



Sexual Misconduct Policy

Institution:	Create Career College (CCC)
Institution Number:	3664
Effective Date:	2021-11-30
Revision Date:	2021-12-31

WHEREAS CCC recognizes its commitment and responsibility to maintain a safe, respectful and healthy environment where its members can study, work, and live free from sexual misconduct and sexualized violence¹.

WHEREAS this policy articulates CCC's commitment to support all members of the CCC community who are affected by sexual misconduct, to provide a central site for information regarding the resources and options available to those affected by sexual misconduct, to create and make available programs and resources to educate its community on the prevention of sexual misconduct, and to provide a process to respond to and investigate allegations of sexual misconduct.

In short, CCC pursues and excises a zero tolerance policy on any sexual misconduct.

1. CCC 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 behavior 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:
 - CCC establishes a Sexual Misconduct Panel (the "Panel") which comprises of a lead Sexual Misconduct Officer (SMO), a director of CCC, and other staffers;
 - At the time being, the SMO's contact is as follows:
 - Thomas, the SMO, Email: Thomasw@CreateCareerCollege.com
 - In case the SMO is absent and/or named in the Complaint, the Campus Director shall be responsible for handling the case, who can be contacted as below:
 - Sophie, the Campus Director email: Sophiem@CreateCareerCollege.com
 - Anyone directly subjected to Sexual Misconduct, including an individual who is not a Member of the CCC Community, can make a Complaint against a Member of the CCC Community under this Policy.
 - A complaint shall be submitted and directed to the Sexual Misconduct Officer (SMO) at the Panel where they will be addressed in accordance with the Procedures to this Policy, which include an initial review as set out under the Procedures to determine whether the allegations contained in the Complaint fall within CCC's Jurisdiction to Investigate.
 - Sexual harassment may fall within the scope of other Policies and this Policy. Complaints that contain allegations of Sexual Misconduct other than sexual harassment will be addressed under this Policy.
 - Complaints that contain only allegations of sexual harassment will be reviewed by the SMO who will determine, based on the particular facts of the case and in consultation with the individual making the complaint, which policy is better suited to address the allegations.
 - An individual can submit a complaint to the SMO and also pursue other processes external to CCC against the individual alleged to have committed the Sexual



Misconduct. These external processes may include reporting to the police or initiating a civil action (including a complaint under the BC Human Rights Code). These are separate processes and submitting a report or complaint to the SMO does not result in a report to the police or the initiation of a Sexual Misconduct Policy.

- If an Investigation, or Alternative Resolution Process, is initiated under the Procedures to this Policy, and an external process is also being pursued, the SMO may elect, after consultation with the Complainant, to continue with the CCC process or to suspend the CCC process as appropriate. Suspension of a CCC process does not prevent further action to be taken under the CCC process at a later date as appropriate.
6. The process for responding to a **Complaint** of sexual misconduct involving a student is as follows:
- Upon receipt of a Complaint, the SMO shall inform the Complainant of receipt of such a Complaint in **7 days** from the date of the receipt, and shall conduct an initial review to determine if CCC has the Jurisdiction to Investigate. This review will occur within **14 calendar days** of receiving a Complaint unless exceptional circumstances exist that prevent the SMO from meeting this timeline, in which case the SMO will contact the individual making the Complaint as soon as possible to inform them of the revised timeline.
 - If the SMO determines that CCC has the Jurisdiction to Investigate, the individual directly subjected to the alleged Sexual Misconduct will be referred to as the Complainant in any subsequent process, and the individual against whom the allegations have been made will be referred to as the Respondent.
 - If the SMO determines that CCC has the Jurisdiction to Investigate, and the Respondent has an employment relationship to CCC, the SMO will notify the CCC's director with authority who may make any appropriate workplace arrangements required to ensure a fair investigation process.
 - If the SMO determines that CCC has the Jurisdiction to Investigate, the SMO will proceed to Investigate the Complaint under the Policy, and inform the parties of the investigation results, in writing format, as soon as practicable.
7. The process for making a **Report** of sexual misconduct involving a student is as follows:
- The SMO at the Sexual Misconduct Panel is in charge of receiving and handling a Report of Sexual Misconduct involving a student;
 - At the time being, the SMO's contact is as follows:



- Thomas, the SMO, Email: Thomasw@CreateCareerCollege.com
 - In case the SMO is absent and/or named in the Report, the Campus Director shall be responsible for handling the case, who can be contacted as below:
 - Sophie, the Campus Director email: Sophiem@CreateCareerCollege.com
 - Such a Report, a written statement with request for action, shall be submitted and directed to the SMO at the Panel where they will be addressed in accordance with the Procedures to this Policy, which include an initial review as set out under the Procedures to determine whether the allegations contained in the Report fall within CCC's Jurisdiction to Investigate.
8. The process for responding to a **Report** of sexual misconduct involving a student is as follows:
- Upon receipt of a Report from any individual, the SMO shall inform the individual of receipt of such a Report in **14 days** from the date of the receipt, and shall conduct an initial review to determine if CCC has the Jurisdiction to Investigate. This review will occur within **28 calendar days** of receiving a Report unless exceptional circumstances exist that prevent the SMO from meeting this timeline, in which case the SMO will contact the individual making the Report as soon as possible to inform them of the revised timeline.
 - If the SMO determines that CCC has the Jurisdiction to Investigate, the individual directly subjected to the alleged Sexual Misconduct will be referred to as the Complainant in any subsequent process, and the individual against whom the allegations have been made will be referred to as the Respondent.
 - If the SMO determines that CCC has the Jurisdiction to Investigate, and the Respondent has an employment relationship to CCC, the SMO will notify the appropriate authority at CCC who may make any appropriate workplace arrangements required to ensure a fair investigation process.
 - Upon initiating an Investigation, the SMO will:
 - notify the Complainant that the Report has been referred to an Investigator, and provide information about the resources available and the investigation process, including the Complainant's right to have an advisor/counsel, support person, or union representative present during meetings with the Investigator; and
 - notify the Respondent that a Report has been made and has been referred to an Investigator, and provide a copy of the Report along with information about the



resources available and the investigation process, including the Respondent's right to have an advisor, support person, or union/association representative present during meetings with the Investigator.

- If the SMO determines that CCC does not have the Jurisdiction to Investigate, the SMO will advise the individual making the Report and will provide reasons for the decision.
 - If the SMO determines that CCC has the Jurisdiction to Investigate, the SMO will proceed to Investigate the Report under the Policy, and inform the parties of the investigation results, in writing format, as soon as practicable.
 - When the SMO exercises discretion to decline to investigate a Report under the Policy the SMO will: 1) provide written reasons to the individual making the Report; and 2) report the decision to decline to investigate to the Panel and the file record.
 - If the SMO determines that the Report discloses other kinds of misconduct or information that requires action by CCC under another CCC's policy or process, the SMO will refer the Report, or the relevant portions of the Report, to the appropriate CCC's authority. The SMO will discuss with the person making the Report before referring the matter elsewhere.
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.
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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.