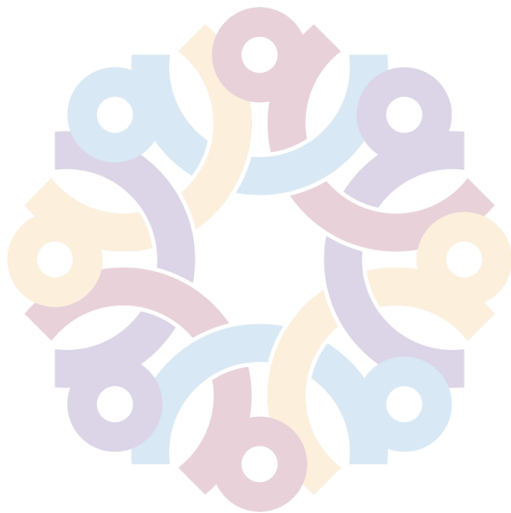




Vancouver
College of
Counsellor
Training

SEXUAL MISCONDUCT POLICY

PURPOSE

The Institution is committed to providing a safe, respectful, and inclusive learning and working environment where all individuals are treated with dignity and respect. Sexual misconduct will not be tolerated under any circumstances. This policy establishes the Institution's commitment to preventing sexual misconduct, supporting individuals who are affected, and responding to disclosures, complaints, and reports in a manner that is fair, trauma-informed, and consistent with applicable legislation and regulatory requirements.

The Institution is committed to:

- promoting awareness and prevention through education;
- responding promptly and appropriately to disclosures, complaints, and reports;
- supporting individuals affected by sexual misconduct;
- applying procedural fairness throughout all formal processes;
- protecting individuals from retaliation; and
- maintaining confidentiality to the greatest extent reasonably possible.

SCOPE

This policy applies to:

- all students;
- employees;
- instructors;
- administrators;
- contractors;
- volunteers;
- practicum and work experience participants; and
- visitors participating in Institution-related activities.

This policy applies to conduct occurring:

- on campus;
- during online or distance education;
- within the Learning Management System (LMS);
- during practicum, clinical, work experience, or field placements;
- during Institution-sponsored activities;
- during institutional travel; and
- through electronic communications or social media where the conduct has a reasonable connection to the Institution or adversely affects the learning or working environment.

This policy should be read together with the:

- Human Rights and Harassment Reporting and Complaint Policy;
- Code of Conduct;
- Student Complaint Resolution Policy;
- Respectful and Fair Treatment Policy;
- Privacy and Student Records Policy; and
- Dismissal Policy.

GUIDING PRINCIPLES

The Institution will administer this policy in accordance with the following principles:

- **Safety:** The safety and well-being of members of the institutional community will remain a primary consideration.
- **Respect:** All individuals involved will be treated with dignity, compassion, and respect.

- **Trauma-Informed Response:** The Institution recognizes that individuals may respond differently to experiences of sexual misconduct. Processes will be conducted with sensitivity while maintaining fairness for all parties.
- **Procedural Fairness:** Individuals involved in formal investigations will be provided with a fair opportunity to respond before decisions are made.
- **Confidentiality:** Information will be shared only where necessary to investigate, respond to, or resolve a matter, or where required by law.
- **Protection from Retaliation:** The Institution prohibits retaliation against any individual who, in good faith, seeks assistance, makes a disclosure, files a complaint, or participates in an investigation.

DEFINITIONS

- **Sexual Misconduct:** Sexual misconduct includes any unwelcome conduct of a sexual nature that violates an individual's dignity, safety, or security. Sexual misconduct may include, but is not limited to:
 - sexual assault;
 - sexual harassment;
 - sexual exploitation;
 - stalking of a sexual nature;
 - indecent exposure;
 - voyeurism;
 - distribution of intimate images without consent;
 - attempts or threats to commit acts of sexual misconduct; and
 - retaliation related to a disclosure, complaint, or report.
- **Disclosure:** Sharing information about an experience of sexual misconduct for the purpose of obtaining support, advice, accommodations, or information, without necessarily requesting an investigation.
- **Complaint:** A request for the Institution to review concerns and seek an appropriate institutional resolution.
- **Report:** A formal notification requesting that the Institution initiate an investigation or take institutional action.
- **Consent:** The voluntary, informed, and ongoing agreement to engage in sexual activity. Consent cannot be obtained through force, threats, coercion, fraud, or where an individual lacks the capacity to consent. Consent may be withdrawn at any time.
- **Support Person:** A person selected by a complainant or respondent to provide personal support during meetings held under this policy. A support person does not participate in decision-making or the investigation.

POLICY STATEMENT

The Institution is committed to preventing sexual misconduct through education, awareness, professional conduct, and timely intervention.

Individuals who experience, witness, or become aware of possible sexual misconduct are encouraged to seek assistance and report their concerns as soon as reasonably possible.

The Institution recognizes that individuals may choose whether to make a disclosure, submit a complaint, or file a formal report, except where the Institution has a legal obligation to take action to protect the safety of the learning community.

The Institution will respond to all concerns respectfully, fairly, and in accordance with this policy and applicable legislation.

PREVENTION AND EDUCATION

The Institution is committed to preventing sexual misconduct through ongoing education, awareness, and the promotion of respectful relationships and professional conduct.

The Institution will:

- provide students and employees with information regarding this policy and available support resources;
- promote awareness of consent, respectful conduct, and bystander responsibility;
- provide training to employees responsible for receiving disclosures or responding to complaints and reports;
- encourage early reporting of concerns; and
- periodically review prevention initiatives to support continuous improvement.
- periodically review education initiatives to ensure they remain current with legislative requirements and emerging best practices.

SUPPORT AND ACCOMMODATIONS

Any individual who experiences or discloses sexual misconduct will be treated with dignity, compassion, and respect.

Individuals seeking support are not required to submit a formal complaint or report in order to receive information regarding available institutional supports or reasonable accommodations.

Where appropriate, the Institution may provide reasonable accommodations, including:

- academic accommodations;
- changes to class schedules;
- alternative learning arrangements;
- adjustments to practicum or work experience placements;
- temporary restrictions on contact between individuals; or
- other reasonable measures intended to support safety and continued participation in studies or employment.

The Institution will also provide information regarding available community resources, counselling services, medical care, victim support services, and law enforcement where appropriate.

DISCLOSURE, COMPLAINT, AND REPORTING OPTIONS

Individuals may choose one or more of the following options:

- **Disclosure:** A disclosure allows an individual to seek support, information, or accommodations without requesting a formal investigation.
- **Complaint:** A complaint requests that the Institution review the matter and determine an appropriate institutional response.
- **Formal Report:** A report requests that the Institution initiate a formal investigation or other institutional action.

The Institution recognizes that an individual may choose not to proceed with a formal complaint or report. However, the Institution may initiate an investigation where required to:

- protect the safety of the learning community;
- comply with legal obligations;
- address ongoing risks; or
- satisfy regulatory requirements.

EMERGENCY RESPONSE

Where there is an immediate risk to the safety of any individual, emergency services should be contacted without delay.

Individuals who have experienced sexual assault are encouraged to seek immediate medical attention and preserve evidence where they choose to pursue criminal or legal proceedings.

The Institution will cooperate with law enforcement where required while continuing to provide reasonable institutional supports.

Institutional processes may proceed independently of any criminal investigation where appropriate.

INTERIM MEASURES

Where appropriate, the Institution may implement interim measures while reviewing or investigating a complaint or report.

Interim measures are precautionary and do not represent findings of responsibility.

Depending on the circumstances, interim measures may include:

- schedule adjustments;
- alternative learning arrangements;
- temporary changes to work assignments;
- no-contact directions;
- restricted access to institutional facilities;
- temporary suspension where necessary to address significant safety concerns; or
- other reasonable measures intended to reduce risk and support the integrity of the investigation.

Interim measures will be proportionate to the circumstances and reviewed as additional information becomes available.

INVESTIGATION PROCESS

Where a formal investigation is initiated, the Institution will ensure the process is conducted fairly, objectively, and without unreasonable delay.

Investigations will generally include:

1. reviewing the complaint or report;
2. notifying the respondent of the allegations;
3. providing both parties with an opportunity to present relevant information;
4. interviewing witnesses where appropriate;
5. reviewing relevant documentation or electronic evidence; and
6. assessing all available information using the balance of probabilities standard.

The Institution may appoint an internal or external investigator where appropriate, particularly where there may be an actual or perceived conflict of interest or where specialized expertise is required.

Both the complainant and respondent may be accompanied by a support person during meetings related to the investigation, provided the support person's participation does not interfere with the process.

The Institution will make reasonable efforts to keep the parties informed regarding the progress of the investigation while respecting privacy and confidentiality obligations.

FINDINGS AND OUTCOMES

Following completion of an investigation, the Institution will determine, on a balance of probabilities, whether this policy has been violated.

Where appropriate, both the complainant and respondent will be advised in writing that the investigation has concluded and will receive information regarding the outcome to the extent permitted by applicable privacy legislation.

Where a violation of this policy is substantiated, the Institution may implement one or more corrective measures appropriate to the circumstances. Corrective measures may include:

- educational or restorative interventions;
- verbal or written warnings;
- mandatory education or training;
- behavioural or performance expectations;
- restrictions on participation in institutional activities;
- suspension;
- dismissal or expulsion;
- termination of employment or contractual relationship; or
- referral to law enforcement where appropriate.

Where an investigation does not substantiate a policy violation, the Institution may nevertheless implement reasonable measures to restore or maintain a safe and respectful learning or working environment.

PROTECTION FROM REPRISAL

The Institution prohibits retaliation against any individual who, in good faith:

- makes a disclosure;
- submits a complaint or report;
- requests support or accommodations;
- participates in an investigation; or
- provides information or evidence during a review.

Retaliation, intimidation, or interference with any person participating in a process under this policy may result in disciplinary action under applicable institutional policies.

A complaint or report that is not substantiated does not, by itself, mean that it was made in bad faith.

Knowingly false or malicious complaints may result in corrective or disciplinary action.

CONFIDENTIALITY

The Institution will make reasonable efforts to protect the privacy and confidentiality of all individuals involved in a disclosure, complaint, report, or investigation.

- Information will only be shared where necessary to:
- respond to a disclosure or report;
- investigate or resolve a complaint;
- implement appropriate safety or accommodation measures;
- comply with legal or regulatory obligations; or
- ensure procedural fairness.

Absolute confidentiality cannot be guaranteed where disclosure is required by law or is necessary to protect the safety of individuals or the broader learning community.

RECORDS MANAGEMENT

Records created under this policy will be maintained in accordance with the Institution's Privacy and Student Records Policy, applicable privacy legislation, and institutional record retention requirements.

Access to records will be limited to authorized individuals who require the information to fulfill their educational, operational, legal, or regulatory responsibilities.

CONTINUOUS IMPROVEMENT

The Institution is committed to continuously improving its response to sexual misconduct through education, policy review, and ongoing assessment of institutional practices.

Without identifying individuals, complaint trends may be reviewed periodically to:

- improve prevention and awareness initiatives;
- enhance employee education and training;
- strengthen institutional supports;
- identify emerging risks; and
- support ongoing compliance with legislative and regulatory requirements.

MONITORING AND COMPLIANCE

The Institution may periodically review compliance with this policy through internal audits, policy reviews, education initiatives, complaint trend analysis, and corrective action monitoring to support continuous improvement and legislative compliance.

RELATED POLICIES

- This policy should be read together with the Institution's:
- Human Rights and Harassment Reporting and Complaint Policy
- Respectful and Fair Treatment Policy
- Code of Conduct
- Student Complaint Resolution Policy
- Privacy and Student Records Policy
- Dismissal Policy
- Attendance Policy
- Active Participation and Satisfactory Academic Standing Policy

POLICY REVIEW

This policy will be reviewed at least annually, or more frequently where required by legislative, regulatory, or operational changes, to ensure continued effectiveness, regulatory compliance, and alignment with institutional best practices.