a violation of this Sexual Misconduct Policy for anyone to knowingly make a false complaint of sexual Misconduct or to provide false information about a complaint.