

DOCUMENT TITLE	Sexual Violence and Misconduct Procedures
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HOLDER	Vice President Student Experience
RESPONSIBLE OPERATIONAL LEADER	Director Student Affairs

SEXUAL VIOLENCE AND MISCONDUCT PROCEDURES

PURPOSE AND/OR RATIONALE

The following procedures articulate how the Sexual Violence and Misconduct Policy will be applied in response to Disclosures and Reports of Sexual Misconduct.

PROCEDURES

A Student who has experienced Sexual Misconduct or a witness to Sexual Misconduct may choose to make a Report to the College by contacting a Student Support Manager in the Office of Student Support. A Report may be made in person, be email to oss@camosun.ca or by phone at 250-370-3841 or 250-270-3046.

The Office of Student Support will assist Complainants to complete a Report.

A Report should include all relevant information and will be provided to the Director of Student Affairs who will determine whether the subject matter of the Report falls within this Policy, and whether an Investigation is required.

The College will provide the Complainant with information about what to expect, possibility of academic considerations, supports available, privacy considerations and anticipated timelines for the Investigation.

A Report may be made at any time.

INTERIM MEASURES

- In some cases it may be necessary to implement Interim Measures that are appropriate in the circumstances prior to the conclusion of an Investigation or determination. Interim measures are temporary measures put in place to ensure the safety and protection of the parties, the community, and the integrity of the process during the Investigation and decision-making process.
- Interim measures are non-disciplinary and will have no bearing on the consideration of the merits of the Report.
- Interim Measures may be imposed if:
 - There are reasonable grounds to believe that a Student's continued presence on campus poses a significant threat and/or risk to the safety or security of themselves, others or to property.
 - The Student's presence on campus could lead to a breach of court imposed restrictions (e.g. release or probation conditions or a peace bond including a non-association order) and the College is unable to reasonably accommodate the conditions;
 - There are reasonable grounds to believe that the Student poses a threat of disruption or interference with the normal operations of the College and/or the integrity of the Investigation or decision-making process.
 - There are reasonable grounds to believe that a Student's personal health and wellness are significantly impacting their academic success and/or conduct.
- Consequences for violating Interim Measures will be clearly communicated to the Respondent at the time they are applied.
- Interim Measures may include, but are not limited to:
 - Alteration of the academic schedule of the Respondent involved in an Investigation;
 - Imposition of a no-contact direction;
 - Temporary, non-disciplinary leave of an individual subject to an Investigation; and/or
 - Any other Interim Measures as may be determined by the College.
- Students subject to Interim Measures may request, in writing, a review of the Interim Measures when the Student has additional or new information relevant to the decision to impose Interim Measures.
- Reviews of Interim Measures will be completed by Director of Student Affairs

INVESTIGATION PROCEDURES

Upon receiving a Report, the Office of Student Support will provide the Report to the Director to determine if the Report falls within the scope of this Policy. The Director will determine whether to initiate an Investigation. The College will appoint an impartial investigator who may be internal or external to the College.

Prior to the commencement of an Investigation, the Respondent will be informed of the substance of the Report and that an Investigation will be initiated. In certain circumstances, it may be necessary to delay informing the Respondent of the Report (such as, for example, if informing the Respondent may result in the destruction of evidence.)

The College, through the Office of Student Support, will determine the procedures for the Investigation as appropriate in the circumstances.

The Respondent will be given notice of the Report sufficient to allow the Respondent to understand the nature of it and to be able to fairly respond to it.

The Investigator will conduct an Investigation, gathering relevant information concerning the Report, including through witness interviews and document review (including through electronic media such as social media posts) and such other means as may be necessary or appropriate in the circumstances.

The Respondent will be provided a fair opportunity to respond to the Report, including through the provision by the Investigator of relevant material gathered during the Investigation.

The Investigator will endeavor to complete the Investigation within 60 days of receipt of the Report from the Director of Student Affairs. If, during the course of the Investigation, the Investigator believes that this timeline cannot be met, the Investigator will contact the Complainant, the Respondent, and the Director as soon as reasonably possible to inform them of any delays.

OUTCOME

Following the conclusion of the Investigation, the Investigator will report to the Director their findings, and may, if requested, recommend an Outcome.

Following receipt of the Investigator's findings, and recommendation, if any, the Director may:

- a. Accept the findings of the Investigator, as to whether a breach of the Policy did or did not occur;
- b. Reject the findings of the Investigator and either (a) require further investigation; (b) dismiss the complaint contained in the Report; or (c) find that a breach of this Policy occurred;

Where a breach of this Policy is found the Director may impose an Outcome.

Where the Director is of the view that a Suspension is an appropriate Outcome, the Director will recommend a suspension, and the grounds for it, to the President. The Student will be provided the opportunity to respond to the Director's recommendation.

The Complainant has the right to withdraw their Report or withdraw from participating in the investigation process at any time.

APPEAL

APPEALS FOR DISCIPLINE OTHER THAN SUSPENSION FROM THE COLLEGE

A Respondent has the right to appeal an Outcome imposed by the Director to the Vice- President Student Experience.

An Appeal of an Outcome must be initiated within ten (10) working days of the Respondent being informed of the Outcome.

An Appeal must be made in writing and provide all of the following information:

- a. The Outcome which is being appealed;
- b. The grounds for the appeal (i.e. why the Respondent believes the Appeal should be allowed);
- c. The Outcome which the Respondent is seeking and the reasons why;
- d. Any and all documentation and submissions relevant to the Respondent's Appeal.

Appeals of Outcomes imposed by the Director of Student Affairs may only be brought on the following grounds:

- a. A substantial procedural error has been made in the process;
- b. Evidence, not reasonably available at the time the Outcome was determined is available and the new evidence may change the Outcome;
- c. The Outcome imposed is unreasonable or excessive in all the circumstances.

The Vice-President Student Experience will request the Director to provide all relevant documents related to the Outcome and a response to the Respondent's Appeal.

The Vice-President Student Experience will consider the Appeal within ten (10) working days. The Vice-President Student Experience will decide whether to allow the Appeal and dismiss the Allegation, deny the Appeal and uphold the Outcome, or vary the Outcome.

The Vice-President Student Experience may decline to consider an appeal when it is determined that the appeal:

- a. is trivial, frivolous, or vexatious, or
- b. is not based on a ground of appeal as set out in the Policy.

The decision of the Vice-President Student Experience on an Appeal is final and is not subject to appeal.

The process for appeals of a Suspension from College can be found in E-2.4.3 Appeal of Suspension from College Process.

RELATED LEGISLATED REFERENCES

- Sexual Violence and Misconduct Policy Act

- Criminal Code of Canada
- Freedom of Information and Protection of Privacy Act
- Human Rights Code

LINKS TO RELATED CAMOSUN POLICIES, DOCUMENTS, AND/OR WEBSITES

- Student Conduct Policy <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.5.pdf>
- Course Withdrawal <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.2.pdf>
- Medical/Compassionate Withdrawals <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.8.pdf>
- Records Management Policy <http://camosun.ca/about/policies/operations/o-6-information-management/o-6.2.pdf>
- Appeal of Suspension from College Process <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.4.3.pdf>