



Policy	#3-34
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SEXUALIZED VIOLENCE PREVENTION AND RESPONSE

POLICY STATEMENT

North Island College (NIC) is committed to providing all members of the College Community with a safe and secure environment free from all forms of sexualized violence. NIC will ensure that survivors and those impacted by sexualized violence are supported when addressing any Disclosures or Reports under this policy.

PURPOSE STATEMENT

The purpose of this policy is to instill and cultivate institutional, collective, and individual responsibility for creating an environment in which consent and respect are understood to be foundational principles and practices at NIC, specifically by:

- implementing and actively promoting education and training programs to the College Community that are pertinent to this policy, including programs aimed at awareness and prevention of sexualized violence that support survivors and those impacted by sexualized violence in a trauma-informed manner;
- creating a safe and supportive environment in which the barriers faced by survivors and those impacted by sexualized violence in Disclosing or Reporting sexualized violence are minimized, and where those who perpetrate sexualized violence are held accountable for their actions;
- providing supports to survivors and those impacted by sexualized violence and respondents; and
- responding to and addressing Disclosures (non-actionable) or Reports (actionable) of sexualized violence.

SCOPE AND APPLICATION

1. This policy applies to all members of the College Community.
2. All members of the College Community who are survivors or those impacted by sexualized violence may access support under this policy. However, legal authority to investigate

under this policy is limited to circumstances where all of the following apply:

- (a) the allegation must be made against an individual who was a member of the College Community at the time of the alleged sexualized violence,
- (b) the alleged conduct must fall within the definition of sexualized violence, and
- (c) the alleged conduct must have a real and substantial connection to NIC.

If an incident does not meet the above criteria, NIC may still take steps to mitigate the impact of the incident on the learning or working environment.

3. NIC does not have jurisdiction to investigate allegations against a person who is not a member of the College Community or otherwise affiliated with NIC. However, under certain circumstances, NIC can revoke visitors' access to NIC property.
4. Where a Respondent is no longer a member of the College Community, an investigation may still ensue; however, the College may have limited ability to investigate and apply sanctions.
5. In circumstances involving a significant lapse of time, there may be cases where NIC is not able to investigate.
6. If a Disclosure or Report is significantly delayed, evidentiary or procedural challenges may arise. However, the delay in and of itself will not be considered as an indication that the incident did not occur.
7. This policy is separate from any criminal or civil proceedings. NIC is only responsible for determining whether a member of the College Community has violated this policy; NIC is not responsible for determining whether a member of the College Community has violated criminal or civil law.
8. Processes under this policy may be suspended when related criminal proceedings are underway. During such a time, NIC will continue to provide support to members of the College Community as per the terms of this policy.
9. This policy does not limit or conflict with the rights provided for in NIC's Collective Agreements and Common Agreements or any person's rights under NIC Policy #2-08 Human Rights. For those who engage with this policy, the specifics of any relevant collective agreement processes will be identified and explained.

PRINCIPLES

1. Sexualized violence and the condoning of rape culture is unacceptable and is prohibited conduct at NIC.
2. NIC is committed to providing comprehensive and inclusive sexualized violence education. Through these initiatives, NIC is committed to promoting a culture of consent.
3. NIC recognizes that people's experiences will be affected by factors such as their access to

power and privilege, their sex, sexual identity, gender identity or expression, racialization, age, family status, religion, faith, ability, disability, national or ethnic origin, Indigeneity, immigration status, socio-economic status, class, and language. NIC also recognizes that the College is an environment in which power imbalances are inherent, and that sexualized violence is a significant and systemic social and campus issue that can affect anyone at the College. NIC will take this into account when carrying out its responsibilities under this policy.

4. NIC will promote a culture that supports and facilitates the Disclosure or Report of sexualized violence under this policy, understanding and acknowledging that those who have experienced sexualized violence may be traumatized by their experience.
5. NIC is committed to reducing barriers to Disclosing and Reporting, and to taking a survivor-centered and trauma-informed approach when responding to Disclosures and Reports, and when conducting investigations.
6. NIC is committed to procedural fairness. All parties involved in a Disclosure, Report, or investigation have the right to be provided information about the process, seek clarification about the process, and be accompanied by a support person of their choice at all stages of the process.
7. NIC will provide support services and accommodations to members of the College Community who Disclose or Report sexualized violence, including supporting the rights of people who make Disclosures to choose whether to access support, whether to make a Report, or whether to pursue external processes such as criminal or civil action.
8. Except in cases where the College has an obligation to investigate or advise a third party, or where a significant risk of harm to any person's health and safety exists, the survivor or those impacted by sexualized violence will have the right to determine if they wish to make a Report. The survivor or those impacted by sexualized violence may change their mind and decide to either initiate or withdraw their Report at any time.
9. Retaliation of any kind is unacceptable, and is prohibited conduct at NIC. Any member of the College Community found to have engaged in retaliation may be sanctioned under this policy, other NIC policies, or the applicable collective agreement.
10. This policy will be in keeping with the Canadian Charter of Rights and Freedoms, BC Human Rights Code, BC Freedom of Information and Privacy Act, the Criminal Code of Canada, and BC's Workers Compensation Act.

DEFINITIONS

Actionable means that a survivor or someone impacted by sexualized violence is making a Report with the intention of initiating an investigation or alternate resolution.

Alternate Resolution is a voluntary and collaborative process used to resolve an issue without

resorting to a formal investigation. The goal of an alternate resolution is to promote reconciliation, settlement, or understanding among those involved. An alternate resolution process will only be used if all parties agree to participate in good faith.

Balance of Probabilities means the standard of proof in which the probability of an event occurring is greater than fifty percent.

College Community members include:

- (a) registered NIC students, past and present;
- (b) all employees of NIC;
- (c) contractors and third parties required by contract to comply with NIC policies and procedures;
- (d) members of the NIC Foundation and donors;
- (e) members of the Board of Governors; and
- (f) all other persons granted access to NIC property or resources.

College Authorities means members of the senior leadership and senior education teams, the Director of Student Affairs, Associate Director of Student Life, Manager of Student Housing, Registrar and Associate Registrars, Human Resources personnel and Counsellors.

Claimant means a survivor or someone impacted by sexualized violence who makes an actionable Report alleging a violation of this policy.

Consent means an active, direct, voluntary, and conscious choice and agreement to engage in, or continue to engage in, physical contact or sexual activity. More specifically:

- (a) consent must be enthusiastic, freely given and can be revoked at any time;
- (b) consent must be given at the outset and at all stages of physical contact or sexual activity, even if consent has been given before;
- (c) it is the responsibility of the person initiating physical contact or sexual activity to obtain ongoing consent;
- (d) someone who is incapacitated or intoxicated lacks the capacity to give consent;
- (e) there is no consent when one person uses coercion, or abuses a position of power or authority over another person;
- (f) consent can only be given by the people directly engaged in the physical contact or sexual activity; and
- (g) consent cannot be implied or assumed.

Disclosure means telling someone about an incident of sexualized violence. A Disclosure does not initiate an investigation unless a Report is made.

Emergency Disclosure Contact (EDC) is a person who should be available on a standby basis to provide advice, have expertise in what is permissible under privacy laws regarding emergency disclosures, and be able to coordinate quickly through a pre-established plan, with other relevant individuals such as colleagues, staff, security, and police, if necessary. At NIC, the EDC could be any employee who is a member of the Risk Assessment and Prevention Team. Normally the EDC for Counsellors is the Director of Student Affairs.

Incapacitated means someone who lacks the capacity to give consent because they cannot appreciate the who, what, when, where, why, or how of an instance of physical contact or sexual activity. Someone may become incapacitated through the use of alcohol or drugs, because they are asleep or unconscious, or because they are experiencing a traumatic response.

Intoxicated means when a person is affected by alcohol, prescription or street drugs, to the point where their physical and mental control is markedly diminished.

Non-actionable means that a survivor or someone impacted by sexualized violence is making a Disclosure without wishing to proceed to an investigation.

Principles of Natural Justice include:

- A. Listening to both sides of the narrative - any person who is being accused of something has the right to know the accusation and must be given a reasonable opportunity to respond to the accusation, to offer rebuttals, and to provide counter evidence.
- B. The “Nemo Judex Rule” – no person shall be a judge in their own case, and every person has the right to an unbiased and independent decision maker.

Procedural Fairness is a term used alternatively with natural justice to describe process conditions that are fair, transparent and in compliance with the principles of natural justice.

Rape Culture means a set of beliefs, responses and behaviours that serve to normalize sexualized violence, assault, abuse, and degradation. Rape culture sets out to trivialize and blame victims of sexual aggression and undermine equality.

Rape Shield Protections limit the ability to introduce evidence or cross-examine complainants about their past sexual behaviour. See more information about Rape Shield Protections at <https://sfccanada.org/glossary>

Report means to make an actionable Report of an incident of sexualized violence with the intention of initiating an investigation or alternate resolution.

Respondent means a person who is alleged to have violated this policy.

Retaliation means any adverse action or threatened action, taken, or made through any means, including through social media or other digital means, against a person who engages with this policy or is associated with anyone who engages with this policy. Retaliation includes but is not limited to:

- (a) threatening, intimidating, or harassing conduct that could discourage a person from seeking support or other services, Disclosing or Reporting sexualized violence, participating in an investigation, or otherwise engaging with this policy; and
- (b) breaching, subject to the requirements of Section 11.2, the confidentiality of a Disclosure or Report from a survivor or person impacted by sexualized violence.

Risk Assessment and Prevention Team means a team comprised of trained individuals who

meet as required to investigate possible threats to the College Community.

Sexualized Violence means any non-consensual and unwanted actual, attempted, or threatened act that is carried out through sexual means or by targeting a person's sex, sexual identity, or gender identity or expression. The act may or may not involve physical contact, and includes all forms of sexual misconduct set out in the *BC Sexual Violence and Misconduct Policy Act*, including but not limited to:

- (a) sexual assault, which is any form of sexual touching, or the threat of sexual touching, without consent;
- (b) sexual exploitation, which is any instigation of sexual activity, or attempt to instigate sexual activity, by someone in a position of trust, power, or authority over the person at whom those actions are directed;
- (c) sexual harassment, which is unwelcome conduct of a sexual nature that detrimentally affects the working or learning environment, or leads to adverse consequences for the person directly subjected to the harassment;
- (d) stalking, which is engaging in conduct that causes a person to fear for their physical or psychological safety, such as repeatedly following or communicating through any means with someone, engaging in threatening conduct, or keeping watch over the place where the person happens to be;
- (e) indecent exposure, which is exposing one's body to another person for a sexual purpose, or coercing another person to remove their clothing to expose their body without their consent;
- (f) voyeurism, which is non-consensual viewing, photographing, or otherwise recording another individual in a location where there is an expectation of privacy and where the viewing, photographing, or recording is done for a sexual purpose;
- (g) stealthing, which is removing a condom during sexual intercourse without a partner's knowledge or consent;
- (h) 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 consent of the person in the photograph or video and with the intent to distress the person in the photograph or video,
or
reckless distribution of such a photograph or video without the intent to distress;
- (i) the attempt to commit an act of sexualized violence; and
- (j) the threat to commit an act of sexualized violence.

Sexualized violence can take place through any form of communication, including verbal, written, visual, digital, or through a third party.

Students' Union Advocate means a representative from North Island Students' Union (NISU) who may be the support person for the student in addressing fairness issues and resolving disputes.

Support Person means a person present at meetings at the request of any involved party to assist parties understand process and discussions. This may include but is not limited to language translators and sign language interpretation, cultural advisors, assistants, union advocates, or any other support deemed appropriate by the Manager of Human Resources, the Director of Student

Affairs, or their designates. Assistants, supports and advocates do not provide comment during hearing and must not be in conflict of interest. They are expected to clarify the discussion to the party being supported.

Survivors and those impacted by sexualized violence means those who have experienced sexualized violence, witnesses, family and friends of survivors, and those who have received Disclosures of sexualized violence. It does not mean a Respondent or a person found responsible for causing harm to a member of the College Community.

NIC recognizes that some people impacted by sexualized violence may not identify with this terminology and have the right to determine the language used to refer to them.

Survivor-centered means empowering the survivor and those impacted by sexualized violence by prioritizing their safety, rights, needs and wishes.

Suspension means the removal of a student or employee from the College for a period of time in accordance with the *BC College and Institute Act*.

Trauma-informed means incorporating an understanding of the impact that sexualized violence can have on a person's life, to minimize possible re-victimization, and to support recovery and empowerment.

Visitor means a person outside of the College Community who interacts directly or indirectly with College members on campus or at College-sanctioned events.

GUIDELINES

1. NIC is committed to providing information and education that supports a culture free from sexualized violence, with the intent of:
 - preventing incidents of sexualized violence within the College Community;
 - ensuring that all survivors or those impacted by sexualized violence know where and how to Disclose or Report an incident;
 - ensuring that members of the College Community are aware of this policy and the supports available; and
 - changing attitudes that perpetuate sexualized violence and rape culture by fostering change at several levels including social norms, organizational practices and behaviours of bystanders and potential perpetrators.
2. NIC is committed to ensuring that internal investigators and decision makers receive sexualized violence training at least once every 3 years.
3. NIC encourages survivors and those impacted by sexualized violence to seek immediate assistance but recognizes not everyone impacted by sexualized violence will be ready to Disclose or Report immediately after an incident of sexualized violence. It is important to note that in circumstances involving a significant lapse of time, there may be cases where NIC is not able to investigate. NIC supports are available at any time to assist survivors and those impacted by sexualized violence in ensuring physical safety, obtaining medical care or emotional support, or preserving evidence. Information on accessing assistance and external and internal resources is appended to this policy as Appendix B.

Legislative and Collective Agreement References:

[BC Sexual Violence and Misconduct Policy Act, \[SBC 2016\], chapter 23](#)
[BC College and Institute Act, \[RSBC 1996\], chapter 52](#)
[BC Freedom of Information and Protection of Privacy Act, \[RSBC 1996\], chapter 165](#)
[BC Human Rights Code, \[RSBC 1996\], chapter 210](#)
[BC Workers Compensation Act, \[RSBC 1996\], chapter 492](#)
[Constitution Act, 1982, Canadian Charter of Rights and Freedoms](#)
[Criminal Code, R.S.C., 1985, c. C-46](#)
[CUPE Local 3479 Collective Agreement](#)
[North Island College Faculty Association Collective Agreement and Common Agreement](#)

Links to Related Policies, Documents and Websites:

Ending Violence Association of BC – <http://endingviolence.org/>
NIC Risk Assessment and Prevention Team (RAPT) [RAPT Terms of Reference](#)
NIC Student Case Management Team (SCMT) [SCMT Terms of Reference](#)
Online Training: Respect in the Workplace
Students for Consent Culture - <https://www.sfcccanada.org>

Cross Reference:

[NIC Policy #1-20 Code of Ethical Conduct](#)
[NIC Policy #2-08 Human Rights](#)
[NIC Policy #2-12 Progressive Discipline: Misconduct or Inappropriate Behaviour](#)
[NIC Policy #3-06 Community Code of Academic, Personal and Professional Conduct](#)
[NIC Policy #3-30 Student Appeals](#)
Student Housing Community handbook (in development)

Acknowledgements

North Island College acknowledges and expresses gratitude for the use of some of the language within this policy from the following institutions and organizations:

- Kwantlen Polytechnic University;
- Langara College;
- Preventing and Responding to Sexual Misconduct at British Columbia Post-Secondary Institutions: A guide for developing policies and actions, BC Ministry of Advanced Education;
- Ryerson University;
- Simon Fraser University;
- Students for Consent Culture;
- University of British Columbia.

APPENDIX A

SEXUALIZED VIOLENCE DISCLOSURE/REPORTING PROCEDURES

The purpose of these procedures is to support NIC Policy #3-34 Sexualized Violence Prevention and Response. It is the responsibility and expectation of all members of the College Community to act in accordance with good citizenship, institutional policies, respect towards each other and to be in compliance with applicable legislation. When a Disclosure or Report is received, interim measures to protect all parties may be implemented during the investigation and, if necessary, the Risk Assessment and Prevention Team may be notified to facilitate campus safety measures.

Anyone, including the Respondent or witnesses, who discloses or receives a Disclosure about a sexualized violence and/or misconduct issue will be offered and provided support as appropriate and reasonable in the circumstances.

1. SEEKING SUPPORT FOLLOWING SEXUALIZED VIOLENCE

The College recognizes that persons experiencing sexualized violence and/or misconduct may require urgent, immediate and/or on-going care and support. Access to external and internal resources will be provided as needed.

Survivors or those impacted by sexualized violence may choose to disclose only to seek support *without necessarily requesting an investigation*. In these situations, no investigation will occur unless there is a concern of harm to others, or unless the College is otherwise legally required to conduct an investigation into the allegations.

- 1.1 Employees who have experienced sexualized violence can contact NIC's Human Resources department for guidance; additional external resources may also be recommended if appropriate. The Manager of Human Resources, trained in receiving Disclosures or Reports of sexualized violence, can work with the employees as they determine their options and next steps.
- 1.2 Students who have experienced sexualized violence can contact College counsellors for support; external resources may also be recommended if appropriate. The counsellors are trained to receive Disclosures of sexualized violence and can work with students as they determine their options and next steps.
- 1.3 Persons wishing to involve law enforcement may request assistance in doing so from the College through the supports described above.

2. DISCLOSURE AND REPORTING OPTIONS

- 2.1 Options for those impacted by sexualized violence may include:
 - a) a Disclosure to NIC (non-actionable);
 - b) a Report to NIC (actionable);
 - c) a disclosure to NIC through a third party;
 - d) a grievance through their union;
 - e) a report of a crime to the police;
 - f) a Third Party Report or Anonymous Report to the police; and/or
 - g) a human rights complaint to the BC Human Rights Tribunal.

3. DISCLOSURES

- 3.1 Survivors and those impacted by sexualized violence may choose to disclose an incident of sexualized violence to any member of the College Community. Members of the College Community who have received a disclosure should contact Counselling (students) or Human Resources (employees) to create an anonymous entry in the log or address any questions about their responsibilities as a recipient of a Disclosure. A Disclosure is not a Report and will not initiate an investigation. When responding to a Disclosure, the College will provide the survivor or those impacted by sexualized violence with information about what processes and services they can consider and access.
- 3.2 A member of the College Community can determine whether they wish to make a Disclosure or Report an incident of sexualized violence; however, the College Community member who receives the Disclosure or Report may be required to share information regarding a Disclosure in the following circumstances:
- a) a person is at risk of harming themselves or others;
 - b) there is an imminent risk of harm to the College Community or the community at large;
 - c) the Disclosure involves workplace bullying or harassment at NIC, per the requirements of the *BC Workers Compensation Act*;
 - d) a person under the age of 19 is endangered; or
 - e) a Disclosure is otherwise required by law.
- In these circumstances, the minimum amount of information necessary to meet legal obligations will be shared, and every effort will be made to include the person making the Disclosure in decision-making and to minimize risk. Any person receiving a Disclosure may seek support from the Emergency Disclosure Contact in determining the level of risk and assessing the extent of any responsibility to share information.
- 3.3 Disclosures made to an NIC employee or contractor will be logged anonymously as incidents in the annual report to the President who, in turn, provides an annual report to the Board of Governors. These incidents are required by the Sexual Violence and Policy Act 2016, and the logs contain no information other than minimum reporting requirements.
- 3.4 Any member of the NIC College Community who receives a Disclosure should refer the survivor or those impacted by sexualized violence to the appropriate services (Counselling, Human Resources or the Office of Student Life).
- 3.5 Members of the College Community who receive a Disclosure may contact the Counselling department, Human Resources or the Office of Student Life for advice or personal support. Unless one of the exceptions in clause 3.2 applies, members of the College Community who receive Disclosures must obtain the consent of the person who disclosed to them before sharing any information.

4. DISCLOSURES

- 4.1 A survivor and those impacted by sexualized violence are defined as Claimants if they choose to move forward with a Report.
- 4.2 If the Claimant is an employee or contractor, a Report of sexualized violence should be made through the Human Resources department. If the Claimant is a student a Report of sexualized violence should be made through NIC counselling services or the Office of Student Affairs. Unionized employees may also choose to contact their union representatives and/or file a grievance through their union.
- 4.3 The Associate Vice President, People, Equity & Inclusion (employees) or Vice President, Students & Community Engagement (students) may make a Report on their own initiative when required to comply with NIC's legal obligations or its policies, or when presented with an allegation that may put NIC or its community members at risk.
- 4.4 A Report initiates an investigation or alternate resolution.
- 4.5 Reports will be logged anonymously as incidents in the annual report to the President who, in turn, provides an annual report to the Board of Governors. These incidents are required by the Sexual Violence Policy Act 2016, and the logs contain no information other than minimum reporting requirements.
- 4.6 A Claimant has the right to withdraw their Report and terminate investigations at any time. However, in some circumstances NIC may be compelled to proceed with an investigation without the Claimant's involvement, for reasons which may include those listed in clause 3.2.
- 4.7 A Claimant can submit a Report to NIC and also initiate external legal processes, which may include reporting the matter to police, initiating a civil lawsuit, or filing a complaint under the *Human Rights Code*, RSBC 1996, c 210. An investigation process under this policy may occur at the same time as, before, or after any external legal process. NIC may, after consulting with the Claimant, choose to suspend its investigation pending the outcome of an external legal process, or based on a participant's health or ability to participate. Suspension of an investigation will not normally impact accommodations, supports and interim measures.
- 4.8 In some cases, NIC may decide to use an appropriately qualified external investigator.

5. ANONYMOUS OR THIRD-PARTY DISCLOSURES

- 5.1 Anonymous allegations, or allegations of sexualized violence made by a third party (that is, someone other than the person who was directly subjected to the sexualized violence) can be submitted through Human Resources or the Counselling department.
- 5.2 NIC may not be able to proceed with an investigation on the basis of anonymous or

third-party allegations if there is insufficient evidence in the anonymous or third-party Disclosure, or if proceeding would violate procedural fairness. In such a case, the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) will decide whether further steps can or should be taken, including contacting the third party who made the Disclosure to determine if the individual subject to the sexualized violence would be willing to submit a Report. The decision to proceed with an investigation or not will be at the sole discretion of the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) and the individual who was subject to the sexualized violence has the right not to participate in the investigation.

- 5.3 To make an anonymous or Third-Party report to the police, a community-based victim support service is involved. More information on Third-Party reporting is available at: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/victim-or-witness-to-crime/third-party-reporting-for-victims-of-sexual-offences>

6. INVESTIGATIVE PROCEDURES, FINDINGS AND SANCTIONS

6.1 Employees

When a Report involving only employees comes forward to the Manager of Human Resources, the Associate Vice President, People, Equity & Inclusion, or their designate will be advised and will authorize an investigation in compliance with any procedure set out in applicable collective agreements and College policies.

When a Report is filed and a finding is made that an employee has breached this policy, disciplinary or remedial action will occur in compliance with applicable collective agreements and human resource and College board policies. The College reserves the right to advise law enforcement of the incident if there is a risk of harm to self or others.

6.2 Students

When a Report comes forward involving only students, the Director of Student Affairs, or their designate will be advised and will authorize an investigation. The findings from the investigation will be provided to the Vice President, Students & Community Engagement or designate for the determination of sanctions, as appropriate.

6.3 Employee and Student

When a Report comes forward that involves an employee and a student, then a joint investigation will be conducted under the authority of the Associate Vice President, People, Equity & Inclusion, the Director of Student Affairs, or their designates as required. Such investigations will be in compliance with applicable collective agreements and College policies; however, the process set out may be modified to

protect privacy rights.

6.4 Investigations

- 6.4.1 When conducting an investigation under this policy, investigators will apply the “balance of probabilities” standard of proof, meaning that the appropriate decision-maker will determine whether the evidence shows that it is more likely than not that this policy was violated.
- 6.4.2 Investigations are not adversarial processes. The investigation process will not apply formal rules of evidence commonly associated with civil or criminal trials.
- 6.4.3 Individuals have the right, and are welcome, to involve a support person of their choice at any stage of the process related to a Report or investigation of sexualized violence. You can find information about support persons in the Definitions section of this policy. In addition to the options shared in the definition, a union representative or legal counsel may serve as a support person.
- 6.4.4 NIC recognizes that participating in an investigation process can be traumatic. NIC is committed to treating all individuals involved in a manner that is respectful, trauma-informed, and procedurally fair. All participants have the right to:
 - a) have the complaint process explained to them;
 - b) ask questions about the process;
 - c) receive information about available supports, sanctions and/or alternate resolution; and
 - d) communicate their own experiences.
- 6.4.5 Subject to the limitations imposed by this policy, and keeping in mind that any investigation must be respectful, trauma-informed, and procedurally fair, investigators may investigate to obtain the information they require to make the necessary findings of fact. Investigative processes may include, but are not limited to:
 - a) meeting with or requesting information from the Claimant;
 - b) meeting with or requesting information from the Respondent;
 - c) meeting with or requesting further information from any other individuals who may have information relevant to the investigation, including any witnesses identified by the Claimant or Respondent;
 - d) requesting a written response to the Report from the Respondent, including any relevant documents and a summary of information provided by other witnesses, and obtaining any other evidence that may be relevant to the investigation;
 - e) investigations will be bound by Rape Shield provisions; survivors or those impacted by sexualized violence will not be asked about their previous sexual history.

- 6.4.6 When the investigation is complete, the investigator will prepare a written investigative report for the Associate Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) and both the Claimant and the Respondent will be offered the option of receiving a copy of the report (see 11.3). The report will normally include:
- a) a summary of the investigator's credentials;
 - b) a statement as to the scope of the investigation;
 - c) a summary of the evidence considered;
 - d) any assessment of credibility that is required to render a determination;
 - e) the findings of fact; and
 - f) a determination as to whether, on a balance of probabilities, sexualized violence has occurred.

7. INTERIM MEASURES AND ACCOMMODATIONS

- 7.1 Where requested by the Claimant for safety reasons, or where NIC receives information that requires it to act to protect the health or safety of members of the College Community, or to protect NIC property, NIC may impose interim measures before an investigation is concluded. Interim measures will be imposed in accordance with NIC policies and any applicable employment contracts or collective agreements.
- 7.2 Interim measures are intended to protect the safety of all parties involved, and to protect the integrity of an ongoing investigation or disciplinary process. The need for interim measures, and which interim measures are imposed, will be determined on a case-by-case basis, taking into account the particular circumstances of each situation.
- 7.3 Decisions to impose interim measures are not a decision or disciplinary measure against the Claimant or Respondent and will not be weighed against the Respondent in a discipline process. Interim measures will remain in effect for as long as are reasonably required pending the outcome of an investigation. Individuals affected by interim measures may request a review of such measures by contacting the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) in writing.
- 7.4 Claimants and Respondents may receive temporary academic or employment accommodations as requested and as the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) determine are appropriate in the circumstances. Long-term accommodations may be granted, subject to applicable human resources policies, collective agreements, and student policies.

Examples of academic accommodation may include changing a class section or project group, providing an extension on an assignment, deferring an exam, authorizing withdrawal from a class without penalty or continuing studies online or at home. An

example of another accommodation may include temporary removal from student housing or changing a room allocation in student housing.

8. ALTERNATE RESOLUTIONS

- 8.1 Alternate resolution is a voluntary and collaborative process used to resolve an issue without resorting to a formal investigation. The goal of an alternate resolution is to promote reconciliation, settlement, or understanding among those involved. An alternate resolution process will only be used if all parties agree to participate in good faith.
- 8.2 When a request for an alternate resolution is received, the request and related information will be reviewed by Director of Student Affairs (students), Manager of Human Resources (employees), or their designates, to determine if an alternative resolution is suitable and appropriate in the situation.
- 8.3 If an alternate resolution process is appropriate, agreement to participate will be sought from those involved. An alternative resolution process may include coordination or facilitation of one or more of the following:
 - a) separate meetings with the individuals involved to review the issue;
 - b) joint meetings with the individuals involved to facilitate a conversation aimed at understanding and resolving the issue;
 - c) a review of policy and expectations with individuals involved to clarify and reinforce expectations of appropriate conduct;
 - d) training and/or coaching to enhance understanding of appropriate conduct;
 - e) negotiating agreement between the individuals involved regarding future conduct; and/or
 - f) follow-up with individuals involved after the alternate resolution process to ensure commitments to respectful conduct are being adhered to.
- 8.4 If a resolution on the matter is reached, a written record of the resolution will be prepared and signed by the parties.
- 8.5 The parties will receive a copy of the record of resolution. The original record will be maintained by the office that coordinated the alternate resolution process.

9. AMNESTY

NIC recognizes that some survivors and people impacted by sexualized violence may be reluctant to Disclose or Report sexualized violence for a variety of reasons. One reason may be a fear of being sanctioned for alcohol or substance use. NIC aims to create an environment where survivors and people impacted by sexualized violence feel comfortable Disclosing or Reporting it. As a result, NIC will not subject any individual who Discloses or

Reports sexualized violence to disciplinary action for alcohol or substance use occurring at or near the time of the incident(s).

10. DISCIPLINARY MEASURES

Where an investigation has occurred and the investigator has made a finding that the Respondent committed an act of sexualized violence, the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) will determine the appropriate sanctions based on the findings of fact. Sanctions that result in suspension or termination of employment will be recommended to the President for consideration.

11. PRIVACY AND CONFIDENTIALITY

11.1 Information learned by any member of the College Community solely as the result of an investigation, Disclosure, or Report must be kept confidential, as it constitutes personal information under BC law. This does not prevent:

- a) any participants in an investigation from disclosing information about themselves, or information that they have obtained outside an investigation, Disclosure, or Report;
- b) NIC representatives from disclosing information relating to an investigation, Disclosure, or Report as authorized under Section 11.2; or
- c) Claimants and Respondents from disclosing the information they have received under Sections 11.3 and 11.4.

11.2 NIC will not disclose any personal information relating to an investigation, Disclosure, or Report except to the extent that it is:

- a) expressly consented to by the affected individual;
- b) made to an NIC representative, if necessary, for the performance of that NIC representative's duties;
- c) to a Claimant, Respondent, witness, or other participant in an investigation, if necessary for the conduct of that investigation;
- d) to a Claimant or Respondent in accordance with Sections 11.3 and 11.4;
- e) authorized by the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) for compelling health or safety reasons, including for the purpose of reducing the risk that an individual will be a victim of intimate partner violence, if intimate partner violence is reasonably likely to occur;
- f) authorized by the Vice President, Students & Community Engagement (students) or Associate Vice President, People, Equity & Inclusion (employees) to correct misleading or inaccurate information, if necessary to protect the integrity of an investigation; or
- g) authorized or required by law.

- 11.3 To maintain the procedural fairness of an investigation, NIC will ensure that both Claimants and Respondents know the investigation findings and the evidence upon which these findings are based. As a result, Claimants and Respondents will be offered the option of receiving a copy of the report. NIC may remove personal information that is irrelevant to the investigation findings or that identifies third parties. If there are multiple Claimants or Respondents, they will receive only the portions of the investigation report that are relevant to them.
- 11.4 A survivor or those impacted by sexualized violence will only be advised of disciplinary outcomes imposed upon a Respondent on a need-to-know basis, for example, compelling health or safety reasons.

12. PUBLIC STATEMENTS

- 12.1 Survivors and those impacted by sexualized violence are free to tell the story of their own experiences. However, caution is advised when speaking publicly about an incident of sexualized violence (see Sections 11 and 12.2).
- 12.2 If anyone chooses to make public statements about an investigation (which includes statements made online or through social media), they may compromise the investigation or put themselves at risk of civil lawsuits by persons who believe they have been defamed or had their privacy rights violated. Individuals should exercise care and judgment when deciding whether to make public statements and should seek legal or other advice if unsure.
- 12.3 NIC reserves the right to correct misleading or inaccurate public information. This includes information about a Disclosure, Report, or investigation. Any public statement made by NIC about a Disclosure, Report, or investigation, including campus safety bulletins and statements to media, will be trauma-informed, survivor-centered, and otherwise consistent with the principles of this policy, and will not disclose any personal information of the survivor or person impacted by sexualized violence without that person's consent.

13. APPEAL PROCESS

- 13.1 Student Respondents may appeal any discipline that is imposed on them under this Policy in accordance with the terms of Policy #3-30, Student Appeals.
- 13.2 Employees may appeal any decision or discipline that is made or imposed on them under this Policy in accordance with their collective agreements, human resources policies and College board policies.

APPENDIX B

Resources for NIC Community Members Who Have Experienced Sexualized Violence

This is not an exhaustive list but is support for an individual in learning about resources and making informed decisions regarding what services, if any, they would like to access.

FOR IMMEDIATE SUPPORT AT ALL CAMPUSES:

<p>For immediate safety concerns call the RCMP 911</p>	<p>Call the non-emergency RCMP lines</p> <ul style="list-style-type: none"> o Campbell River 250-286-6221 o Comox Valley 250-338-1321 o Port Alberni 250-723-2424 o Port Hardy 250-949-6335 o Ucluelet 250-726-7779 	<p>VictimLink BC Crisis support and legal help: 24-hour support, information, referrals for victims of crime with no obligation to file a police report 1-800-563-0808</p>	<p>For crisis support: Vancouver Island Crisis Line 24-hour support, information, and referrals:</p>		
<p>Sexual Assault Support Centre (SASC) 604-827-5180</p>			<p>Crisis Call 1-800-784-2433</p>	<p>Crisis Chat www.viccrisis.ca 6 p.m. to 10 p.m. PST</p>	<p>Crisis Text Call 1-888-756-0616 6 p.m. to 10 p.m. PST</p>

NORTH ISLAND COLLEGE REPORTING

<p>Campbell River</p>	<p>NIC counsellors are available for confidential support for enrolled NIC students. Disclosure of sexual violence can be made with any NIC counsellor. Book online by visiting: https://www.nic.bc.ca/student-services/counselling/ or call Student Services at the numbers provided.</p>	<p>250-923-9700</p>
<p>Comox Valley</p>		<p>250-334-5000</p>
<p>Mixalakwa (Port Hardy)</p>		<p>250-923-9700</p>
<p>Port Alberni</p>		<p>250-724-8711</p>
<p>Ucluelet</p>		<p>250-724-8711</p>

MEDICAL RESOURCES

<p>Campbell River</p>	<p>North Island Hospital – 375- 2nd Ave., Campbell River</p>	<p>250-286-7100</p>
<p>Comox Valley</p>	<p>North Island Hospital – 101 Lerwick Rd, Courtenay</p>	<p>250-331-5900</p>
<p>Mixalakwa (Port Hardy)</p>	<p>Port Hardy Hospital – 9120 Granville Street, Port Hardy</p>	<p>250-902-6011</p>
<p>Port Alberni</p>	<p>West Coast General Hospital – 3949 Port Alberni Highway, Port Alberni</p>	<p>250-731-1370</p>
<p>Ucluelet</p>	<p>Ucluelet Medical Centre – 1566 Peninsula Rd., Ucluelet</p>	<p>250-726-4443</p>

VICTIM SERVICES (RCMP)		
Campbell River	Provides support to lessen the impact of crime and trauma and assist with recovery; enhances the victim's safety and helps to reduce the risk of further victimization; increases victim participation in the criminal justice system and prepares them for acting as witnesses in court proceedings. You do not have to report a crime to the RCMP to access Victim Services.	250-268-5606
Comox Valley		250-334-5979
Mixalakwa (Port Hardy)		250-902-2007
Port Alberni		250-724-8910
Ucluelet		250-724-8910
COUNSELLING RESOURCES		
Campbell River	NIC counsellors are available for confidential support for enrolled NIC students. Disclosure of sexual violence can be made with any NIC counsellor. Book online by visiting: https://www.nic.bc.ca/student-services/counselling/ or call Student Services at the numbers provided.	250-923-9700
Comox Valley		250-334-5000
Mixalakwa (Port Hardy)		250-923-9700
Port Alberni		250-724-8711
Ucluelet		250-724-8711
All Campuses	BC211 – Free 24/7 referral service.	Phone/text at 211 www.bc211.ca
	Here2Talk – Free 24/7 counselling resource available app, phone, or web to all post-secondary students in BC.	1-877-857-3397 www.here2talk.ca
	BC Society for Male Survivors of Sexual Abuse	1-888-682-6482 https://bc-malesurvivors.com/
	KU-UUS Crisis Life Society Free 24/7 culturally safe support for Indigenous people anywhere in B.C.	1-800-588-8717 https://www.kuu-uscrisisline.com/24-hour-crisis-line
LEGAL RESOURCES		
All campuses	North Island Students' Union (NISU) legal resource	1-877-333-3884 24 hours a day, 7 days a week theoffice@nisu.ca
Community	Online resource for victims or witnesses of crime in BC	https://www.victiminfo.ca/

**APPENDIX C
SUPPORT FOR STUDENTS AND EMPLOYEES WHO HAVE EXPERIENCED
SEXUALIZED VIOLENCE**

NIC Students

FIRST consider one or more of the following options:

- Find a safe place
- Phone 911, or your local non-emergency line:
 - Campbell River 250-286-6221
 - Comox Valley 250-338-1321
 - Port Alberni 250-723-2424
 - Port Hardy 250-949-6335
 - Ucluelet 250-726-7779
- Go to the hospital Emergency Room
- Phone the Vancouver Island Crisis Line – 1-888-494-3888
- Speak to a Counsellor at NIC (9 AM - 4:30 PM Monday – Friday)
 - To book an appointment go to <https://www.nic.bc.ca/student-life-support-services/student-wellness/counselling/book-a-counselling-appointment/> and scroll down to **Book Counselling Appointment**
- Speak to the Associate Director of Student Life or Director of Student Affairs at NIC
 - Mez Jiwaji (she/her), Associate Director of Student Life – mez.jiwaji@nic.bc.ca / 250-923-9700 ext. 7834
 - Craig Whitton (he/him), Director of Student Affairs – craig.whitton@nic.bc.ca / 250-724-8704

With your consent, we can help you with:

- Safety planning
- Referrals to medical and community support services
- Self-care resources
- Academic accommodations
- Understanding available reporting options
- Navigating systems and resources within the College and the community. Under the [NIC Policy 3-34 Sexualized Violence Prevention and Response](#) these options include:
 - Making a disclosure and receiving support and/or academic accommodations
 - Making a formal report to the College that launches an investigation
 - Making a report to the police

We will assist you in making an informed choice and will respect your decisions.

NIC Employees:

FIRST consider one or more of the following options:

- Find a safe place
- Phone 911, or your local non-emergency line:
 - Campbell River 250-286-6221
 - Comox Valley 250-338-1321
 - Port Alberni 250-723-2424
 - Port Hardy 250-949-6335
 - Ucluelet 250-726-7779
- Go to the hospital Emergency Room
- Phone the Vancouver Island Crisis Line – 1-888-494-3888
 - Phone NIC’s EFAP program - 1-800-663-1142, www.homewoodhealth.com
- Speak to the Manager of Human Resources
 - Danean Gray (she/her), Manager of Human Resources – danean.gray@nic.bc.ca / 250-334-5000, ext. 4221

With your consent, we can help you with:

- Safety planning
- Referrals to medical and community support services
- Self-care resources
- Workplace accommodations
- Understanding available reporting options
- Navigating systems and resources within the College and the community. Under the [NIC Policy 3-34 Sexualized Violence Prevention and Response](#) these options include:
 - Making a disclosure and receiving support and/or academic accommodations
 - Making a formal report to the College that launches an investigation
 - Making a report to the police

We will assist you in making an informed choice and will respect your decisions.

DISCLOSURES

Have you received a disclosure of Sexualized Violence?

If you are a student -

- Speak to a counsellor at NIC (9 AM - 4:30 PM Monday – Friday):
 - To book an appointment go to <https://www.nic.bc.ca/student-life-support-services/student-wellness/counselling/book-a-counselling-appointment/> and scroll down to **Book Counselling Appointment**
- Speak to the Associate Director of Student Life or Director of Student Affairs at NIC
 - Mez Jiwaji (she/her), Associate Director of Student Life – mez.jiwaji@nic.bc.ca / 250-923-9700 ext. 7834
 - Craig Whitton (he/him), Director of Student Affairs – craig.whitton@nic.bc.ca / 250-724-8704
- Submit a Third Party Report. Information about Third Party Reporting can be found here: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/victim-or-witness-to-crime/third-party-reporting-for-victims-of-sexual-offences>
- Anonymous allegations or allegations of sexualized violence made by someone other than the person who was directly subjected to the sexualized violence can be submitted through the counselling department

If you are an employee -

- Contact Human Resources
- Contact the Employee Family Assistance Program (EFAP): https://mynic.nic.bc.ca/employee_resources/hr/benefits/health/EFAP%20Library/Employee%20and%20Family%20Assistance%20Program%20Brochure%20%20-%20Homewood%20Health.pdf
- Submit a Third Party Report. Information about Third Party Reporting can be found here: <https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/reporting-a-crime/victim-or-witness-to-crime/third-party-reporting-for-victims-of-sexual-offences>
- Anonymous allegations or allegations of sexualized violence made by someone other than the person who was directly subjected to the sexualized violence can be submitted through Human Resources

Confidentiality

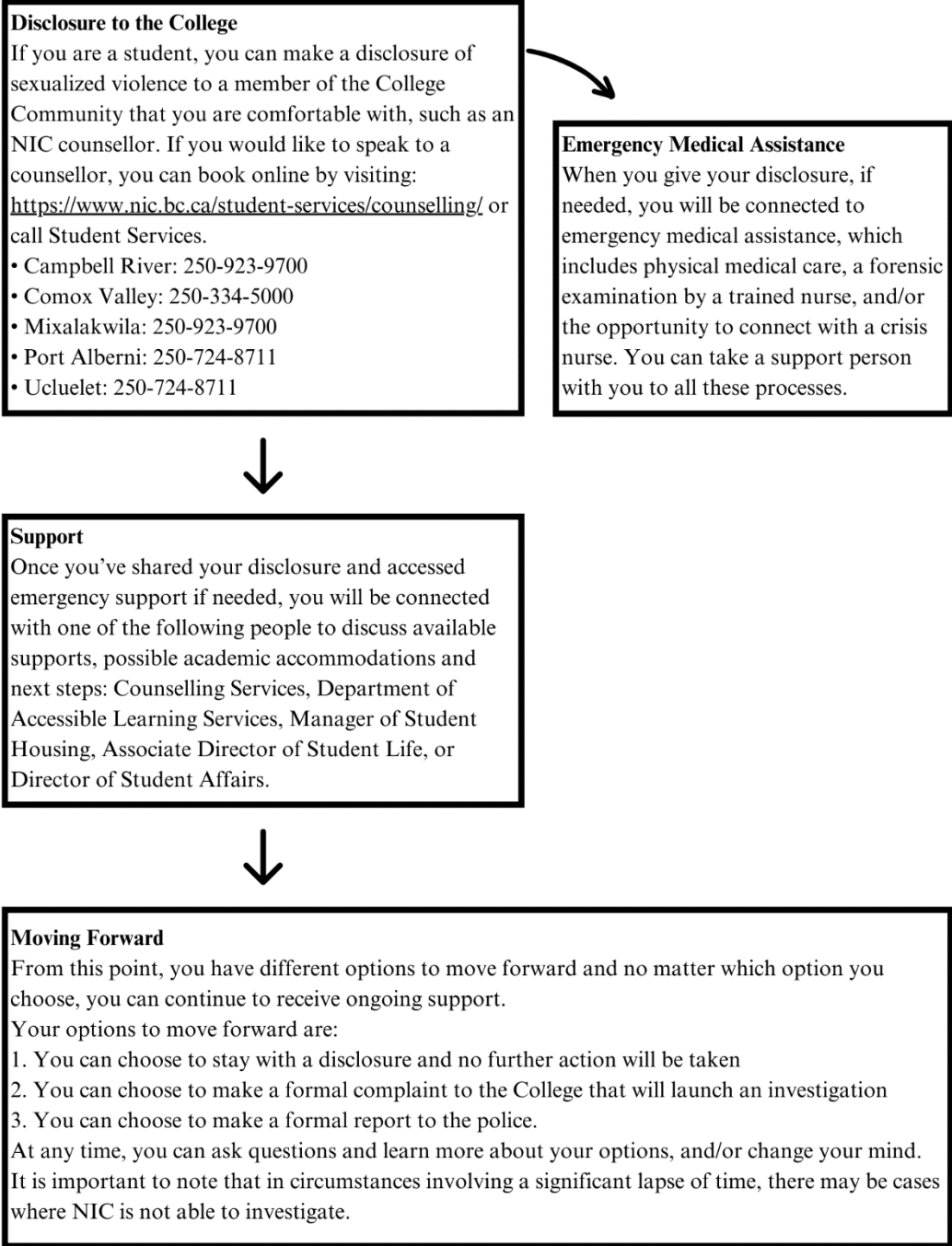
NIC recognizes that confidentiality is essential in creating the safety and comfort required for those impacted by sexualized violence to seek support. We are committed to protecting the privacy and confidentiality of everyone involved in a Disclosure or Report of sexualized violence. In rare cases, the College may be required to breach confidentiality. This would only occur in cases where:

- an individual is identified as being at imminent risk of harming themselves or another;
- there are reasonable grounds to believe that members of the College Community or wider community may be at risk of harm;

- it is necessary to do so in order to promote fairness of process for all parties involved; or
- notification and/or action is required by law, other College policies, or an external body with proper authority (for example, if one of the persons involved is a minor or if the judge subpoenas the College's case records).



If I am a *student* who has experienced sexualized violence, what should I do?





If I am an *employee who has experienced sexualized violence*, what should I do?

