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**Q COLLEGE**

Name of Institution

**3010**

Institution Number

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**Sexual Misconduct Policy**

Name of Policy

**August 31, 2021**

Effective Date

**August 20, 2021**

Revision Date

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**Anti-Discrimination and Anti-Harassment**

Q College is committed to providing a study environment that is free from harassment or discrimination, and the College will take immediate steps to end these behaviours on campus or on school outings.

The standards set forth in this policy apply to all students and staff members. Students are encouraged to document any incident of harassment and bring forward information regarding harassment regardless of the source. However, the investigation procedures described in this policy will be applied only when the complainant and the alleged offender are students or staff members of Q College and a written request has been received by the College.

Allegations involving persons who are not students or staff members of Q College (including contractors, suppliers or visitors) will be referred to the appropriate agency of the provincial or federal government and addressed in accordance with applicable contracts, procedures, or rules, and may result in cancellation of contracts, or suspension of privileges.

**Definitions:**

1. Complainant: The person(s) initiating the complaint.
2. Respondent: The person(s) against whom a complaint is made.
3. Harassment: For the purposes of this policy, harassment means: Unwanted behaviour that demeans, humiliates, or embarrasses; Unwanted sexual behaviour; Abuse of authority.
4. Sexual Harassment: Unwelcome conduct of a sexual nature which detrimentally affects the work environment, or leads to adverse job-related consequences for the victims of the harassment.

Examples of sexual harassment include but are not limited to:

- Unwelcome remarks, jokes, innuendo or taunting of sexual nature;
- Displaying offensive or derogatory pictures of a sexual nature;
- Unwelcome physical conduct of a sexual nature;
- Promises of advantages in return for submission to sexual advances, or the threat of reprisal for refusing an advance;

- Conduct or comments of a sexual nature which are intended to, or have the effect of, creating an intimidating, hostile, or offensive environment;
- Sexual harassment should not be confused with normal workplace social interaction or social banter which is based on mutual consent.

5. Harassment Prohibited by Human Rights laws: Any harassment or discrimination related to a person's race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or conviction of a criminal charge unrelated to employment.

Behaviour, which constitutes harassment under this policy, is not confined to the offices and buildings of Q College. It may occur in:

- Any location where the business of Q College is being carried out; or
- In situations associated with programs of study including field trips and social gatherings.

### Procedure for Reporting and Investigation

Students who believe they are being harassed must document the incident in writing (including time, date and a brief description) and tell the alleged offender that the behaviour is unwelcome and ask that the offensive behaviour cease. If the harassment continues, or if a student is uncomfortable confronting the alleged offender directly, the student may initiate a complaint by following the procedures described below:

#### 1. Complaint Procedure

Complaints may be filed with the Registrar/SEA (for the remainder of this Policy, "Registrar/Senior Education Administrator" includes their designation). Complaints must be **in writing, signed and dated**, and must contain details of the alleged harassment, including the name of the respondent(s), particulars of the incident(s), and, where possible, the names of any witnesses. The Registrar/SEA will determine if the complaint is within the scope of this policy.

#### 2. Informal Resolution

The Registrar/SEA may, where appropriate, try to achieve an informal resolution of the complaint.

If an informal resolution is reached, both the complainant and respondent will sign a resolution form, which will describe the resolution reached.

### **3. Investigation**

If the Registrar/SEA determines that an informal process is not appropriate, or if an informal resolution is attempted but not reached, they may arrange for a formal investigation to commence and will determine whether the investigation will be conducted by internal personnel or by an external designate; All of these actions will be documented.

### **4. Findings**

I. At the conclusion of the investigation, if the investigation was conducted by anyone other than the Registrar, the Investigator shall report their findings to the Registrar/SEA.

II. If the Registrar/SEA determines that sexual harassment has occurred, they shall document then advise the most senior management representative in the affected department of their findings and in consultation with the appropriate personnel, will determine future action to be taken, which can include disciplinary action up to and including termination.

III. The complainant and respondent will be advised of the outcome of the investigation in writing.

IV. Where the Investigator determines that the complaint was made in bad faith or was frivolous or vexatious, the Registrar/SEA will take the appropriate action to correct the complainant's conduct, which can include disciplinary action up to and including dismissal from the College.

### **Confidentiality**

All persons involved in such a complaint of harassment will be expected to respect the sensitivity involved in such complaints, and to respect the confidentiality of all participants. The Registrar/SEA will not disclose the name of a complainant or respondent or the circumstances related to the complaint to any persons except where disclosure is necessary for the purposes of investigating the complaint, proceeding with discipline, or as required by law.

### **Other Proceedings**

This Policy does not prohibit students from accessing rights under other forums such as a court of law or human rights agency. However, where a complainant proceeds in any other forum, proceedings which have been initiated under this Policy may be stopped