

Royal Byng Education Group, Inc.

DBA: Royal Byng College

Name of Institution

4315

Institution Number

Sexual Misconduct Policy

Name of Policy

August 10, 2021

Effective Date

August 10, 2021

Revision Date

1. **Royal Byng 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;
 - 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. 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 someone at the institution accompanied by a request for action.
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:
 - The student arranges to meet with the **Senior Educational Administrator** who then meets with the complainant as soon as possible and determines all relevant details of the case and what resolution is requested by the complainant in order

to maintain a level of comfort and safety at the college. The **Senior Educational Administrator** is Royal Byng College Academic Director, David Gordon-MacDonald, who may be contacted at dgm.royalbyng@gmail.com.

6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:

- The **Senior Educational Administrator** records all the details related by the complainant, including the details of the person or persons accused of inappropriate conduct. The **SEA** first puts into place whatever measures are necessary to ensure the comfort and safety of the complainant, including ensuring that the complainant does not have to meet or interact with the accused again and facilitating a police report of the incident. Subsequently, the **SEA** meets with the accused individual(s) and relates to them that a complaint has been made against them, but without mentioning the identity/identities of the complainant(s). The **SEA** then attempts to determine the cause of the behaviour, including the degree of inadvertance and the possible role of intercultural misunderstanding or poor social/interpersonal skills and advises remedial action on the part of the accused. If the accused is a staff member, the **SEA** may inform them that the offense is grounds for dismissal and meet with the **Senior Administrator** to request the **SA** consider whether a letter of dismissal should be issued to the staff member. If the accused is a student, the **SEA** may inform them that the offense is grounds for dismissal from their program of study and then meet with the **Senior Administrator** to obtain authorization to issue a notice of dismissal to the student. The **SEA** then writes up a report of the incident and places a copy in the **Sexual Misconduct Complaint and Report File**, another in the student's file, and one in the staff member's employee file, if a staff member is involved.

7. The process for making a **Report** of sexual misconduct involving a student is as follows:

- The student informs the **Senior Educational Administrator** that they wish to meet to discuss a **Report** of sexual misconduct and will submit a written report of the incident or incidents to the **SEA**. The **SEA** will then arrange to meet with the student to discuss the report as soon as possible. The **Senior Educational Administrator** is Royal Byng College Academic Director, David Gordon-MacDonald, who may be contacted at dgm.royalbyng@gmail.com.

8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:

- The **Senior Educational Administrator** meets with the student as soon as possible to review the **Report** document and determines all relevant details of the case as well as what resolution is requested by the complainant in order to maintain a level of comfort and safety at the college. The **Senior Educational Administrator** is Royal Byng College Academic Director, David Gordon-MacDonald, who may be contacted at dgm.royalbyng@gmail.com.
- The **SEA** then puts into place whatever measures are necessary to ensure the comfort and safety of the complainant, including ensuring that the complainant does not have to meet or interact with the accused again and facilitating a police report of the incident. Subsequently, the **SEA** meets with the accused individual(s) and relates to them that a complaint has been made against them, but without mentioning the identity/identities of the complainant(s). The **SEA** then attempts to determine the cause of the behaviour, including the degree of inadvertence and the possible role of intercultural misunderstanding or poor social/interpersonal skills. If the accused is a staff member, the **SEA** may inform them that the offense is grounds for dismissal and meet with the **Senior Administrator** to request the **SA** consider whether a letter of dismissal should be issued to the staff member. If the accused is a student, the **SEA** may inform them that the offense is grounds for dismissal from their program of study and then meet with the **Senior Administrator** to obtain authorization to issue a notice of dismissal to the student. The **SEA** then writes up a report of the incident and resolution and places a copy, along with with the student's written **Report** in the **Sexual Misconduct Complaint and Report File**, another in the student's file, if a student is involved and one in the staff member's employee file, if a staff member is involved.

If the student complaint names the **SEA** or the **SEA** is not present, all functions stated above in sections 5. – 8. shall be carried out by the **Senior Administrator**.

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.
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.