



BOUCHER INSTITUTE
of Naturopathic Medicine
BOUCHER INSTITUTE
POLICY

Policy Title: Sexual Violence and Misconduct Policy

Date of Initial Board Approval: October 18, 2017

Date of Last Approved Revision: April 3, 2018

Person(s) Responsible for Implementation & Adherence: President
and HR Director

Related Procedures: Sexual Violence and Misconduct Procedure

Policy Statements

The Boucher Institute of Naturopathic Medicine is committed to providing a safe working and learning environment that allows for full and free participation of all members of the BINM Community.

Sexual Violence and Misconduct is strictly prohibited under this policy.

A breach of this policy by a member of the BINM Community represents serious misconduct, and may be cause for disciplinary sanctions including, where appropriate, suspension, dismissal or expulsion.

The Institute recognizes its responsibility to increase awareness of Sexual Violence and Misconduct, to prevent its occurrence within the BINM Community, to support persons impacted by Sexual Violence and Misconduct, to provide procedures to handle Disclosures and Complaints, and to remedy situations where Sexual Violence and Misconduct has been found to have occurred.

The institute recognizes that Sexual Violence and Misconduct can occur regardless of sexual orientation, gender identity, or relationship between the persons involved in the incident, and that each individual will be differently impacted by Sexual Violence and Misconduct.

The Institute will respond to Complaints in a manner that supports all persons involved in the Complaint, consistent with Institute policies and principles of procedural fairness.

Purposes of this Policy

The purposes of this Sexual Violence and Misconduct Policy and the Sexual Violence and Misconduct Procedure are to:

- provide a safe and secure learning and working environment that is free from Sexual Violence and Misconduct;
- define the roles and responsibilities of individuals in implementing and carrying out programs and practices towards the prevention of, and in response to, Sexual Violence and Misconduct;
- create a supportive, prompt, consistent, fair, and coordinated response to Disclosures and Complaints of Sexual Violence and Misconduct;
- clarify the Institute's response to an individual Disclosing or making a Complaint of Sexual Violence and Misconduct; and
- clearly communicate the support services, accommodations, and resources available to members of the BINM Community who may be affected by Sexual Violence and Misconduct.

Scope and Jurisdiction

This policy applies where

- an incident of Sexual Violence and Misconduct is alleged to have occurred on Institute property, or off Institute property (including online) in connection with an event or activity sponsored by or under the auspices of the Institute, and
- the alleged Sexual Violence and Misconduct involves a member of the BINM Community, or a person who was a member of the BINM Community at the time of the incident.

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

The Institute does not have jurisdiction to take disciplinary action against a person who is not a member of the BINM Community or who is not currently affiliated with the Institute. However, under certain circumstances the Institute may be able to take other action, such as revoking a person's access to Institute property or a Institute event.

This policy is separate from any criminal or civil proceedings. The Institute is not responsible for determining violations of criminal or civil law.

Other Institute policies that pertain to Sexual Violence and Misconduct include, but are not limited to, Human Rights, Harassment and Bullying Policy, Standards of Student Conduct, Safety Policy.

Definitions

“BINM Community”: All Institute employees, faculty members, Students, contractors and volunteers, and any other person who is contractually obligated to comply with this policy.

“Complainant”: A person who files a Complaint. In some instances, the Institute may act as a Complainant where it becomes aware of allegations of Sexual Violence and Misconduct that, if true, would violate this policy but no person comes forward with a Complaint, or where an investigation is required by law.

“Complaint”: A formal written complaint containing allegations of Sexual Violence and Misconduct or other violation(s) of this policy.

“Consent”: An active, direct, voluntary, and conscious choice and agreement between adults to engage in sexual activity. It is the responsibility of the person initiating or pursuing sexual activity to obtain consent at all stages of sexual engagement. More specifically, consent:

- is a freely given “yes”;
- cannot be assumed or based on a perception that it was implied;
- cannot be given by someone who is incapacitated (by drugs and/or alcohol), asleep, unconscious, or otherwise incapable of providing consent;
- can be revoked at any time, regardless of whatever other sexual activities have taken place;
- can never be obtained through threats, intimidation, coercion or other pressure tactics;
- cannot be obtained if someone abuses a position of trust, power or authority, and cannot be assumed from previous consent.

“Disclosure”: The sharing of information by a member of the BINM Community with an Institute employee, regarding an incident of Sexual Violence and Misconduct. A Disclosure can be made without a formal report to the Institute or the police. Disclosure on its own does not initiate an investigation, except where required by this policy.

“Institute”: The Boucher Institute of Naturopathic Medicine.

“Investigator”: A person appointed by the Institute to investigate a Complaint.

“Respondent(s)”: A person or persons alleged to have engaged in conduct that violates this policy.

“Responsible Administrator”: An executive or Board member of the Institute, or an administrator responsible for the operations of a Institute department, faculty, or service area.

“Retaliatory Action”: Any adverse action taken against a person because that person seeks advice on making a Disclosure or Complaint, makes a Disclosure or Complaint, or cooperates in an investigation of a Complaint.

“Sexual Violence and Misconduct”: Any sexual act, or act targeting a person’s sexuality, gender identity, or gender expression, whether the act is physical or psychological in nature, which is committed, threatened or attempted against a person without the person’s consent, including but not limited to

- 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;
- the attempt to commit an act of Sexual Violence and Misconduct; or
- the threat to commit an act of Sexual Violence and Misconduct.

“Student”: A person who is enrolled as a student at the Institute in credit or non-credit courses.

Rights and Responsibilities

The Institute is committed to addressing Sexual Violence and Misconduct by

- implementing and actively promoting awareness and training programs to educate the BINM Community regarding Sexual Violence and Misconduct and the issues addressed in this policy;
- promoting working and learning conditions that seek to eliminate the potential for incidents of Sexual Violence and Misconduct to occur within the Institute’s facilities or operations;
- reducing barriers to Disclosing and filing Complaints regarding Sexual Violence and Misconduct;
- responding to Disclosures and Complaints in a procedurally fair, efficient and consistent manner;
- supporting members of the BINM Community who are impacted by Sexual Violence and Misconduct, through academic, non-academic, and other supports as required; and
- communicating the support services and the resources available to members of the BINM Community who may be directly or indirectly impacted by Sexual Violence and Misconduct.

All persons who Disclose or file a Complaint regarding an experience of

Sexual Violence and Misconduct can expect from the Institute

- to be treated with compassion, dignity, and respect;
- to be respected in their choice as to whether they wish to Disclose or file a Complaint regarding their experience;
- timely assistance with safety planning;
- timely information about available support services and resources;
- discussion of appropriate academic, workplace or other accommodations;
- to be advised of the options for addressing an incident of Sexual Violence and Misconduct, and the limits to confidentiality associated with each option; and
- if they do decide to file a Complaint, a clear explanation of the investigation and decision process, a procedurally fair and unbiased process, and regular updates on the status of the process.

All persons who are accused of violating this policy can expect from the Institute

- to be treated with compassion, dignity, and respect;
- timely information about available support services and resources;
- to be advised of the options available to them; and
- if a Complaint is filed, a clear explanation of the investigation and decision process, a procedurally fair and unbiased process, and regular updates on the status of the process.

The Institute reserves the right to initiate an investigation and/or to inform the relevant law enforcement agency without the consent of the person Disclosing or filing a Complaint regarding an incident of Sexual Violence and Misconduct, if the Institute has a reasonable belief that the safety of a member of the BINM Community is at risk.

The Institute reserves the right to implement interim measures as it considers appropriate, to protect the safety of the BINM Community or any of its members during an evaluation of a Disclosure or Complaint, or pending the completion of an investigation. Such measures may include, but are not limited to: directing the Complainant, Respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour; restricting access to Institute property or specific areas within the Institute; alteration of the learning or work schedule of an individual; imposing a no-contact directive; and/or temporary, non-disciplinary leave of an individual.

A member of the BINM Community has the right to pursue other processes external to the Institute in connection with alleged Sexual Violence and Misconduct, such as reporting the matter to the police, initiating a civil action, or filing a complaint under the BC Human Rights Code. If an external course of action is pursued, the Institute may elect to continue with the process under this policy, or to suspend the process under this policy

pending the outcome of the external process.

Sexual Violence and Misconduct Prevention and Response Program

The Institute will establish and maintain a Sexual Violence and Misconduct Prevention and Response Program, that will include but not be limited to the following elements:

- risk assessment and management;
- providing appropriate education and training to the BINM Community regarding this policy;
- establishing procedures for reporting, investigating and documenting incidents of Sexual Violence and Misconduct in a prompt and sensitive manner and in accordance with WorkSafeBC regulations, where applicable;
- notifying members of the BINM Community who may be exposed to a known risk of Sexual Violence and Misconduct, of the nature and extent of the risk;
- providing appropriate support or referrals to members of the BINM Community who Disclose or file a Complaint under this policy;
- ensuring that appropriate corrective actions are taken in response to incidents of Sexual Violence and Misconduct;
- preparing statistical reports of Disclosures and Complaints of Sexual Violence and Misconduct and communicating such reports in accordance with applicable legislation; and
- conducting regular reviews to evaluate the effectiveness of this policy, with reviews occurring at least once every three (3) years.