

## Sexual Misconduct Policy

**Purpose:** To establish procedures for making and responding to a Complaint or Report of sexual misconduct involving a student or any member of the greater HCP community.

1. The Pacific Horticulture College is committed to creating a safe and respectful learning environment to prevent sexual misconduct incidents, and is committed to a timely and compassionate response to sexual misconduct incidents that occur during on-site, off-site, and online College activities.
2. The Pacific Horticulture College does not tolerate any form of sexual misconduct. Sexual misconduct refers to a spectrum of non-consensual sexual contact and behaviour including but not limited to 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. Individuals who witnessed or were involved in sexual misconduct incidents are encouraged to come forward as soon as possible. The institution will respond in a supportive manner and without judgment.
4. 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 a staff member or instructor at the institution accompanied by a request for action.
5. An individual making a **Complaint** will be provided with resolution options and, if appropriate, accommodation (e.g. assignment or exam extensions), and will not be required or pressured to make a **Report**.
6. The process for making a **Complaint** about sexual misconduct is as follows:

- A Complaint may be made verbally or in writing.
  - The individual must direct the Complaint to Laura Biggs, College Director (college@hcp.ca). If the College Director is absent or is named in the Complaint, the individual must provide the Complaint to Jessica Lokker (collegeadmin@hcp.ca), College Administrator. The individual may be asked to provide additional information regarding the Complaint.
7. The process for responding to a **Complaint** of sexual misconduct is as follows:
- The institution will acknowledge receipt of the Complaint within 5 business days. The institution will then investigate the Complaint as required, including collecting and reviewing documentation, interviewing witnesses, interviewing the individual(s) involved, and consulting with other experts.
  - The institution will provide resolution options and accommodations as appropriate within 10 business days of receiving the Complaint, and will follow up with the individual regarding the resolution options and accommodations within 15 business days of receiving the Complaint.
  - Communication related to the Complaint, resolution options and accommodations, and additional follow-up will be documented and stored in the College office.
8. The process for making a **Report** of sexual misconduct is as follows:
- A Report must be received as a written statement accompanied by a request for action.
  - The individual must direct the Report to Laura Biggs, College Director (college@hcp.ca). If the College Director is absent or is named in the Report, the individual must provide the Complaint to Jessica Lokker, College Administrator (collegeadmin@hcp.ca). The individual may be asked to provide additional information regarding the Report.
9. The process for responding to a **Report** of sexual misconduct is as follows:
- The institution will acknowledge receipt of the Report within 5 business days. The institution will then investigate the Report as required, including collecting and reviewing documentation, interviewing witnesses, interviewing the individuals(s) involved, and consulting with other experts.
  - The institution will confirm the next steps with the individual in writing within 10 business days of receiving the Report. Where applicable, the institution will provide resolution options and accommodations as appropriate in writing within 10 business

days of receiving the Report, and will follow up with the individual regarding the resolution options and accommodations within 15 business days of receiving the Report.

- Communication related to the Report, resolution options and accommodations, and additional follow-up will be documented and stored in the College office.
  - Unsubstantiated reports not supported by evidence will be dealt with in good faith to the best of the ability of the institution.
  - Individuals may choose to withdraw their Report at any time, although depending on the circumstances, the institution may continue to act on the matter.
10. The institution can arrange to have a police officer meet with the individual to discuss the possibility of making a criminal report.
  11. 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.
  12. 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.
  13. Alleged perpetrators will be provided with full details of the allegations against them and will have the opportunity to respond to the allegations. Dependent on the outcome of the investigation, alleged perpetrators may be dismissed from their program of study and banished from HCP grounds.
  14. 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.
  15. Individuals are encouraged to refer to the Sexual Violence and Misconduct Policy Act, the Criminal Code of Canada, the BC Human Rights Code, and the Pacific Horticulture College Student Handbook for additional resources and information.