



## Sexual Misconduct Policy Pan Canada College

Pan Canada College		04370
Name of Institution		Institution Number
<b>Sexual Misconduct Policy</b>	<b>May 01, 2018</b>	<b>March 01, 2022</b>
Name of Policy	Effective Date	Revision Date

1. Pan Canada College 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 (unwanted sexual activity, such as unwanted sexual grabbing, kissing, and fondling as well as rape. Sexual activity is only legal when both parties consent);
  - sexual exploitation (abusing a position of power, authority, or trust to use another person's sexuality for the abuser's own purposes);
  - sexual harassment (unwelcome and inappropriate sexual remarks or physical advances);
  - stalking (repeatedly and willfully contacting, following, or tracking another person);
  - indecent exposure (revealing genitals in a public place to offend others);
  - voyeurism (observing or recording people unclothed or in sexual situations which they expect to be private);
  - 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 **Complaint** is when the victim/survivor discloses or chooses to tell someone at the institution of an incident of sexual misconduct in order to seek support, but may not want to make a formal report to police or the institution. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action. A **Report** does not have to be made by the victim/survivor.
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:



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- Student must provide a written complaint to the Senior Educational Administrator (SEA), **Luke Kim at luke.kim@pancanadacollege.ca**, or to the President directly at **june.kim@pancanadacollege.ca** If the Senior Educational Administrator (SEA) is absent or named in the complaint.
6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
- Pan Canada College will acknowledge the receipt of the Complaint within 2 business days.
  - The Senior Educational Administrator (SEA) or the President will arrange the meeting with the complainant to discuss within 3 business days of the acknowledgement of receipt.
  - The Senior Educational Administrator (SEA) or the President will talk with both Complainant and Respondent, interview witnesses if any, secure written statements, and finally decide possible sanctions if the Respondent is found to have committed sexual misconduct, or if the complaint itself is found to be frivolous or vindictive.
  - All aspects of the complaint are confidential. Staff members receiving or handling the complaint cannot discuss it with persons not involved in the matter, post about it on social media or answer questions by the press.
7. The process for making a **Report** of sexual misconduct involving a student is as follows:
- Student must provide a written report to the Senior Educational Administrator (SEA), **Luke Kim at luke.kim@pancanadacollege.ca**, or to the President directly at **june.kim@pancanadacollege.ca** If the Senior Educational Administrator (SEA) is absent or named in the complaint.
8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
- Pan Canada College will acknowledge the receipt of the Complaint within 2 business days.
  - The Senior Educational Administrator (SEA) or the President will determine whether an investigation should take place and if the Complainant wishes to participate in the investigation;
  - The Senior Educational Administrator (SEA) or the President will determine who should conduct the investigation with regard to the seriousness of the allegation and the parties involved;
  - The Senior Educational Administrator (SEA) or the President will determine whether the incident should be referred immediately to the police;



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- The Senior Educational Administrator (SEA) or the President will determine what interim measures ought to be put in place pending the investigation process such as removal of the Respondent or seeking alternate methods of providing course delivery.
  - Once an investigation is initiated, the following will occur:
    - the Complainant and the Respondent will be advised that they may ask another person to be present throughout the investigation;
    - the Complainant will be interviewed to ensure a complete understanding of the allegation and to gather additional information that may not have been included in the written report, such as the date and time of the incident, the persons involved, the names of any person who witnessed the incident and a complete description of what occurred;
    - the Respondent will be interviewed and informed of the complaint, provided details of the allegations and provided an opportunity to respond to the allegations, including providing any witnesses the Respondent feels are essential to the investigation;
    - any person involved or who has, or may have, knowledge of the incident and any identified witnesses will be interviewed;
    - reasonable updates to the Complainant and the Respondent about the status of the investigation will be provided; and
    - following the investigation, the Senior Educational Administrator (SEA) or the President will:
      - ✓ review all of the evidence collected during the investigation;
      - ✓ determine whether sexual violence occurred; and if so
      - ✓ determine what disciplinary action, if any, should be taken as set out below.
  - If it is determined by Pan Canadian College that the Respondent did engage in sexual violence or misconduct, immediate disciplinary or corrective action will be taken. This may include:
    - disciplinary action up to and including termination of employment of instructors or staff; or
    - expulsion/dismissal of a student; and /or
    - the placement of certain restrictions on the Respondent's ability to access certain premises or facilities; and/or
    - any other actions that may be appropriate in the circumstances.
  - If the Complainant or the Respondent disagree with the decision, he or she may appeal the decision to the President within 5 (five) business days by a written appeal request.
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.



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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).