			POLICY
Policy Title:	Sexual Misconduct Policy	Policy	2
Policy No:	5657	Revision Date	July 2019
Original Submission	July 2017 revised 2019	Approval	July 2019
Approval Body:	Academic Council	Effective	July 2019
		Review	July 2022

Policy Statement

Acsenda School of Management (ASM) is committed to the safety and security of students and to ensuring a respectful campus environment free of sexual misconduct and assault. ASM is committed to educating students, staff and faculty about sexual misconduct and prevention and to providing support through appropriate referral agencies.

Purpose

The purpose of this policy is to define sexual misconduct involving students and to outline the procedures for responding to complaints and preventing incidents of sexual misconduct and assault.

This policy serves three purposes

- To establish conduct standards that prohibits sexual misconduct for all ASM students
- To outline the reporting, investigation, and complaint resolution procedures in cases where it is alleged that an ASM student has engaged in sexual misconduct
- To describe resources available on campus and in the community to assist students in dealing with the impact of sexual misconduct

Scope

Sexual misconduct includes any unwanted act that is physical, verbal, or psychological carried out through sexual means or by targeting sexuality. Sexual misconduct includes sexual assault, sexual exploitation, sexual harassment, stalking, indecent exposure, voyeurism, distribution of sexually explicit photos or video without the consent of the person in the photo, and attempt or threat to commit an act of sexual misconduct.

The definition of consent included in this policy recognizes reduced capability or incapability to consent.

The policy on Sexual Misconduct applies to all students, faculty and staff regardless of gender identity, gender expression or sexual orientation.

The policy applies to sexual misconduct that occurs on campus, in or near the building in which the campus is located, at any campus sponsored event including outside of the province of BC; and online through email or any social media space where ASM students interact.

Students have the option of disclosing an incident of alleged sexual misconduct to a staff or faculty member or reporting an incident by providing a written statement to the Dean or the appropriate Administrative Head; and/or to report the incident to the police.

ASM recognizes that students may be reluctant or traumatized by having to disclose or report sexual misconduct and therefore may take time to come forward.

All parties involved in an alleged case of sexual misconduct will be treated fairly and with dignity and respect.

ASM is committed to fairness and privacy in procedures for addressing allegations of sexual misconduct and assault. Retaliation towards anyone assumed to have disclosed or reported sexual misconduct will not be tolerated.

Where a student reports an incident of alleged sexual misconduct involving another student, the disciplinary actions and sanctions outlined in the *Student Code of Conduct* policy will apply.

Accommodations for a person who has experienced sexual misconduct may range from assignment extensions, exam deferrals, withdrawal from a course without penalty, leave of absence, etc.

Allegations of sexual misconduct involving an employee of ASM will be referred to the employee's manager who will report it to the President. The President will consult with the Director of Human Resources for direction on relevant employer policies and procedures.

A student may disclose to any staff or faculty member who will encourage that student to seek appropriate referral and support services through Student Services, police or community services. Disclosure does not initiate a process to address the sexual misconduct.

That faculty or staff member, to whom a disclosure of alleged sexual misconduct is made, is encouraged to approach Student Services for information or referral on how to deal with the disclosure.

Any student who discloses or report alleged sexual misconduct will be provided with information on how to access support and counselling.

ASM may not have the legal authority to investigate and administer justice in all allegations of sexual misconduct and students reporting an incident will be advised accordingly.

Any student involved in reporting or who is alleged to have committed sexual misconduct may seek advice from Student Services about how to find legal counsel.

Confidentiality and Privacy

Information provided in a disclosure or report of sexual misconduct will be kept confidential and is subject to the Freedom of Information and Protection of Privacy Act. ASM will keep confidential all information provided in a disclosure or report of sexual misconduct in accordance with the following:

- the respondent has the right to know the identity of the person who made a report of sexual misconduct and the pertinent details of the allegations made against the respondent;
- the person who alleges sexual misconduct has the right to know the outcome of the investigation, but not the details of any disciplinary actions that may have been taken against the respondent unless sharing that information is necessary for the protection of their health or safety;
- other persons do not have the right to know any confidential information unless it is necessary to the performance of their duties and required to conduct the investigation;
- ASM's legal counsel may authorize the sharing of confidential information in any of the following circumstances: where the person the information is about has consented in writing; where the sharing the information is necessary for the protection of health or safety; and where sharing the information is otherwise authorized or required by law.

Education and Prevention

ASM is committed to informing students, staff and faculty about the policy on Sexual Misconduct and to providing education on awareness, prevention and the reporting of sexual misconduct. This will include special training for key staff, bringing in external experts, introducing the policy during new student orientation, and general awareness through social media. Education and awareness programs shall take into account different cultural values and beliefs about sexual misconduct and consent.

ASM will provide education and training in the areas of understanding sexual assault, consent, bystander intervention, gender-based violence, effects of trauma, and trauma-informed interviewing. These resources will be available online (videos, webinars and guides) and through workshops and in-person resources.

ASM is committed to the mitigation of safety risks on campus and the issuing of safety alerts as necessary.

Definition

These definitions apply to terms as they are used in this policy.

Word/Term	Definition
Sexual Assault	**Sexual assault,** in the Criminal Code of Canada**,** is categorized within the broader category of assault defined as the intentional application of force to another person, directly or indirectly, without consent. Sexual assault, interpreted to mean assault committed in sexual circumstances, can range from non-consensual sexual touching to forced sexual intercourse.
Sexual Harassment	Sexual harassment is intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors.
Consent	The voluntary agreement to engage in the sexual activity in question and to continue to engage in the activity communicated through words or conduct. Consent is not obtained where a person is incapable of consenting, for example, by intoxication or where the person is induced to comply by another person in a position of power, authority or trust.
Dean	The 'Dean' refers to appropriate academic program head.

Related legislation

BC Human Rights Code

Criminal Code of Canada

Sexual Violence and Misconduct Policy Act, British Columbia (Bill 23 – 2016).

Freedom of Information and Privacy Act

Related policies

Policy Number	Policy Title
5655	Student Code of Conduct
2029	Anti-Discrimination and Harassment
N/A	ASM Anti Bullying, Discrimination and Harassment (policy for employees)
N/A	ASM Code of Conduct (policy for employees)

Responsibility

All students, faculty and staff are responsible for conducting themselves in a manner that ensures a respectful and safe environment free from sexual misconduct.

All students, faculty and staff are responsible for reporting incidents of sexual misconduct if they witness such misconduct.

A student has the option to disclose or report an act of sexual misconduct.

A student may approach a faculty or staff member to disclose an act of sexual misconduct.

A faculty or staff member who receives a disclosure of sexual misconduct from a student must respect the student's choice if they do not wish to report the matter to the Dean; ensure confidentiality, seek assistance on how to respond to or counsel the student if required.

The Dean is responsible for addressing a report of sexual misconduct by a student to a student and for conducting a fair and impartial investigation, and following the procedures outlined in the policy on Student Code of Conduct.

The Dean is responsible for providing information to a student on reporting options, the processes and procedures, possible actions and the jurisdictional limitations of ASM.

If the person about whom the allegation is being made is a faculty or staff member, the allegation shall be directed to the Dean (if faculty member) or the manager of the staff member who is responsible for reporting the allegation to the President and consulting with the Director of Human Resources regarding the appropriate action to be taken.

All parties involved in disclosing, reporting and investigating alleged sexual misconduct are bound by the privacy and confidentiality clauses outlined in this policy.

The VP Academic is responsible for ensuring that the policy on Sexual Misconduct is updated, reviewed and presented to the Academic Standards Committee of the Academic Council.

Academic Council gives the final approval of the policy.

The VP Academics, in consultation with the President and the Deans, is responsible for the provision of education and awareness programs to students about policy and prevention of sexual misconduct.

The President, in consultation with the Director of Human Resources, is responsible for ensuring that staff and faculty are informed and educated about the policy on Sexual Misconduct and as well as the relevant employee policies.

The President is responsible for issuing any safety alerts and for working with the appropriate health and safety coordinator and/or committee, to mitigate safety risks on campus.

PROCEDURE

Policy Title:	Sexual Misconduct Policy		
Policy No:	5657	Policy Version:	V2
		Approval Date:	July 16, 2019
Original Submission Date:	July 17, 2017	Effective Date:	July 16, 2019
Approval Body:	Academic Council	Review Date:	July 2021

Procedures for handling instances of sexual misconduct will follow the guide issued by the BC Ministry of Advanced Education, *Preventing and Responding to Sexual Violence and Misconduct at British Columbia Post-Secondary Institutions*

A student reports an allegation of sexual misconduct to the Dean in writing outlining as much detail as possible preferably within seven (7) days of the occurrence of misconduct.

The Dean advises the student of the policy and procedures and the option to report to the police.

The Dean may take immediate action, in consultation with the President, to ensure the safety and well-being of the student(s) involved.

Any incident involving a minor (a person under 19 years of age) will be reported to the police as required by law.

The President shall take immediate action to ensure the safety of the campus community if there are reasonable grounds to believe that others in the community may be at risk.

Assistance will be provided to the student in contacting the police and in supporting a police investigation as required.

The Dean encourages the student to seek appropriate counselling and support and or, legal advice.

If the matter involves a faculty member or a staff member, the matter will be directed to the Dean or the manager of the staff member who will report it to the President and the Director of Human Resources for action in accordance with the appropriate ASM employee policies.

The Dean investigates the allegation in accordance with the policy on Sexual Misconduct and the processes outlined in the policy on Student Code of Conduct.

The Dean investigates by interviewing the student(s) involved in the alleged sexual misconduct and any observers, including staff, faculty and other students. Students are notified of the policy and the procedures for investigation and of the need for confidentiality.

The Dean provides a written response to the student who reported sexual misconduct outlining the procedures and findings of the investigation normally within 15 days and up to 60 days in more complex cases.

The Dean notifies the student(s) who committed sexual misconduct by written letter of the procedures and findings of the investigation and the disciplinary action to be taken, if any, and the reason(s) for that action. That letter goes on the student's record.

Disciplinary action taken is noted on the student's record as per the Student Code of Conduct policy.

Records of the investigation and findings are kept strictly confidential in a secure file with access only by the Dean and the President unless either party is involved in the allegation.

APPENDICES

Policy Title:	Sexual Misconduct Policy		
Policy No:	5657	Policy Version:	V2
		Approval Date:	July 16, 2019
Original Submission Date:	July 17, 2017	Effective Date:	July 16, 2019
Approval Body:	Academic Council	Review Date:	July 2021

Preventing and Responding to Sexual Violence and Misconduct at British Columbia Post-Secondary Institutions: A Guide for Developing Policies and Actions. http://www2.gov.bc.ca/assets/gov/education/post-secondary-education/institution-resources-administration/5233_sexual_violence_and_misconduct_policy_guidelines_web.pdf