



## Sexual Misconduct Policy

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### INTRODUCTION AND PURPOSE OF POLICY

VCMT is committed to creating a campus environment where individuals feel safe and supported. In that light, VCMT is committed to the prevention of and appropriate response to all forms of sexual misconduct. Consistent with BC's [\*Sexual Violence and Misconduct Policy Act\*](#), this Sexual Misconduct Policy clarifies expectations of conduct within College-related environments and outlines the processes by which instances of sexual misconduct involving a member of the VCMT Community can be disclosed/reported and will be responded to. VCMT commits to dealing with complaints and reports of sexual misconduct through investigative processes and adjudication that follow principles of procedural fairness.

### SCOPE

The rights and responsibilities outlined here apply to all VCMT students, faculty and staff while enrolled in or employed by VCMT.

This policy applies, but is not limited to conduct that takes place within the following environments:

- Classes taking place on VCMT property or off-site on VCMT field trips;
- Outreach activities or any other initiatives that are part of the Massage Therapy Program or course of studies regardless of where they take place;
- Meetings or conferences initiated through or representing VCMT; and
- Activities related to VCMT committees, clubs, councils or associations.

VCMT reserves the right to respond to alleged violations of this policy that occur outside of the scope of Subsection 2.1 to the degree that the incident:

- Negatively affects one or more current students or staff; and
- Occurred through connections or relationships created at VCMT.

The Sexual Misconduct outlined in this policy extends to other users of and visitors to VCMT. VCMT reserves the right to take necessary reasonable action against users and visitors to ensure the safety of the community and the integrity of VCMT and its program.

### POLICY STATEMENT

VCMT will not tolerate sexual misconduct toward any members of the VCMT community including students, patients, faculty, and staff.

VCMT will prioritize the prevention of sexual misconduct and incorporate procedures which inform students, patients, faculty and staff of its position on sexual misconduct.

In response to complaints and/or reports of sexual misconduct, VCMT Administration commits to:

- Encourage immediate disclosure by those who have knowledge of or have witnessed incidents of sexual misconduct;
- Respond promptly to all complaints and reports of sexual misconduct;
- Ensure that all parties involved are treated with dignity and respect;
- Take reasonable steps to ensure the safety of the campus community after being informed of an incident;
- Maintain an appropriate level of confidentiality and privacy for both the victim and alleged perpetrator.

### DEFINITIONS

**Complainant:** an individual who discloses an alleged case of sexual misconduct by laying a complaint or submitting a report.



**Complaint:** a disclosure of sexual misconduct where the victim chooses to tell someone of an incident of sexual misconduct in order to seek support but may not want to submit a formal Report.

**Report:** a formal notification of an incident of sexual misconduct to VCMT's Senior Administrator accompanied by a request for action. The Report will be written, but may be submitted by email. A report does not have to be made by the victim but may also be made by a witness or a third party to whom the incident was reported.

The reports should include

- Names of individuals centrally involved in the issue
- Dates and times of the incident or observed behaviours
- A description of what occurred including details of objectionable actions/behaviours
- Names of other individuals who witnessed the behaviours
- An expected response for resolution of the issue

**Respondent:** an individual who is accused of committing an act of sexual misconduct.

**Sexual Misconduct:** includes any unwanted act – physical, verbal or psychological – carried out through sexual means or by targeting sexuality. There is a spectrum of non-consensual sexual contact and behaviours including – but not limited to - the following:

- sexual assault;
- sexual violence
- 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 without the consent of the person in the photograph or video with the intent to distress the person in the photograph or video;
- the attempt to commit an act of sexual misconduct;
- the threat to commit an act of sexual misconduct.

**VCMT Community:** includes any students, patients, staff or administration directly enrolled, treated by or employed by VCMT.

## **PROCESSES AND PROCEDURES**

### **Roles and Responsibilities**

VCMT's Senior Administrator will be responsible for implementation of this policy. The Senior Administrator, Dean, Clinic Manager and/or designate(s) will direct any investigations of sexual misconduct, with sensitivities regarding the gender of the Complainant and/or Respondent taken into consideration when forming an investigative team.

### **Sexual Misconduct Prevention**

Awareness and education is foundational to preventing sexual misconduct, and to that end, VCMT will communicate key components of this policy within the following environments:

- VCMT will initiate an information-focused dialogue around sexual misconduct during the application process by outlining the key elements of this Sexual Misconduct policy with students who are accepted into the program.



- The Sr. Administrator will reinforce VCMT's approach to sexual misconduct by reviewing the Sexual Misconduct policy's definitions and key policy components at the new student Orientation. The complaint and reporting processes will be outlined at that time.
- Definitions and consequences of sexual misconduct within the RMT profession will be introduced and reinforced through Professional Development classes within the RMT program and reinforced throughout Clinic Internship.
- This policy will be posted on the VCMT website and will be available to students, faculty, staff and administration on the Canvas learning management system.
- The "Complaint Reporting, Investigative and Disciplinary Process Flow Chart" will be posted in each classroom.

## **Reporting Processes**

### Complaints

- All members of the VCMT Community are encouraged to immediately disclose cases of sexual misconduct that they have experienced, have knowledge of or have witnessed.
- Any member of the VCMT Community may bring forward a complaint regarding sexual misconduct by bringing it to the attention of VCMT's Senior Administrator Mark Arnephy at [mark@cmt.ca](mailto:mark@cmt.ca). In the event VCMT's Senior Administrator is absent and/or named in the complaint, Complaints may be forwarded to VCMT's Dean at [rosanna@vcmt.ca](mailto:rosanna@vcmt.ca).
- At the discretion of the Complainant, the disclosure may be verbal, written or communicated by email.
- VCMT will investigate the Complaint utilising VCMT's [Investigative Process](#).
- The Complainant will determine what will be disclosed to the investigator or authorities.
- Without pressure from VCMT to file a report, the Complainant will independently determine whether to file a more formal report to VCMT Administration or to contact police, recognizing that imminent risk to others may obligate VCMT to report an incident to the proper authorities.
- A student making a Complaint will be provided with resolution options and if appropriate, accommodation.

### Reports

- Any member of the VCMT Community may submit a Report regarding sexual misconduct to VCMT's Senior Administrator Mark Arnephy at [mark@cmt.ca](mailto:mark@cmt.ca). In the event VCMT's Senior Administrator is absent and/or named in the complaint, Complaints may be forwarded to VCMT's Dean at [rosanna@vcmt.ca](mailto:rosanna@vcmt.ca).
- The Complainant will determine what will be disclosed in the report.

### Response Procedures

VCMT will respond promptly and appropriately to disclosure of an incident of sexual misconduct. The response will vary depending on the nature of the incident and will include the following elements and/or steps as pertinent to the case:

- A supportive, caring response from VCMT administration;
- Steps to ensure the safety of the complainant;
- Steps to ensure the safety of the campus community;
- Contact information for law enforcement, medical care, mental health; services and other professional support services as required/appropriate;
- A description of VCMT-specific processes and resources;
- An outline of VCMT's investigative process.

## **Investigative Process**

### Complaint

At the discretion of the Complainant, the disclosure may be verbal, written or communicated by email. The investigative process will be informal, with the Sr. Administrator or designate acquiring



background information from the complainant and respondent including details related to the following:

- Date/time of the alleged incident;
- Name/identity of the respondent or alleged perpetrator;
- Summary of the incident;
- Names of witnesses to the event(s);
- Suggestion(s) for resolution of the issue.

The goal of the investigator will be to mediate a resolution between the affected parties that includes:

- Ensuring that the complainant's disclosure/allegation of sexual misconduct is clearly heard and understood;
- Ensuring that the complainant is fully informed of their options within VCMT's Sexual Misconduct policy, including the option of submitting a formal report and/or involving law enforcement;
- Ensuring that the complainant feels fully supported by VCMT Administration throughout the process;
- Ensuring that the complainant has opportunity to receive external support, should that be required;
- Ensuring that the respondent is fully aware of the allegations made against them;
- Ensuring that the respondent is provided an opportunity to respond to the allegations;
- Striving to make the process collaborative/educational rather than adversarial;
- Reinforcing to the complainant and respondent that sexual misconduct is a serious offense and is completely and categorically unacceptable;
- Educating the respondent of the consequences of their action(s);
- Fashioning a resolution that is satisfactory to the complainant and reasonable for the alleged perpetrator.
- Ensuring that both affected parties feel that the process has been impartial and fair.
- Ensuring that the complainant is aware throughout the process that they can change their mind and initiate a formal investigation by submitting a report or by involving law enforcement.

### Report

A report of sexual misconduct is submitted in writing\* through completion of the "Sexual Misconduct Report" form or other written format, and initiates a formal investigation headed by the Sr. Administrator or designate involving at least one or more additional investigators. The goal of the investigative team will be to fully investigate the allegation of sexual misconduct with the intention of taking action as a result of the investigation, although the investigators may decide to turn the investigation over to law enforcement.

The written submission by the complainant should contain the following information:

- Report submission date
- Date/time of the alleged incident
- Name/identity (student, staff, etc.) of the complainant
- Name/identity of the respondent or alleged perpetrator
- Summary of incident
- Names of witnesses to the event
- Signature of complainant

\* Note that the complainant may submit the report verbally, with the Sr. Administrator or designate documenting the submission in writing.

An investigation of a report will adhere to the following commitments:



- The complainant will be informed of the investigative options open to them including turning the matter over to law enforcement.
- The investigative team will seek to ensure a prompt, fair and impartial investigation and resolution, employing any of the following investigative tools:
- Collecting and reviewing documents that may contain relevant information;
- Interviewing individuals, including witnesses, who may have relevant information;
- Conducting additional interviews with the complainant and respondent;
- Consulting with other members of the VCMT Community as necessary to the investigation;
- Consulting with external professionals (lawyers, medical practitioners, law enforcement, etc.) as necessary to the investigation.
- The complainant may withdraw the report, although VCMT reserves the right to continue with an investigation and may act on the matter upon completion.

**Procedural Fairness:** Any member of the VCMT Community has the right to lay a complaint or submit a report without fear of reprisal. The VCMT Senior Administrator or designate is responsible for initiating a procedurally fair investigation of complaints related to student, faculty, administration or staff sexual conduct\*.

- VCMT will deal with allegations of sexual misconduct in a procedurally fair, unbiased and timely manner. Complainants and respondents shall be advised of the options available to them.
- Respondents will be provided with reasonable notice and full details of the allegations levied against them.
- During an investigation, the involved parties shall be accorded reasonable opportunity to respond to information which will be utilized in determining a finding that sexual misconduct, as defined by this policy, has or has not occurred.
- For a complaint or report to be considered under this Policy, it is recommended that it be submitted within 90 days of the date of the last alleged incident of sexual misconduct. If the complainant submits reasonable cause for an extension to the 90 day limit, the Senior Administrator will grant such an extension.

\* While the respondent will be accorded procedural fairness, VCMT will pay close attention to and respond judiciously in cases where making the perpetrator aware of the complaint or report could result in further harm.

**Confidentiality and Information Sharing:** While VCMT Administration will carefully consider any request for anonymity, a fair and open process may require that the Complainant's and/or Respondent's identity be revealed. This will be done in consultation with the Complainant, and will always be consistent with the Personal Information Protection Act requirements. A Complainant's and/or Respondent's privacy/confidentiality may be contravened under the following conditions:

- When there are grounds to believe that an individual is at risk of significant self-harm;
- When there are grounds to believe that there is risk of harm to others;
- There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
- When disclosure is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.
- When reporting is required by law.

Documentation made in relation to investigations will be collected and stored according to VCMT's [Student Records](#) and [Privacy](#) policies.



## **ACCOMMODATIONS**

VCMT makes efforts to create accommodations for students where an investigation determines that they are the victims/survivors of sexual misconduct during the program and require support to meet program requirements. These accommodations may include any of the following, as pertinent:

- Assignment due date extensions;
- Deferred exam dates;
- Alternate means of showing competence.

Such accommodations will not extend to removing program requirements or lowering academic or performance standards for a victim/survivor.

## **INTERIM RELIEF**

In order to protect the health and safety of a Complainant and the VCMT Community, VCMT reserves the right to remove an alleged perpetrator from a class, the VCMT clinic, or the VCMT campus while an investigation takes place, ensuring that procedural fairness and applicable laws are followed.

## **COMMUNITY RESPONSE**

Members of the VCMT Community may receive a disclosure of sexual misconduct. It is important that they provide an appropriate response, which would include the following elements:

- Listen without judgement
- Help identify and/or access available on or off campus support services such as law enforcement, emergency medical care or counselling.
- Respect the right of the individual to choose the services they need
- Respect the right of the individual to choose whether to formally make a complaint or report to the institution or police.
- Recognize that disclosing can be traumatic and the ability of an individual to recall events may be limited
- Respect the right of the individual to choose how much they decide to disclose about their experience.
- Make every effort to respect confidentiality and anonymity.

## **RESULTING ACTION(S)**

### **VCMT Response to a Complaint**

After an investigation involving a Complaint and within 30 days of receiving the Complaint, VCMT will communicate the following to both the Complainant and the Respondent:

- A summary of the investigative findings;
- A rationale for the findings;
- A summary of actions taken;
- Recommendations for further steps/action.
- The communication may be informal and may be either verbal or written.

The degree of detail provided to the Complainant will be constrained by the complainant's need to know, their level of satisfaction at the outcome, and matters of confidentiality.

### **VCMT Response to a Report**

After an investigation involving a Report and within 30 days of receiving the Report, VCMT will communicate the following to both the Complainant and the Respondent:

- A summary of the investigative findings;
- A rationale for the findings;
- A summary of actions taken;
- Recommendations for further steps/actions.



- The communication will be a formal written document, a copy of which will remain in VCMT's Confidential drive.

The degree of detail provided to the Complainant will be constrained by the complainant's need to know, their level of satisfaction at the outcome, and matters of confidentiality.

### **Actions Taken**

An investigation into sexual misconduct may result in action being taken by VCMT against a Respondent including any disciplinary action listed in VCMT's [Progressive Discipline Process](#)

Involved parties have the right to appeal the decision of the Senior Administrator in keeping with VCMT's [Student Appeals Process](#).