

## Sexual Misconduct Policy

**Effective Date: September 1<sup>st</sup>, 2021**

**Last updated Date: September 1<sup>st</sup>, 2021**

1. NPC College of Arts & Design is committed to the prevention of and appropriate response to sexual misconduct.
2. 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; and
  - the threat to commit an act of sexual misconduct.
3. A Complaint of sexual misconduct is different than a Report of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A Report is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.
4. A student making a Complaint will be provided with resolution options and, if appropriate, accommodation, and will not be required or pressured to make a Report.
5. The process for making a Complaint about sexual misconduct involving a student is as follows:
  - 1) A complainant who has experienced an incident of sexual misconduct can make a Complaint to a Senior Academic Advisor (“SAA”) with whom the Complainant feels comfortable. There is no prescribed form for the Complaint.
  - 2) The Complainant decides how much or how little they wish to disclose about their experience. Proof is not required. The Complainant only needs to disclose their experience to the SAA to access support and resources.

- 3) The Complainant is not required to make a formal Report. They may choose to initially make a Complaint and later make a formal Report.
  - 4) There is no time limit to make a Report.
6. The process for responding to a Complaint of sexual misconduct involving a student is as follows:
- 1) If a Complaint is made, the SAA will acknowledge receipt of the Complaint within five business days.
  - 2) The SAA may refer the Complainant to community resources and support. The Complainant may also access academic accommodations as needed. Such accommodations will be determined by the SAA on a case-by-case basis.
  - 3) If the SAA receives a Complaint and determines NPC College of Arts and Design (“NPC”) has a legal obligation to take action (for example, if the safety of a student is at risk), NPC will take whatever steps are necessary. The Complainant is not required to participate in the process but will be promptly advised of the determination in writing.
  - 4) If the SAA determines NPC has no legal obligation to take action, no further action will be taken unless requested by the Complainant.
7. The process for making a Report of sexual misconduct involving a student is as follows:
- 1) A Student has the right to make a Complaint about an incident of sexual misconduct and at any time after making the Complaint choose to make a formal Report.
  - 2) The Report must be submitted to the SAA in writing and must include:
    - Details of the incident of sexual misconduct, including dates, times, and locations;
    - The names of all parties involved
8. The process for responding to a Report of sexual misconduct involving a student is as follows:
- 1) The Complainant may choose to make a report to the police if they wish to have the incident criminally investigated.
  - 2) The process for responding to a Report of sexual misconduct involving a student is as follows:
  - 3) If a Report is made, the SAA will acknowledge receipt of the Report within five business days. The person against whom the Report is made (the “Respondent”) will be notified of the Report.
  - 4) Upon receipt of the Report, the SAA will determine if NPC has the jurisdiction to investigate the incident of sexual misconduct. NPC does not have the jurisdiction to investigate a Report if the Respondent is not a student, employee, or otherwise a member of NPC.

5) The Complainant will be notified in writing, within seven business days of the SAA's acknowledgement of receipt of the Report, of whether the SAA has jurisdiction to conduct an investigation.

6) If it is determined that an investigation is not within NPC's jurisdiction, NPC will provide the Complainant access to support and resources and suggest alternatives, such as dispute resolution in accordance with NPC's Dispute Resolution Policy.

7) If it is determined that an investigation will be conducted, the SAA may conduct the investigation or assign responsibility of the investigation to an external investigator (each, an "Investigator").

8) The Investigator will take all necessary steps to conduct a thorough and complete investigation, including contacting the Complainant, the Respondent, and any witnesses. The Investigator will attempt to conduct and conclude the investigation in a timely manner.

9) Upon completion of the investigation process, the Complainant and the Respondent will be promptly notified of the outcome in writing:

-If the Investigator determines that an incident of sexual misconduct took place, NPC will take prompt and appropriate action. This may include the termination or expulsion of the Respondent from NPC.

-If the Investigator is unable to determine that an incident of sexual misconduct took place, the SAA will make support available to all parties involved. NPC will take all reasonable steps to minimize adverse effects to the Complainant and the Respondent.

The Complainant and the Respondent have the right to appeal the outcome of the investigation. An appeal must be submitted in writing within thirty business days of receipt of the outcome of the investigation.

Regardless of outcome, the SAA will prepare a written determination, with reasons. Report and the results of the investigation will be documented in the file of both the Complainant and the Respondent.

The Complainant has the right to discontinue their participation at any stage of the investigation process.

All files will be maintained at Think Tank.

9. It is contrary to this policy for an institution to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.
10. 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.
11. 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.

This institution is certified by the Private Training Institutions Branch (PTIB). Certified institutions must comply with regulatory requirements, including the requirement to have a Sexual Misconduct policy. For more information about PTIB, go to [www.privatetraininginstitutions.gov.bc.ca](http://www.privatetraininginstitutions.gov.bc.ca).